
SUBSTITUTE SENATE BILL 5451

State of Washington

62nd Legislature

2011 Regular Session

By Senate Natural Resources & Marine Waters (originally sponsored by Senators Ranker, Ericksen, Pridemore, Harper, Carrell, Hobbs, Rockefeller, Tom, White, and Shin)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to shoreline structures in a master program adopted
2 under the shoreline management act; adding a new section to chapter
3 90.58 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that there is
6 concern from property owners regarding legal status of existing legally
7 developed shoreline structures under updated shoreline master programs.
8 Significant concern has been expressed by residential property owners
9 during shoreline master program updates regarding the legal status of
10 existing shoreline structures that may not meet current standards for
11 new development.

12 (2) Engrossed House Bill No. 1653, enacted as chapter 107, Laws of
13 2010 clarified the status of existing structures in the shoreline area
14 under the growth management act prior to the update of shoreline
15 regulations. It is in the public interest to clarify the legal status
16 of these structures that will apply after shoreline regulations are
17 updated.

18 (3) Updated shoreline master programs must include provisions to
19 ensure that expansion, redevelopment, and replacement of existing

1 structures will result in no net loss of the ecological function of the
2 shoreline. Classifying existing structures as legally conforming will
3 not create a risk of degrading shoreline natural resources.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.58 RCW
5 to read as follows:

6 (1) New or amended master programs approved by the department on or
7 after September 1, 2011, may include the following:

8 (a) Principal residential structures that were legally established
9 and are used for a conforming use but that do not meet current
10 standards for: Setbacks, buffers, or yards; area; bulk; height; or
11 density may be considered a conforming structure in the master program;
12 and

13 (b) Redevelopment, expansion, change within the class of occupancy,
14 or replacement of the structure must be consistent with the master
15 program including no net loss of shoreline ecological functions.

16 (2) This section does not restrict the ability of a master program
17 to limit redevelopment, expansion, or replacement of over-water
18 structures or structures located in hazardous areas, such as a
19 floodplain or a geologically hazardous area.

20 (3) Nothing in this section affects application of other codes to
21 these structures.

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