

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5451

Chapter 323, Laws of 2011

62nd Legislature
2011 Regular Session

SHORELINE MASTER PROGRAMS

EFFECTIVE DATE: 07/22/11

Passed by the Senate April 18, 2011
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 5, 2011
YEAS 77 NAYS 19

FRANK CHOPP

Speaker of the House of Representatives

Approved May 12, 2011, 1:51 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5451** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 13, 2011

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5451

AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

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 provisions authorizing:

8 (a) Residential structures and appurtenant structures that were
9 legally established and are used for a conforming use, but that do not
10 meet standards for the following to be considered a conforming
11 structure: Setbacks, buffers, or yards; area; bulk; height; or
12 density; and

13 (b) Redevelopment, expansion, change with the class of occupancy,
14 or replacement of the residential structure if it is consistent with
15 the master program, including requirements for no net loss of shoreline
16 ecological functions.

17 (2) For purposes of this section, "appurtenant structures" means
18 garages, sheds, and other legally established structures. "Appurtenant
19 structures" does not include bulkheads and other shoreline
20 modifications or over-water structures.

21 (3) Nothing in this section: (a) Restricts the ability of a master
22 program to limit redevelopment, expansion, or replacement of over-water
23 structures located in hazardous areas, such as floodplains and
24 geologically hazardous areas; or (b) affects the application of other
25 federal, state, or local government requirements to residential
26 structures.

Passed by the Senate April 18, 2011.

Passed by the House April 5, 2011.

Approved by the Governor May 12, 2011.

Filed in Office of Secretary of State May 13, 2011.