

- (a) Amount of Payment: An eligible displaced person who purchases a replacement dwelling is entitled to a down payment assistance payment in the amount the person would receive under subsection (2) of this section if the person rented a comparable replacement dwelling. At the discretion of the City, a down payment assistance payment may be increased to any amount not to exceed five thousand, two hundred fifty dollars (\$5,250).ix However, the payment to a displaced homeowner will not exceed the amount the owner would receive under Section 5.4.1.a, paragraph 6 if he or she met the one hundred eighty-day occupancy requirement. The City's discretion to provide the maximum payment will be exercised in a uniform and consistent manner, so those eligible displaced persons in like circumstances are treated equally. A displaced person eligible to receive a payment as a one hundred eighty-day owner-occupant under Section 5.4.1.a is not eligible for this payment.
- (b) Application of Payment: The full amount of the replacement housing payment for down payment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.

5.4.3. Additional rules governing replacement housing payments

- a. Determining cost of comparable replacement dwelling: The upper limit of a replacement housing payment will be based on the cost of a comparable replacement dwelling.
 - (1) Three-comparable method: If available, at least three comparable replacement dwellings will be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling. An adjustment will be made to the asking price of any dwelling, to the extent justified by local market data. An obviously overpriced or underpriced dwelling may be ignored.
 - (2) Major exterior attribute: If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site (e.g., the site is significantly smaller or is not located on lakefront), the value of such attribute will be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.
 - (3) Remainder offer: If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the remainder is a remnant of the displacement dwelling site or a buildable residential lot, the City may offer to purchase that remainder. If such an offer is made and the owner refuses to sell the remainder to the City, the value attributable to that remainder, will be added to the acquisition price paid for the displacement dwelling for purposes of computing the price differential.
 - (4) Location: Comparable replacement dwellings will be selected preferably from the neighborhood in which the displacement dwelling was located or, if not otherwise feasible, from nearby or similar neighborhoods where housing costs are generally the same as in the displacement neighborhood. Where that

is not possible dwellings may be selected from neighborhoods where housing costs are the same or higher.

- b. Applicability of last resort housing: Whenever a twenty-two thousand, five hundred dollar (\$22,500) replacement housing payment under Section 5.4.1. or a five thousand, two hundred fifty dollar (\$5,250) replacement housing payment under Section 5.4.2.a.(2)(a) would be insufficient to ensure that a comparable replacement dwelling is available on a timely basis to a person, the City will provide additional or alternative assistance under the last resort housing provisions in Section 5.4.4, which may include increasing the replacement housing payment so that a replacement dwelling is within the displaced person's financial.
- c. Inspection of replacement dwelling: Before making a replacement housing payment or releasing a payment from escrow, the City or its designated representative will inspect the replacement dwelling and determine whether it is a DSS dwelling.
- d. Purchase of replacement dwelling: A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person:
 - (1) Purchases a dwelling; or
 - (2) Purchases and rehabilitates a substandard dwelling; or
 - (3) Constructs a dwelling on a site the person owns or purchases; or
 - (4) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases; or
 - (5) Currently owns a previously purchased dwelling and site, valuation of which will be on the basis of current value.
- e. Occupancy requirements for displacement or replacement dwelling: No person will be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in this section for a reason beyond the person's control, including:
 - (1) A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the applicable federal funding agency; or
 - (2) Another reason, such as a delay in the construction of the replacement dwelling, military reserve duty, or hospital stay, as determined by the City.
- f. Conversion of Payment: A displaced person who initially rents a replacement dwelling and receives a rental assistance payment under Section 5.4.2.a(2)(a), is eligible to receive a payment under Section 5.4.1(a) or Section 5.4.2.a(3)(a), if the person meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed one-year period. Any portion of the rental assistance payment that has been disbursed will be deducted from the payment computed under Section 5.4.1 or Section 5.4.2.a(3)(a), .
- g. Payment After Death: A replacement housing payment is personal to the displaced person and upon the person's death the undisbursed portion of any such payment will not be paid to the heirs or assigns, except that:

- (1) The amount attributable to the displaced person's period of actual occupancy of the replacement housing will be paid.
- (2) The full payment will be disbursed in any case in which a member of a displaced family dies and the other family member(s) continue to occupy a DSS replacement dwelling.
- (3) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person will be disbursed to the estate.

5.4.4. Last Resort Housing

- a. Basic determination to provide last resort housing: A person will not be required to move from the person's dwelling unless the City has made available to the person at least one comparable replacement dwelling. Whenever the City determines that a replacement housing payment under Sections 5.4.1 through 5.4.3 would not be sufficient to provide a comparable replacement dwelling on a timely basis to the person, the City may take appropriate cost-effective measures this section to provide such a dwelling. The City's obligation to ensure that a comparable replacement dwelling is available will be met when such a dwelling, or assistance necessary to provide such a dwelling, is offered under the provisions of this section.
- b. Basic rights of persons to be displaced:
 - (1) The provisions of this section do not deprive any displaced person of any rights the person may have under the Policy and Procedures. The City will not require any displaced person to accept a dwelling provided by the City under these Procedures (unless the City and the displaced person have entered into a contract to do so) in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible. A one hundred eighty-day homeowner-occupant who is eligible for a payment under Section 5.4.1 is entitled to a reasonable opportunity to purchase a comparable replacement dwelling.
 - (2) The actual amount of assistance will be limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling or the date the person is initially offered a comparable replacement dwelling, whichever is later.
 - (3) The City is not required to provide persons owning only a fractional interest in the displacement dwelling a greater level of assistance to purchase a replacement dwelling than the City would be required to provide such persons if they owned fee simple title to the displacement dwelling. If such assistance is not sufficient to buy a replacement dwelling, the City may provide additional purchase assistance or rental assistance.

5.4.4.1. Methods of providing replacement housing

The City has broad latitude in implementing its last resort-housing program, but implementation will be on a reasonable cost-effective basis.

