

SSB 5451 - H AMD 486

By Representative Angel

FAILED 04/05/2011

1 Strike everything after the enacting clause and insert the
2 following:

3
4 NEW SECTION. Sec. 1. The legislature recognizes that there is
5 concern from property owners regarding legal status of existing
6 legally developed shoreline structures under updated shoreline master
7 programs. In recognition of this concern, the legislature finds that
8 updated shoreline master programs must include provisions to ensure
9 that the maintenance, repair, and replacement of existing structures
10 is allowed so that no property is taken illegally.

11 The legislature further recognizes that property rights are
12 protected by the state Constitution. While the legislature may
13 mandate that newly constructed buildings comply with ever-changing
14 requirements, it does not intend for updated shoreline master programs
15 to harm, penalize, or otherwise disadvantage persons who complied with
16 applicable requirements at the time of the development action, but who
17 now find that their properties do not conform with current standards.
18 Furthermore, the legislature does not intend to have these properties
19 deemed illegal, as the legislature recognizes and affirms that the
20 government may not deny a property owner the right to protect the
21 value of their property, including existing structures.

22
23 NEW SECTION. Sec. 2. A new section is added to chapter 90.58 RCW
24 to read as follows:

25 (1) New or amended master programs approved by the department on
26 or after September 1, 2011, must assure that:

27

1 (a) All structures that were legally established and are existing
2 as of September 1, 2011, are considered conforming structures in the
3 master program; and

4 (b) Legally established structures are allowed to be maintained,
5 repaired, and replaced in the exact location and size specifications
6 as the original structure.

7 (2) Local governments may adopt incentives to encourage voluntary
8 modifications by property owners to comply with laws and regulations
9 adopted after the structure was legally established.

10 (3) Nothing in this section affects the application of other
11 federal, state, or local government requirements to legally
12 established structures."
13

EFFECT: (1) Strikes all provisions of the underlying bill. (2)
Adds provisions requiring that new or amended master programs
approved by the Department of Ecology on or after September 1, 2011,
assure that: all structures that were legally established and are
existing as of September 1, 2011, are considered conforming
structures in the master program; and legally established structures
are allowed to be maintained, repaired, and replaced, subject to
certain requirements. (3) Authorizes local governments to adopt
incentives to encourage certain voluntary modifications by property
owners. (4) Specifies that the amendment does not affect the
application of other federal, state, or local government
requirements to legally established structures. (5) Adds intent
language.

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