

PRE-EXISTING USES

Shoreline developments that predate the Washington State Shoreline Management Act or the Klickitat County Shoreline Master Plan (SMP) may be considered pre-existing uses and are regulated by the SMP in several ways. If the use of a development is consistent with the SMP, permits are only required if new substantial development is proposed. If the use consists of ongoing development activities, such as a gravel mine, the project requires an "active" (unexpired) shoreline substantial development permit throughout the life of the project. If the use of a pre-existing development is proposed to be changed, the new use must be consistent with the SMP. A proposed use (requiring a shoreline conditional use) needs to obtain a conditional use permit whether or not new development is required to establish the use.

NONCONFORMING DEVELOPMENT STANDARDS (WAC 173-27-080)

A nonconforming development is defined as a shoreline use or structure which was lawfully constructed or established prior to the effective date of the Shoreline Management Act, but which does not conform to present regulations or standards of the program or polices of the act.

Nonconforming development may be continued provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity.

A nonconforming development which is moved any distance must be brought into conformance with the applicable master program.

If a nonconforming development is damaged to an extent not exceeding seventy-five percent replacement cost of the original structure; it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is complete within one year of the date of damage.

If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, any subsequent use shall be conforming. It shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire.

A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed

An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the act or the Klickitat County Shoreline Management Plan, but which does not conform to the present lot size or density standards may be developed so long as such development conforms to other requirements of the applicable master program, the Act, and other appropriate local and state regulations.