- a. The methods of providing last resort housing include, but are not limited to:
 - (1) Rehabilitation of and/or additions to an existing replacement dwelling.
 - (2) The construction of a new replacement dwelling.
 - (3) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest free.
 - (4) A replacement housing payment in excess of the limits set forth in these sections. A rental assistance subsidy may be provided in installments or in a lump sum.
 - (5) The relocation and, if necessary, rehabilitation of a dwelling.
 - (6) The purchase of land and/or a replacement dwelling by the displacing City and subsequent sale or lease to, or exchange with, a displaced person.
 - (7) The removal of barriers to the handicapped.
 - (8) The change in status of the displaced person from tenant to homeowner when it is more cost-effective to do so, as in cases where a down payment may be less expensive than a last resort rental assistance payment.
- b. Under special circumstances, modified methods of providing housing of last resort permit consideration of:
 - (1) Replacement housing based on space and physical characteristics different from those in the displacement dwelling.
 - (2) Upgraded, but smaller replacement housing that is decent, safe, and sanitary and adequate to accommodate individuals or families displaced from marginal or substandard housing with probable functional obsolescence.
 - (3) The financial means of a displaced person who is not eligible to receive a replacement housing payment because of failure to meet length-of-occupancy requirements when comparable replacement rental housing is not available at rental rates within thirty percent of the person's gross monthly household income.

5.5. Relocation Appeals Process

The City will promptly review appeals in accordance with the requirements of applicable law and these Procedures.

5.5.1. Appealable Actions

A person may file written notice of an appeal with the City in any case in which the person believes that the City has failed to properly determine the person's eligibility for, or the amount of, a payment required under these Procedures, or a relocation payment required under the Program. This written appeal should be addressed to the City Clerk.

5.5.2. Limitations

A person is entitled to only such benefits as are specifically delineated in these Procedures.

5.5.3. Form of notice

Appeals must be in writing. The City will consider a written appeal regardless of form. The appeal notice or letter should state what issues are being claimed, the reasons why the aggrieved person believes the claim should be allowed, and how the person believes he or she is otherwise aggrieved. The letter or notice should clearly identify the City's project and the parcel of real property involved and should bear the signature and address of the aggrieved person or the person's authorized representative. The City may refuse to schedule any review or hearing on an appeal until these requirements have been complied with or may issue an order providing for dismissal of such appeal upon failure to comply within a reasonable time specified by the City, which will not be less than 14 days.

5.5.4. Time limit for initiating appeal

A person must file a written appeal with the City's Appeals Committee within sixty (60) days of:

- a. For owners who are being displaced, the date of the offer presentation. The City's offer to purchase and the relocation Purchase Price Differential, if applicable, are presented at the same time to the owner.
- b. For tenants who are being displaced, the date of the presentation of their rental subsidy relocation payments which will be presented to them within (14) days after presentation of the offer to the owner.
- c. The City, at its discretion, will waive this time period for good cause.

5.5.5. Review of files by party making appeal

The City will permit a person to inspect and copy all materials pertinent to the person's appeal, except materials that are classified as confidential by the City. The City may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

5.5.6. Scope of Review Appraisal

In deciding appeal, the City will consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal. The Manager or his or her authorized designee will conduct the review of the appeal. However, in no event will the reviewing official have been directly involved in the action appealed.

5.5.7. Determination of notification

The Manager or his or her authorized designee will conduct the review of the appeal. However, in no event will the reviewing official have been directly involved in the action appealed.

5.5.8. Hearing Process

Except as they may be inconsistent with the rules of this section, the practice and procedure rules as set forth in Chapter 468-10 WAC will apply to appeals under this Program. Where the rules of these Procedures conflict with those of Chapter 468-10 or 10-08 WAC, the rules of these Procedures will govern.

5.5.9. Discovery

Discovery will be available in relocation appeals as follows. Any party to a relocation appeal may obtain discovery from any party by written interrogatories, written admissions, oral depositions, subpoena duces tecums, and written requests for production of documents. The procedures regarding these methods of discovery are found at CFR 28 through 36 and 45(b) as now or hereafter amended and are hereby incorporated in these Procedures.

6. CONDEMNATION

6.1 Voluntary Possession and Use Agreements

In certain circumstances where negotiations have been exhausted at the right-of-way agent level, the City shall require immediate possession and use of the property. The City will ask the owner to sign a Possession and Use Agreement. At such time that an agreement is reached between the owner and the City, the amount of the original offer to the owner shall be paid into the Registry of the Court. This type of agreement enables the City to move forward with the construction portion of the project while continuing good faith negotiations with the owner.

6.2. Initiation of Condemnation Proceedings.

The City will not advance the time of condemnation, or defer negotiations or condemnation, or the deposit of the funds with the court, or take any other coercive action to induce an agreement on the price to be paid for the property. However, in order for the City to comply with the schedule for implementation of the Project, it may become necessary to initiate condemnation as soon as practicable after the Council of the City has selected final alignments, designs and facility locations and purchase offers are submitted to the property owners and either deferred or rejected. Negotiations may continue with affected parties after the initiation of condemnation proceedings at the discretion of the City.

- a. Deposit of Purchase Price. Consistent with the procedures in Chapter 8.26 RCW, no property owner will be required to surrender possession of real property before the agreed purchase price is paid or deposited with a court having jurisdiction over the condemnation of the property for the benefit of the owner. The amount paid or deposited will not be less than the City's appraisal of the fair market value of such property or the amount of the award of compensation in the condemnation proceeding for the property. In exceptional circumstances, with the prior approval of the owner, the City may obtain a right-of-entry for construction purposes before making a payment available to an owner.
- b. Payment of Costs and Fees. Except as required by law, the City will not reimburse the owner of the real property for any expenses associated with a formal condemnation proceeding conducted by the City. Instances in which the City will be required to pay reasonable expenses, including engineering, appraisal, and attorney fees, include the following:
 - (1) The court's final judgement is that the City cannot acquire the real property by condemnation; or
 - (2) The City abandons the condemnation proceedings other than as agreed upon in settlement; or
 - (3) The court having jurisdiction renders a judgement of inverse condemnation or;
 - (4) The City effects a settlement of such proceedings.

