

**TOWN OF BEAUX ARTS VILLAGE**

**ORDINANCE NO. 412**

AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON  
ADOPTING THE SHORELINE MASTER PROGRAM UPDATE IN COMPLIANCE WITH  
THE SHORELINE MANAGEMENT ACT (RCW 90.58) AND THE STATE SHORELINE  
MANAGEMENT ACT GUIDELINES (WAC 173-26)

**WHEREAS**, the Shoreline Management Act of 1971, codified as Chapter 90.58 RCW, requires all jurisdictions with “shorelines of the state” to prepare and adopt a Shoreline Master Program that is based on state laws and rules, but tailored to the specific jurisdiction, and;

**WHEREAS**, in 2003, the State Legislature amended the Shoreline Management Act to require all jurisdictions with “shorelines of the state” to review and update their local Shoreline Master Programs by 2012 to insure that shoreline regulations will not allow for a net loss in the ecological function of shoreline areas; and

**WHEREAS**, the Town wishes to repeal and replace its existing Shoreline Master Program with new, updated policies, regulations, standards, administrative provisions, and enforcement procedures; and

**WHEREAS**, beginning in 2009, the Town Planning Commission and Town Council facilitated a public process as part of the Shoreline Master Program preparation and review; and

**WHEREAS**, from 2009 until 2012, the Town Planning Commission, acting as the Town’s Shoreline Advisory Committee, conducted a chapter-by-chapter review of the Shoreline Master Program during their regular monthly meetings; and

**WHEREAS**, the result was the preparation of an updated draft Shoreline Master Program for the Town of Beaux Arts Village; and

**WHEREAS**, the Planning Commission held two public workshops as part of their open regular meetings on May 19, 2010 and June 15, 2010 and solicited comments on the draft Shoreline Master Program from the public; and

**WHEREAS**, the Planning Commission completed its work on the draft Shoreline Master Program and forwarded it to the Town Council for its consideration on January 19, 2012; and

**WHEREAS**, the Town Council conducted a chapter-by-chapter review of the Shoreline Master Program during their regular monthly meetings from February through June 2012; and

**WHEREAS**, the Town issued a SEPA Threshold Determination of Non-Significance on August 22, 2012; and

**WHEREAS**, the Town Council conducted a public hearing during its open regular meeting on September 11, 2012 and solicited comments on the draft Shoreline Master Program from the public in attendance; and

**WHEREAS**, the Town Council adopted Resolution No. 280 Announcing Its Intent to Adopt an Updated Shoreline Master Program; and

**WHEREAS**, the Town submitted its draft Shoreline Master Program to the State of Washington Department of Ecology on December 28, 2012, with additional information submitted on February 25, 2013; and

**WHEREAS**, on August 14, 2013, the State of Washington Department of Ecology issued its Conditional Approval; and

**WHEREAS**, the Town of Beaux Arts Village and the State of Washington Department of Ecology agreed upon necessary changes to make the Shoreline Master Program consistent with state laws and regulations; and

**WHEREAS**, on August 14, 2014, the State of Washington Department of Ecology issued its Final Approval of the Town of Beaux Arts Village Shoreline Master Program Comprehensive Update; **NOW THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON AS FOLLOWS:**

**Section 1.** Chapter 16.10 of the Beaux Arts Municipal Code is hereby repealed in its entirety and replaced with Attachment A to this Ordinance - “Shoreline Master Program 2014” - attached hereto and incorporated herein by this reference as if set forth in full.

**Section 2. Validity.** If any section, paragraph, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases subsequently may be found by competent authority to be unconstitutional or invalid.

**Section 3. Effective Date.** This ordinance shall take effect five (5) days after its passage and publication.

**PASSED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE** and signed in authentication of its passage on this 9th day of September, 2014.

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Richard Leider, Mayor

Attest:

Approved as to form:

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Sue Ann Spens, Clerk-Treasurer

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Wayne Stewart, Attorney