

TOWN OF BEAUX ARTS VILLAGE, WASHINGTON

ORDINANCE NO. 89

AN ORDINANCE establishing a master program in accordance with the Shoreline Management Act of 1971, RCW 90.68, et seq.

WHEREAS, this Town desires to enact an ordinance adopting a master program under the Shoreline Management Act of 1971; and

WHEREAS, the only shorelines within this Town are the property of the Western Academy of Beaux Arts (Western Academy), a private, non-profit corporation of the State of Washington, the members of which are the property owners of the Town of Beaux Arts Village; and

WHEREAS, the Western Academy, in its Articles of Incorporation, as amended, has prescribed certain restrictions on the use of the shorelines (Exhibit I); and

WHEREAS, this Town has enacted Resolution No. 27 (Exhibit II) which provides for the zoning of the shorelines; and

WHEREAS, this Town has also enacted Ordinance No. 81 (Exhibit III) classifying the shorelines as open space land; and

WHEREAS, the original deed from Frank Calvert to the Western Academy, Volume 715 of Deeds, page 75, King County Auditor's file No. 636110, contains restrictions on the use of the shorelines (Exhibit IV); and

WHEREAS, the use of the property has remained as a private park since September 4, 1909, to the date of the enactment of this ordinance; and

WHEREAS, the Board of Trustees of the Western Academy has represented to the Internal Revenue Service of the United States that its shorelines are recreational property and that it is their intention to have the shorelines remain in their present use; and

WHEREAS, this Town has given great publicity to the formation of a shorelines program, e.g., in April, 1972, the Citizens Advisory Committee was duly formed and has met from time to time since then and issued certain publications informing the government of this Town of their actions; the Western Academy was continually advised throughout the course and deliberations of the Citizens Advisory Committee; a member of this Advisory Committee, together with citizens of the Town, have participated clearly in the formation of the Lake Washington Regional Shoreline Goals and Policies published October 31, 1973; there was a public hearing held December 3, 1973, prior to the adoption of this ordinance, notice of which was duly published in the Bellevue American; an inventory was compiled by King County Land Use Management

Division, Department of Community and Environmental Development in April, 1973. (A corrected inventory is attached as Exhibit V.); **NOW, THEREFORE,**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON, as follows:

Section 1. The Council finds that all requirements of citizen involvement and publication for a public hearing have been duly given and this ordinance has been duly and legally adopted in accordance with applicable statutes and regulations of the Department of Ecology. The policy of this Town is to preserve, to protect, and to maintain the existing recreational element, and environment of the shorelines and its esthetic and natural amenities. The Council reaffirms Resolution No. 27 of the Planning Commission insofar as it regulates the use of the shorelines and Ordinance No. 81 establishing the beach area as open space (RCW 84.34).

Section 2. The intent of this master program for the shorelines of Beaux Arts Village is to be carried out ad infinitum.

Section 3. The use of the shorelines of Beaux Arts Village shall be restricted solely to a singular element of recreation. The recreation element is based on private ownership and usage of the shorelines as a private park and shall be water oriented recreation activities and also those appropriate to a park including picnicking, tennis, volleyball, strolling, etc. All other elements defined in WAC 173-16-040 (3) are inappropriate.

Section 4. In accordance with WAC 173-16-040 (4), the entire shorelines of Beaux Arts Village are categorized into a singular conservancy environment with the intent to preserve, protect and maintain the existing character of these shorelines.

Section 5. Components.

5.1 No structures shall be constructed on the shorelines that are not in accord with the recreation usage defined herein and with existing esthetics.

5.2 No enclosed overwater structures shall be allowed.

5.3 Any development for which the total cost or fair market value exceeds \$2,500.00 shall require a permit from the Town. A permit is not required for normal repair or maintenance of existing structures or developments including damage from fire, accident or the elements.

5.4 Landfill or dredging shall not be permitted with the exception to replenishment of sand on swimming beaches and to recovery of land lost through erosion.

5.5 When landfill is accomplished to offset erosion it

must be accomplished within one year of the erosion and should be stabilized with vegetation, if feasible.

5.6 Bulkheads shall be constructed only to prevent erosion and shall be limited to log or rocky or other materials that enhance the shorelines.

5.7 Breakwaters are allowed only in swimming areas or on the ends of fixed, existing piers and shall only be of a floating type or spaced boards on pier ends.

5.8 No new piers shall be built and existing piers shall not be extended in length; provided, nothing herein shall preclude improvement to the existing pier system.

5.9 New shoreline outfalls shall be constructed in accordance with the Lake Washington Regional Shoreline Goals and Policies.

5.10 Existing parking facilities may be improved, but shall not be expanded. Landscape screening is encouraged.

5.11 No lighted or advertising signs shall be permitted. Directional or informational signs shall be in accord with the existing esthetics or historical nature of the Village.

5.12 Solid waste disposal is not allowed on the shorelines.

5.13 New utilities should be placed underground, if feasible.

PASSED BY THE TOWN COUNCIL at a regular meeting thereof and approved by the Mayor of the Town of Beaux Arts Village, Washington, this 17th day of December, 1973.

/s/ Roland A. Adolphson
MAYOR

ATTEST:

/s/ Nadine Cook
Town Clerk