6.3. Expenses Incidental to Transfer of Title.

As soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, the City will reimburse the owner to the extent the City deems fair and reasonable, for expenses the owner necessarily incurred to transfer right, title or interest to the City as provided in RCW 8.26.200. Whenever feasible, the City will pay such costs directly so that the owner will not have to pay the costs and then seek reimbursement. These costs may include the following:

- a. Recording fees, excise taxes: evidence of title boundary surveys, legal descriptions of real property, and similar expenses incidental to conveyance of the real property to the City. The City will not pay costs incurred solely to perfect the owner's title to the real property;
- b. Penalty costs and other charges for prepayment of any pre-existing recorded mortgage entered into in good faith encumbering the property;
- c. The prorated portion of any prepaid real property taxes that are allocable to the period after the City obtains title to the property or effective possession of it, whichever is earlier.

7. REDEVELOPMENT REQUIREMENTS

(text forthcoming in regards to redevelopment requirements)

8. UTILITY UNDERGROUNDING

The City of Shoreline has adopted Ordinance No. 82 to establish the minimum requirements and procedures for the underground installation of electric and communication facilities. The ordinance specifies when and how utilities shall be transferred from overhead systems to underground trench locations and who is responsible for the associated costs. While the goal of the ordinance is to place utilities underground whenever possible, there are conditions where a variance may be granted. An example would include high-voltage transmission lines and in cases where undergrounding will damage something that requires preservation on the ground.

Placing utilities underground improves the health and safety of roadway users and the residents of the community. Undergrounding removes poles and wires that present potential hazards within the right of way for motorists and pedestrians. It also achieves a more aesthetically pleasing environment, improved property values and more reliable service delivery.

Undergrounding requirements are triggered by a variety of construction activities and depend on scale and use. Residential and commercial construction of buildings or additions less than 4,000 square feet do not require utility undergrounding. New buildings, constructions of more than 4,000 square feet, and remodels of more than 50% of the market value of the property all require that utilities be placed underground to the nearest pole or utility connection.

With regards to the improvements along Aurora Avenue North, the city's undergrounding ordinances states that "All capital improvement projects undertaken by the City of Shoreline that disturb existing overhead facilities in the public right of way shall be designed to include the removal of utility poles and the undergrounding of overhead facilities in the right of way in accord with the requirements of this ordinance." This means that as part of a major reconstruction project, utility providers along the corridor will participate by relocating their overhead facilities to underground systems. The cost and expense of relocation shall be borne by the serving utilities to the extent allowed by State and Federal regulations.

8.1. Coordination

When overhead utilities are placed underground, they are consolidated into a shared utility trench. Service vaults, handholes, and junction boxes are installed along the shared utility trench at locations agreed on by the utility companies sharing the trench. These service facilities are located within the right of way where practical. In areas of limited right of way, the service facilities have to be located within easements on private property.

Major capital projects that require modification to existing utility systems provide an excellent opportunity for undergrounding. Coordination of the undergrounding process with utility companies is critical through design and construction. Potential conflicts should be identified as early as possible in the design process. This is done through a site survey, a comparison of as-built records and through contact with the utility provider. Potential conflicts include overhead facilities and subterranean utilities that may be disturbed or require relocation. At this time, the utility companies should be contacted to advise them on the project and request their participation in the coordination effort.

Design base mapping must be updated to incorporate as-built utility data. This includes all overhead and subterranean utilities. Gas and water utilities will need to mark locations within the project limits to facilitate any survey work required.

Once adequate mapping is complete, the design consultant, the city, and the utility companies can negotiate and coordinate the particulars of design, sequence and schedule. Additional investigations may be required to verify location or depth of an existing facility.

There are two primary ways to accomplish the undergrounding of utilities. The first is that the Aurora Avenue Reconstruction plans, specifications and estimates can include all of the information necessary to construct the shared utility trench, provide for system connections and maintain service integrity during construction. This approach assures that utility coordination is sufficiently addressed, reduces the potential for construction delays and unexpected cost increases. The second approach is to accomplish the undergrounding separately from the road construction, either in advance or during road construction. The utility companies would hire a separate contractor, and the city would use a different roadway construction contractor. This approach requires tearing up the roadway twice and can lead to more coordination problems.

8.2. Service Connections

It is the responsibility of individual utility companies to install their services and the responsibility of property owners to transfer their connection from overhead to the new underground systems.

8.2.1 Benefits available to owner

(text forthcoming)

9. TRAFFIC CONTROL DURING CONSTRUCTION

Planning adequate traffic control during design and construction of this project are key to a smooth, successful, and safe construction. In addition to providing safety to workers, motorists, and pedestrians, the traffic control plan must provide access to the work area as well as full access to the businesses adjacent to the project. Continued public information and opportunities for input will be provided throughout construction. In addition, partnerships with adjacent businesses will be maintained through construction to ensure that business access needs are met during construction. All transportation modes, pedestrians, bicycles, transit, trucks and passenger vehicles need to be taken into account.

Transit

Coordination with King County Metro and Community Transit will be ongoing through construction in order to minimize service impacts. Bus zone relocation or closure will be clearly signed and communicated to transit riders. Temporary stops will be provided in a safe and accessible location, free of conflicts from other traffic and construction activity.

Bicycles and Pedestrians

In accommodating the needs of bicycles and pedestrians within construction zones the range of needs of pedestrians is wide including those of the elderly and those with sensory impairments. The following will be considered when developing a traffic control plan for road construction.

- a. Bicyclists and Pedestrians must not be placed into conflict with work site activities. This impedes the work and increases the risk to pedestrian safety.
- b. Bicyclists and Pedestrians must not be put into conflicts with other traffic moving through or around the work area.
- c. Bicyclists and Pedestrians must be provided a safe and convenient travel way that replicates as nearly as possible the qualities of a sidewalk, bikeway or multi-purpose trail.

Traffic control plans (TCP) help to ensure a safe and efficient construction operation. Preparation of formal TCPs for the construction of Aurora Avenue will require more engineering costs, but will assure adequate traffic control is provided during the construction phases and will help ensure access through the construction zone and to businesses will be safe.

9.1. Construction Staging Plans

The primary options for construction staging are shift, detour and half-width construction. Shift or half-width construction options are usually the preferred methods of construction. They allow business access during construction, and minimize the spread of construction impacts throughout the community. The shift option maintains the existing lane configuration of the roadway in order to maximize roadway capacity and driver comfort during construction. It is possible only when sufficient right of way is available. Half-width construction staging is another option that maintains some service along the roadway during construction. With this option, all of the roadway traffic is placed on one half of the roadway while the other half is under construction. The number of traffic lanes is reduced, and business access is more difficult to provide. Construction detours may be needed if major structural repair of the roadway or extensive subterranean utility relocation is required. They are usually considered only if the following conditions apply:

- ◆ There is only moderate and tolerable impact on the local economy and services.

- ◆ The route under construction is other than a high volume route and detour length is less than ten miles.
- ◆ No major controversy is generated by the detour.
- ◆ Significant environmental impacts and right of way clearance problems are anticipated.
- ◆ The cost of maintaining the designated detour route is less than the cost of the half-width construction option.

When detours and lane closures are needed on high-volume multi-lane highways, they are generally scheduled to occur during the non-peak daytime and night-time hours when traffic volumes are at their lowest levels.

Choosing the sequence of construction requires tradeoffs between competing goals of construction. These include minimizing the length of construction, keeping traffic flowing, maximizing access to properties, and insuring proper pavement construction.

9.2. Maintenance of Access During Construction

During the course of construction, access to businesses off of Aurora Avenue will be maintained. Temporary access revisions will be well signed and provide the most direct access to properties possible.

9.3. Construction Signing

Signing during construction can be divided into two categories, those that are required to identify the work site and its related conditions and hazards, and those that identify business locations and access points that may be obscured during construction.

9.4. Communications

Owner/tenants along the corridor will be kept informed of construction schedules, schedule changes and information detailing construction activities.

10. PROCESS TO AMEND THIS DOCUMENT

(text forthcoming from City Attorney)

APPENDICES

Appendix A. – Definition of Terms

Appraisal.

1) An estimate and opinion of value. 2) Usually a written statement of the market value, or value as defined by the appraiser, of an adequately described parcel of property as of a specific date. A conclusion that results from an analysis of facts. 3) A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined fair market value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

Acquisition Price.

The price, based upon appraised fair market value, paid to acquire real property for the Project.

Appraised Fair Market Value.

The value arrived at using appraisal and review appraisal value. This value may be given as a range of values, with no more than a 10% variation from the higher end of the range.

Business.

Any lawful activity that is conducted:

- a. Primarily for the purchase, sale, lease, and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or
- b. Primarily for the sale of services to the public; or
- c. Solely for the purpose of Section 8.1, conducted primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or
- d. By a nonprofit organization that has established its nonprofit status under applicable federal or state law.

Comparable Replacement Dwelling.

A dwelling that meets the additional rules in Section 5.4.3 and which:

- a. Is decent, safe, and sanitary according to the definition provided below.
- b. Is functionally equivalent to the displacement dwelling with particular attention to the number of rooms and living space. This means that the replacement dwelling should perform the same function, provide the same utility, and is capable of contributing to a comparable style of living. A comparable replacement dwelling need not possess every feature of the displacement dwelling, but the principal features must be present. Functional equivalency generally is an objective standard, reflecting the range of purposes for which the various features of a dwelling may be used. However, in determining functional equivalency, the City may consider reasonable tradeoffs for specific features when the replacement unit is equal to or better than the displacement dwelling.
- c. Is adequate in size to accommodate the occupants.
- d. Is located in an area that is not subject to unreasonable adverse environmental conditions, is not generally less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and is reasonably accessible to the person's place of employment. Comparables may be used from neighborhoods similar to that of the acquired dwelling.

- e. Has a site that is typical in size for residential development with normal site improvements, including customary landscaping. The replacement site need not include either a special improvement or a major exterior attribute of the displacement site in accordance with Section 5.4.3.a, paragraph 2.
- f. Is currently available to the displaced person on the private market. However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance.
- g. Is priced within the financial means of the displaced person.
 - (1) For a one hundred eighty-day owner-occupant described at Section 5.4.1.a, a comparable dwelling is considered to be within the displacee's financial means if the owner will receive the full price differential as described in Section 5.4.1.a (3), all increased mortgage interest costs as described in Section 5.4.1.a (4), and all incidental expenses as described in Section 5.4.1.a (6), plus any additional amount required to be paid.
 - (2) For a ninety-day tenant-occupant described at Section 5.4.2.a, a comparable dwelling is considered to be within the displacee's financial means if after application of the rental assistance payment, described in said section, the displacee's portion of the monthly rent plus utilities do not exceed person's base monthly rental for the displacement dwelling as described in 5.4.2.a (2) (b).
 - (3) For a displaced person who is not eligible to receive a replacement housing payment under Section 5.4.2.a due to failure to meet the length of occupancy requirements, comparable housing is considered to be within the displacee's financial means if the City pays that portion of the monthly housing costs that would exceed thirty percent of the displacee's monthly income for forty-two months or, if receiving a welfare assistance payment from a program that designates amounts for shelter and utilities.

Condemnation

1) The process by which property is acquired for highway purposes through legal proceedings under the power of eminent domain. 2) The act of a federal, state, county, or city government or district or public utility corporation vested with the right of eminent domain to take private property for public use when a public necessity exists. It is the act of a sovereign in substituting itself in the place of the owner and/or the act of taking all or part of the rights of the owner. 3) The term condemnation denotes the acquisition of property by the exercise of the right or power of eminent domain. Pursuant to this right or power, the sovereign, whether it is the federal or state government, or an agency to whom there has been delegated this right or owner, may, upon payment of just compensation, acquire property for the benefit of the public.

Condemnation, inverse

The legal process by which a property owner may claim and receive compensation for the taking of, or payment for damages to, his property as a result of a highway improvement.

Contribute Materially.

During the two taxable years before the taxable year in which displacement occurs, or during such other period as the City determines to be more equitable, a business:

- a. Had average annual gross receipts of at least five thousand dollars (\$5,000); or
- b. Had average annual net earnings of at least one thousand dollars (\$1,000); or

- c. Contributed at least thirty-three and one-third percent (33 1/3 %) of the owner's or operator's average annual gross income from all sources.
- d. If the application of the above criteria creates an inequity or hardship in a given case, the City may approve the use of other criteria as determined appropriate.

Cost to Cure

The cost to correct damages as the result of an acquisition. This can relate to parking issues or building type improvements.

