

EXHIBIT B

1.11 Prior development and nonconformance

The provisions of WAC 173-27-070 shall apply to substantial development undertaken prior to the effective date of the Act. Except as modified in Section 5.12 Residential, the provisions of 173-27-080 shall apply to nonconforming uses.

5.12 Residential

Regulations:

9. Non-conforming residential uses.

a. Residential structures and appurtenant structures, as defined by RCW 90.58.620 and Section 8, Definitions, No. 17 herein, including related yard improvements, that were legally established and used for a conforming use which are located landward of the ordinary high water mark, and do not meet the standards of this program with the respect to setbacks, buffers, yards, area, bulk, height or density are considered to be conforming.

b. A legally established lot, use, or structure may be continued, transferred or conveyed and/or used and considered conforming.

c. Establishing status. To establish a use or structure as lawful it shall be determined by a joint collaboration between the property owner and the jurisdiction from one of the following:

- (1) Local agency permit;
- (2) Orthophoto, aerial photo or planimetric mapping recognized as legitimate by the Administrator;
- (3) Tax Records; or
- (4) Other verifying documents.

d. Maintenance and Repair of Structures. Normal maintenance and incidental repair of legal structures shall be permitted provided that the maintenance shall not create nonconformity.

e. Reconstruction or Replacement. Reconstruction, restoration, or repair (and remodeling) of a legal structure damaged by fire, flood, earthquake, falling trees or limbs, or other disasters, shall be permitted provided, that such reconstruction shall not result in the expansion of the structure into or towards the critical area or its buffer, or in a manner that increases the potential impact on the critical area or risk of harm to public safety.

f. Expansion. Within a critical area or its buffer, no residential use or structure may be expanded, enlarged, extended, or intensified in any way unless such modification is in full compliance with this Program or the terms and conditions of approved

permits pursuant to this Program. Approved expansions must be consistent with standards of the zoning code in which such building, structure, or land use lies and all of the following:

- (1) the area of expansion is no more than twenty-five percent (25%) of the habitable floor area of the existing residence;
- (2) the expansion does not exceed the allowed height limit;
- (3) the expansion is no further waterward of the existing structure;
- (4) When required by Appendix H, a management and mitigation plan is prepared by a qualified professional biologist that demonstrates that the expansion will result in no net loss of shoreline ecological functions;
- (5) an exemption is issued for the project based on the request by the applicant that is accompanied by a site plan and construction plans sufficient to depict the expansion.

5.13 Shoreline Bulk and dimensional standards

8. Critical area buffer:

~~See Appendix H for critical area buffer standards within shoreline jurisdiction.~~

The following critical area setback and buffer standards apply uniquely to all lots within shoreline area subdivisions and short subdivisions, in all environmental designations. For properties within shoreline jurisdiction other than lots in subdivisions and short subdivisions, and for other critical area shoreline buffer and dimensional standards, see Appendix H.

a. Short Subdivisions.

Critical area setback and buffer standards applicable to lots within short subdivisions (as defined in RCW 58.17.020(6)) shall be as follows:

- (1) Short subdivisions approved prior to August 27, 2009. This category of land division is subject only to the land use rules and critical area setback requirements and buffer standards in effect at the time of plat approval.
- (2) Short subdivisions approved on or after August 27, 2009. With respect to the Master Program critical area buffer and setback dimensional requirements, this category of land division is subject only to the conditions of approval shown on the approved plat.
- (3) Except in the case of 5.13(8)(a)(1) above, the critical area setback and/or buffer width shall be not less than 50' as measured from the OHWM or wetland edge, whichever applies.

If an owner of a lot can demonstrate no net loss of shoreline ecological function, the critical area buffer may be reduced not to exceed twenty-five (25) percent of the total applicable buffer requirement, subject to 5.13(8)(a)(3) above. Requests for

buffer reduction shall be submitted and processed in accordance with the administrative buffer reduction provisions of Appendix H.

b. Subdivisions.

Critical area setback and buffer dimensional standards applicable to lots within subdivisions (as defined in RCW 58.17.020(1)) shall be the critical area buffer and setback requirements that were in effect at the time of plat approval, subject to the following:

- (1) Where critical area setbacks and/or buffers are actually shown on the approved plat, those setbacks and/or buffers shall apply.
- (2) In no case shall the critical area setback and/or buffer dimensional standard be less than 50' as measured from the OHWM or wetland edge, whichever applies.
- (3) If an owner of a lot can demonstrate no net loss of shoreline ecological function, the critical area buffer may be reduced not to exceed twenty-five (25) percent of the total applicable buffer requirement, subject to 5.13(8)(b)(2) above. Requests for buffer reduction shall be submitted and processed in accordance with the administrative buffer reduction provisions of Appendix H.

8. Definitions

17. "Appurtenant structure" – A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark.