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11-3-92

Ordinance No. 490, 1992

An Ordinance of the Board of County Commissioners of Clallam County amending the Shoreline Management Code to clarify the standards for pre-existing, non-conforming developments.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 35.01 - Shoreline Management

C.C.C. 35.01.020 Definitions. As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(21) "Wetlands" or "Wetland Areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high-water mark; and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Washington State Department of Ecology.

(22) "Pre-existing, non-conforming development" means a shoreline use or structure which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Clallam County Shoreline Master Program, or amendments thereto, but which does not conform to the present regulations or standards of the Master Program or policies of the Shoreline Management Act.

C.C.C. 35.01.065 Non-Conforming Development Standards. ~~This ordinance incorporates by reference the non-conforming development standards, pursuant to Washington Administrative Code (W.A.C. 173-14-055.~~ The following standards apply to all pre-existing, non-conforming developments in the County.

(1) A pre-existing, non-conforming development may be continued and maintained provided that it is not enlarged, intensified, increased, or altered in any way which increases its non-conformity. This provision applies only to the specific development that exists on the effective date of the Shoreline Management Act, the Master Program, or amendments thereto.

(2) A pre-existing, non-conforming development, or portion of such development, shall not be converted to another non-conforming development.

(3) If a pre-existing, nonconforming development is damaged to an extent not exceeding seventy-five percent (75%) replacement cost of the original structure as calculated on a cumulative basis, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage.

(4) If a pre-existing, nonconforming development 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 non-conforming development in order for the rights to expire.

- (5) Normal maintenance of pre-existing, nonconforming developments includes those usual acts to prevent a decline or lapse or cessation from a lawfully established condition, does not enlarge or intensify, increase or alter the development so as to increase its non-conformity, and shall include replacing a failing on-site sewage disposal system, provided the replacement system complies fully with the requirements of Section 246-272-160 WAC, Repair of Failures Along Marine Shorelines.
- (6) An undeveloped lot, tract, parcel, site, or division which was lawfully established prior to the effective date of the Shoreline Management Act or the Master Program but which does not conform to the present lot size, density standards, or lot width requirements may be developed so long as such development conforms to other requirements of the Shoreline Management Act and Master Program.

This ordinance shall take effect ten (10) days after approval of the Board of Clallam County Commissioners.

ADOPTED THIS 3 DAY OF November, 1992.

Board of Clallam County Commissioners



Lawrence Gaydeski, Chairman



Dorothy Duncan



Dave Cameron

ATTEST:



Kareh Flores
Clerk of the Board

c. ~~Prosecutor's~~
Community Development
Minutes
File