Damages

In eminent domain, the loss in value to the remainder in a partial taking of a property. Generally, the difference between the value of the whole property before the taking and the value of the remainder after the taking is the measure of the value of the part taken and the damages to the remainder. There are recognized two types of damages: consequential and severance.

Damages, consequential

A damage to property arising as a consequence of a taking and/or construction on other lands. In many states the owner may be compensated for damage as a consequence of a change in grade of a street which adversely affects ingress to and egress from the affected property. The owner may not be compensated for damage to business, frustration, and loss of good will which result as a consequence of a taking or construction by the government.

Damages, severance

Loss in value of the remainder of a parcel resulting from an acquisition. Sometimes called indirect damages.

Damages to remainder

Loss in value of the remainder of a parcel resulting from acquisition of a part of the property.

Decent, Safe, and Sanitary (DSS) Dwelling.

A dwelling that meets applicable housing and occupancy codes. However, any of the following standards that are not met by an applicable code will apply, unless waived for good cause by the applicable federal funding. The dwelling will:

- a. Be structurally sound, weather tight, and in good repair.
- b. Contain a safe electrical wiring system adequate for lighting and other electrical devices.
- c. Contain a heating system capable of sustaining a healthful temperature (of approximately seventy degrees) for a displaced person.
- d. Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. There will be a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there will be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.
- e. Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.

- f. For a displaced person who is handicapped, be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.

Dedication

To dedicate means to appropriate and set apart land from one's private property to some public use. The dedication may be either express or implied. It is express when there is an express manifestation on the part of the owner of his purpose to devote the land to a particular public use, such as the streets in platted subdivisions. It is implied when the owner's acts and conduct manifest an intention to devote the land to the public use. To make the dedication complete, there must not only be an intention on part of the owner to set apart the land for the use and benefit of the public, but there must be an acceptance by the public.

Deeds

A deed is evidence in writing of an executed and delivered contract, usually for sale of land. As pertaining to land, its purpose is to define location and title to land. Several types exist. (1) Grant Deed. A grant deed conveys the fee title of the land described and owned by the grantee. If at a later date the grantor acquires a better title to the land conveyed, the grantee immediately acquires the better title without formal documents (after rights). In some states, by law, the grantor warrants the deed against acts of his own volition. (2) Quitclaim Deed. A quitclaim deed passes on to the grantee whatever title the grantor has at the time at which the transaction is consummated. It carries no after rights; i.e. if the grantor acquires a better title at a later date, it is not passed on to the grantee. The deed carries no warranties on the part of the grantor. (3) Agreement Deed. An agreement deed is an agreement between owners to fix a disputed boundary line. (4) Warranty Deed. A warranty deed conveys fee title to the land described to the grantee and in addition guarantees the grantor to make good the title if it is found lacking.

Displaced Person.

- a. General: Any person who moves from the real property or moves his or her personal property from the real property (this includes a person who does not meet the length of occupancy requirements of Sections 5.4.1.a and 5.4.2.a):
- (1) As a direct result of the City's acquisition of, or the initiation of negotiation for, such real property in whole or in part for the Project; or
 - (2) As a direct result of a written order from the City to vacate such real property for the Project; or
 - (3) As a direct result of the City's acquisition of, or written order to vacate for the Project, other real property on which the person conducts a business;
 - (4) As a direct result of a voluntary transaction by the owner as described in Section 1.4, thereby displacing a tenant; or
 - (5) As a direct result of the City's rehabilitation or demolition for the Project; or
 - (6) As a direct result of the City's initiation of negotiations, acquisition of, demolition of, in whole or in part, other real property on which the person conducts a business operation, for the Project. Eligibility under this subparagraph (6) is only for purposes of obtaining relocation assistance advisory services under Section 5.2 and moving expenses under Sections 5.1, 5.3, and 5.4.
- b. Persons not displaced: The following is a nonexclusive listing of persons who do not qualify as a displaced person under these Procedures.

- (1) A person who moves before the initiation of negotiations except one who is required to move for reasons beyond his or her control as explained in Section 5.4.3.e; or
- (2) A person who initially enters into occupancy of the property after the date of its acquisition for the Project (such determination will be made in accordance with any guidelines of the federal funding agency); or
- (3) A person that the City determines is not required to relocate permanently as a direct result of the Project; or
- (4) A person that the City determines is not displaced as a direct result of a partial acquisition; or
- (5) A person who, after receiving a notice of relocation eligibility also receives a notice of non eligibility (described in Section 5.2.3.b, paragraph 2); or
- (6) An owner who voluntarily sells his or her property as described in Section 1.4 after being informed in writing that if a mutually satisfactory agreement of sale cannot be reached, the City will not acquire the property; or
- (7) A person who retains the right of use and occupancy of the real property for life following its acquisition by the City; or
- (8) A person who retains the right of use and occupancy of the real property for a fixed term after its acquisition for a program or project receiving federal financial assistance from the Department of Interior; or
- (9) A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act;
- (10) A person who is determined to be in unlawful occupancy or a person who has been evicted for cause before the initiations of negotiations for the property;
- (11) A person who initially enters occupancy of the property after the date of its acquisition for the Project;
- (12) A person who, after receiving notice of relocation eligibility, is notified in writing that he or she will not be displaced for the Project . Such notice will not be issued unless the person has not moved and the City agrees to reimburse the person for any expenses incurred to satisfy any findings of contractual obligations entered into after the effective date of the notice of relocation eligibility ; or
- (13) An owner-occupant who moves as a result of the rehabilitation or demolition of the real property. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation, or demolition for a federally assisted project is subject to these Procedures.)

Dwelling.

The place of permanent or customary and usual residence of a person, as determined by the City according to local custom or law, including a single family house; a single family unit in a two-family, multifamily, or multipurpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home; or any other fixed or installed residential unit other than a unit customarily used, and currently (although not necessarily immediately) capable of use, for transportation or recreational purposes.

Easement

A non-possessing interest held by one person in land of another whereby the first person is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land. Easements fall into three broad classifications, which are easement, surface; easement, subsurface; easement, overhead.

Easement, overhead

The right to use the space at a designated distance above the surface of the land; as for power lines, aviation, and air rights.

Easement, subsurface

The right to use the land at a designated distance below the surface of the land; as for pipelines, electric and telephone circuits and cables, storage facilities, etc.

Easement, surface

The right to use only the surface of the land; as for easements of access, flowage, or for rights of way.

Eminent domain

The right by which a sovereign government, or some person acting in its name and under its authority, may acquire private property for public or quasi-public use upon payment of reasonable compensation and without consent of the owner. See also condemnation. The right or power of the government to take private property for public use on making just compensation therefor.

Entry, right of survey

The right to enter property temporarily to make surveys and investigations for proposed improvements.

Fair Market Value.

The value of real property established by an appraisal and review appraisal, as set forth in the definitions above.

Financial Assistance.

A grant, loan, or contribution, except a federal guarantee or insurance.

Initiation of Negotiations.

The date of delivery of the initial written offer by the City to the owner or the owner's representative to purchase real property the Project for the amount determined to be just compensation. However:

- a. The date that a notice of intent to acquire real property is sent to the owner is considered the "initiation of negotiations".
- b. If the displacement is caused by rehabilitation, demolition, or privately undertaken acquisition of real property (and there is no related federal or state agency acquisition) the initiation of negotiations means the notice to the person that he or she will be displaced by the Project or, if there is no notice, the actual move of the person from the property ; or
- c. In the case of a permanent relocation to protect the public health and welfare under the Comprehensive Environmental Response Compensation and Liability Act of 1980 the "initiation of negotiations" means the formal announcement of such relocation or the federal or federally-coordinated health advisory where the federal government later decides to conduct a permanent relocation.

Monument

A physical structure that marks the location of a corner or other survey point. In public-land surveys, the term "corner" is employed to denote a point determined by the surveying process, whereas the

“monument” is the physical structure erected to mark the corner point upon the earth’s surface. Monument and corner are not synonymous, though the two terms are often used in the same sense.

Mortgage.

Any of such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the state of Washington, together with the credit instruments, if any, secured thereby.

Nonprofit Organization.

An organization that is incorporated under the applicable laws of a state as a nonprofit organization, and exempt from paying federal income taxes under Section 501 of the Internal Revenue Code (26 USC 501).

Owner of Displacement Dwelling.

A displaced person owns a displacement dwelling if the person holds any of the following interests in real property acquired for the Project:

- a. Fee title, a life estate, a ninety-nine year lease, or a lease, including any options for extension, with at least fifty years to run from the date of acquisition; or
- b. An interest in a cooperative housing project that includes the right to occupy a dwelling; or
- c. A contract to purchase any of the interests or estates described in subsection (a) or (b) above; or
- d. Any other interests, including a partial interest, which in the judgment of the City warrants consideration as ownership.

Parcel

Parcel generally refers to a piece of land that cannot be designated by lot number.

Person.

Any individual, family, partnership, corporation, or association.

Plat

A diagram drawn to scale showing all essential data pertaining to the boundaries and subdivisions of a tract of land, as determined by survey or protraction.

Procedures.

The City’s Real Property Acquisition and Relocation Policy, Procedures, and Guidelines as contained in this document.

Program.

The City’s real property acquisition and relocation program, comprised of the Procedures and any administratively adopted procedures and policies regarding real property acquisition and relocation. The Project includes transit supportive and transit-oriented development undertaken by the City consistent with the City Council’s adopted guidelines for project-oriented development.

Project.

The Project will include providing two general-purpose lanes in both northbound and southbound directions, a business-access and transit lane, also in both directions and other intersection improvements.

Property

That which is peculiar or proper to any person; that which belongs exclusively to one; more specifically, ownership; the unrestricted and exclusive right to a thing. The word is also commonly used to denote everything which is the subject of ownership, corporeal or incorporeal, tangible or intangible, everything that has an exchangeable value or which goes to make up wealth or estate.

Right of access

The right of ingress to a highway from abutting land and egress from a highway to abutting land.

Right of entry

The right acquired to enter on private property for a specific reason or purpose.

Right of way

Any strip or area of land, including surface, overhead, or underground, granted by deed or easement, for construction and maintenance according to designated use, such as for drainage and irrigation canals and ditches; electric power, telegraph, and telephone lines; gas, oil, water, and other pipe lines; highways, and other roadways, including right of portage; sewers; flowage or impoundment of surface water; and tunnels.

Salvage Value.

The probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

Small Business.

Any business having not more than five hundred employees working at the site being acquired or permanently displaced by the Project. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business.

State.

Any department, commission, agency, or instrumentality of the State of Washington.

Tenant.

A person who has temporary use and occupancy of real property owned by another.

Title search

The checking or reviewing of all documents affecting the ownership of a piece of property.

Uneconomic Remnant.

A parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and that the City has determined has little or no value or utility to the owner.

Uniform Act.

The Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq), and amendments thereto.

Unlawful Occupancy.

A person is considered to be in unlawful occupancy when such person has been ordered to move by a court before the initiation of negotiations for the acquisition of the occupied property, or is determined by the City to be a squatter who is occupying the property without permission of the owner and otherwise has no legal right to occupy the property under Washington law. The City may, at its discretion, consider such a squatter to be a legal occupant.

Utility Costs.

Expenses for heat, light, water, and sewer.

Utility Facility.

Any electric, gas, water, steampower, or materials transmission or distribution system, any transportation system, any communications system, including cable television, and any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system. A utility facility may be publicly, privately, or cooperatively owned.

Utility Relocation.

The adjustment of a utility facility required by the Project. It includes removing and reinstalling the facility, including necessary temporary facilities, acquiring necessary right of way on new locations; moving rearranging or changing the type of existing facilities; and taking any necessary safety and protective measures. It also means constructing a replacement facility that has the functional equivalency of the existing facility and is necessary for the continued operation of the utility service, the Project economy, or sequence of Project construction.

Voluntary Transaction.

A donation, exchange, market sale, or other type of agreement entered into without compulsion on the part of the City.

WSDOT.

The Washington State Department of Transportation.

Appendix B. – CATF Recommendation

Summary of CATF Recommendation and 32 points

The Aurora Corridor Citizen's Advisory Task Force (CATF) developed a recommendation to guide refinement of the preferred alternative made up of 32 specific points addressing the range of issues in the Aurora Corridor.

The CATF's goal in the Aurora Corridor Pre-Design project was to develop a design concept that improves safety for pedestrians and drivers, improves the aesthetics and image of the street, adds people moving capacity, and supports existing and future business investments along the street. Landscaping is a key feature in strengthening the image and in supporting the walkability of the corridor.

Council Resolution No. 156 direct the City to advance the Aurora Corridor Improvements while considering the CATF's 32 points listed below. The following statements outline the recommendation of the CATF on the development and implementation of the project:

- 1) The maximum number of lanes on an intersection leg shall not exceed eight lanes including turning lanes. Seven lanes is the desired width.
- 2) Provide ability at intersections for all pedestrians to safely cross (and include median refuge at intersections with pedestrian pushbuttons). New mid-block pedestrian crossings should include pedestrian activated signals. Bus stops and pedestrian crossings will complement each other.
- 3) Twelve foot sidewalks will be provided on both sides of Aurora the entire length. Consider reducing the initial sidewalk width to mitigate land impacts/acquisitions on existing businesses. Note: a minimum of four feet of a landscaping/street furnishing zone is included in the twelve foot width total above.
- 4) Utilize more landscaping or colored pavement in sidewalk areas to soften the look. The four foot landscaping/street furnishing strip behind the curb should utilize trees in tree grates/pits (consider a combination tree protector/bike rack), low growing ground cover/shrubs, and could utilize some special paving (or brick) between curb and sidewalk to strengthen the identity of an area.
- 5) Strive to design the project so that new sidewalks can link to existing recently constructed sidewalks (such as Seattle Restaurant Supply, Drift-on-Inn, Schucks, Hollywood Video, and the Cadillac/Oldsmobile dealer).
- 6) Re-align the street where possible to avoid property takes.
- 7) As the final design is developed, work with WSDOT to obtain design approvals for lane width reductions, and look for opportunities to reduce (but not eliminate) the median width both to enable reduction of pavement widths, construction costs, and land impacts/acquisition on existing businesses.
- 8) Develop median breaks or intersections for business access and U-turns at least every 800-to-1000 feet (these details will be worked out during future design phases and will be based in part on the amount of traffic entering and exiting businesses).
- 9) Use low growing drought resistant ground-cover and space trees in the median to allow visibility across it.
- 10) Unify the corridor by adding art, special light fixtures, pavement patterns (and coloring at crosswalks), street furniture, banners, unique bus shelters, etc. to dramatically enhance

image and uniqueness of the streetscape and develop it differently than the standard design that has been constructed for most streets.

- 11) Unify the entire corridor by the use of street trees, lighting, special paving, bus zone design, and other elements to visually connect the corridor along its length.
- 12) Provide elements in the Interurban/Aurora Junction area, between 175th and 185th that create a safe, pedestrian oriented streetscape. Elements can include special treatments of crossings, linkages to the Interurban Trail, etc.
- 13) Develop signature gateway designs at 145th and 205th with special interest landscaping, lighting, paving and public art to provide a visual cue to drivers that they have entered a special place.
- 14) Develop themes that reflect the character and uses of different sections of the street (such as the 150th to 160th area which has a concentration of international businesses, recall the historic significance of the Interurban or other historic elements, and Echo Lake).
- 15) Utilize the Arts Council and neighborhoods to solicit and select art along the corridor.
- 16) Strengthen connections to the Interurban Trail through signing and other urban design techniques.
- 17) Develop a design for closure of Westminster Road between 158th and 155th by developing a southbound right turn lane at 155th Street and converting the existing road section to a driveway entrance to Aurora Square. Also, develop an elevated Interurban trail crossing through "the Triangle" that is integrated with future development of the Triangle (reserve the option to build above Westminster should we not be successful in closing the roadway).
- 18) Pursue modifying the access to Firlands at 185th, closing Firlands north of 195th, and developing a new signal at 195th.
- 19) The preferred design shall include:
 - ◆ Stormwater management improvements to accompany the project that follow the city's policies;
 - ◆ Traffic signal control and coordination technology (including coordination with Seattle and Edmonds SR 99 signal systems);
 - ◆ Traffic signal technology to enable transit priority operations;
 - ◆ Continuous illumination for traffic safety and pedestrian scale lighting;
 - ◆ Undergrounding of overhead utility distribution lines.
- 20) Traffic signals will include audible elements for the sight-impaired, and wheelchair detection loops for wheelchair users.
- 21) The City should establish a right of way policy to retain or relocate existing businesses along the corridor, including those that do not own the land on which they are located. Consideration should be given to providing financial incentives to those businesses.
- 22) Work with property and business owners during the preliminary engineering phase to consolidate driveways, share driveways, and potentially to share parking and inter business access across parcel lines. Be creative and sensitive to the parking needs of businesses, including consideration for some potential clustered/shared parking lots (especially if remnant parcels are available).
- 23) Provide improvements that will not generate an increase in neighborhood spillover traffic.

- 24) Work with transit agencies to provide increased service and seek capital investments from them to support this project.
- 25) Develop partnerships with WSDOT and King County/Metro to jointly fund the project.
- 26) Provide curb bulbs where practical on side streets to reduce pedestrian crossing width and to discourage cut-through traffic.
- 27) Strengthen and preserve the heritage of the red brick road. If the design impacts the red brick road in its current configuration/location north of 175th, preserve its heritage by relocating it elsewhere.
- 28) Consider new signalized intersections at 152nd, 165th, 182nd, and 195th.
- 29) Consider new pedestrian only signalized crossings in the vicinity of 149th, 170th, 180th and 202nd.
- 30) Sign Ronald Place south of 175th as the route to I-5.
- 31) Pursue reducing the speed limit to 35 mph where appropriate recognizing the potential impacts of spillover traffic with a lower posted speed.
- 32) Seek funding to develop a program to assist and encourage businesses to improve their facades.

Appendix C. - Frequently Asked Questions

About Right of Way Acquisition

What is right of way?

In this usage, "right of way" is land owned, dedicated to or purchased by an Agency for Public Works projects that have been developed to serve the needs of the citizens of the City.

A right of way must be wide enough to contain the travel lanes, shoulders, drainage facilities and, where provided, sidewalks. At intersections, right of way needs may be greater because of turning lanes and safety requirements.

When will I know how much of my property is needed?

The exact alignment of a road and which properties will be affected can only be determined after public meetings are held, and the final design and right of way plans are approved. Participation in public meetings will help you to know how the project is developing and some of the possible options. The law requires that the details of right of way acquisition be discussed only after the exact amount of right of way has been identified and the amount of "just compensation" determined.

After the right of way plan is approved by the City Council, it is made available for public review at the City. When the appraisal has been completed and reviewed, a right of way agent will contact you and explain in detail the scope of the project, how the project will impact you and the "just compensation" determined for your property. The agent will address any questions and/or concerns you have about the project or compensation.

May I donate the property instead of selling it?

yes, if you decide to give the City the necessary property without compensation, this can easily be arranged. Such transactions may provide you with tax benefits and can save the City the costs of appraisals and acquisitions, as well as property costs. If you are considering donation, please notify the right of way agent early in the process.

What is to guarantee that I'm being treated fairly?

All real estate property owners are guaranteed fair market value under the Fifth Amendment of the U.S. Constitution.

Fair market value is determined by a local, independent, qualified real estate appraiser and must be supported by ample market evidence.

Just compensation is the payment of fair market value for real estate and improvements needed for public projects.

How is the amount of just compensation determined?

Your property will be appraised to determine its fair market value. This is defined as the amount of money that would be paid for the property by a willing and informed buyer (who does not have to buy) to a willing and informed seller (who does not have to sell). Many factors influence fair market value. An appraiser will carefully inspect the home, business or property that will be needed. You will be invited to join the appraiser when he/she visits your property. The appraiser will try to arrange a time that is convenient to both of you. It is to your advantage to point out feature that you feel affect the value of your property.

Who prepares the appraisal?

Appraisals are prepared by an independent appraiser. In all cases, the appraiser will have considerable training and experience. The appraisal report is reviewed by a separate review appraiser. If the

appraisal is sound and adequately supported, the review will prepare a Determination of Value (DV), which states the amount of just compensation.

How will I learn how much I am due?

The City right of way agent will present an official offer to you and will answer any questions you have concerning the offer. The offer will be for the amount stated as "just compensation" in the Determination of Value.

Who pays the cost of the sale?

The City pays for all costs related to the purchase of the required property.

What if I feel the offer is too low?

Explain to the right of way agent why you feel you should receive a higher amount. Point out any items of value you believe were overlooked in the appraisal. The City may reconsider its offer if you show good reason for such a change.

Easements**How is an easement established?**

A typical method of establishing an easement is through a deed or by dedication in the form of an easement document. The deed or easement document describes the property to be used for a specific purpose. The easement document is signed by the agreeing property owner; it is then recorded at the County. Once the easement is recorded, it will be noted on the property title report and will be of public record.

How does an easement affect how I use my property?

The property owner still maintains the right to use and enjoyment of the property but such use and enjoyment cannot interfere with the easement rights. Construction of a permanent improvement, such as a garage built in the easement that interferes with maintenance and repair of the utility, would be considered as an encroachment, if indeed the structure was built after the easement was obtained.

What is a temporary construction easement?

A temporary construction easement is just that - the temporary use of a property for construction purposes. Such an easement is only applicable for the duration noted in the easement, usually until all construction has been completed. The temporary easement is usually included in the language of the permanent easement document. A temporary easement is typically larger in size than the permanent easement. The reason for the larger size is to permit construction vehicles additional room outside the permanent easement area, if needed.

What happens to the easement when I sell my property?

The recorded easement will be noted on the property title and will remain on the title after you sell. The easement essentially becomes part of the property.

Appendix D. Case Studies

Case Study #1 - Partial Acquisition

Subject: The subject parcel is correctly identified in the appraisal as a 38,817 square foot corner commercial tract; it is currently improved with a modern full service bank. The appraisal problem is a strip type acquisition of five feet off the front property line for a total acquisition of 2,747 square feet in fee along SR 99 frontage. The taking engulfs some sprinklered landscaping, some curbing, a large monument sign (conforming), and some asphalt parking and circulation areas. The sign can be moved onto the remainder and is therefore a damage. Three parking stalls and some important circulation areas need to be replaced, so the parking lot needs to be redesigned and redone; this is a major damage. There are no other severance damages because: access and grade aspects are unchanged; the sprinkler system and/or storm drain re-hookup (if any) will also be handled by construction funds. There are no special benefits because the project will enhance transportation safety for the motoring public in general.

The appraisal process is a complete summary appraisal report utilizing the WSDOT "Short Form" format in a strip appraisal procedure, correctly identifying the subject larger parcel and supporting its highest and best use as vacant. The appraisal processes a Sales Comparison Approach to value for the land as vacant, comparing 3 relevant land sales in the subject's and in competing neighborhoods; no other approach is applicable. Fee simple land value is reasonably concluded at \$20 per SF. A cost approach is used to value the contribution value of the taken items.

Just Compensation (Fair Market Value) is:

Taken land in Fee: 2,747 Square Feet @ \$20/SF	\$55,000.00
Curbing, Landscaping, Sprinklers, Asphalt in take area contribute	8,300.00
Damages: Cost to relocate large sign	3,200.00
Cost to redesign and rebuild parking lot	<u>20,000.00</u>
Total just compensation:	\$86,500.00

Note: In this example the money to cure the damages is to be paid to the owner who will hire the contractors' directly to perform the work

Case Study #2 - Relocation Assistance - Partial Acquisition

Subject: The subject parcel is a rectangular shaped property, 250 feet deep with 150 feet of frontage on a major arterial. The property is improved with a 65 year old building currently rented as a pawn shop. The tenant pays \$800 per month rent and all the utilities.

The acquisition will require the demolition of the building due to the fact that the new right of way line will extend 10 feet into the building and the age and condition of the building prohibits any remodeling.

The displaced business has found a replacement site that rents for \$1,100 per month plus utilities.

During the negotiation process, the displaced business owner was provided the various moving options:

- Actual Moving Expenses
 - Moving of Personal Property up to 50 miles.
 - Packing and Unpacking
 - Disconnection and Reconnection Costs
 - Insurance
 - Storage up to 12 months
 - Any license, permit or certification required at the new location
 - Professional services necessary for Planning the move, moving, and installing personal property at the replacement location
 - Replacing stationery, business cards, etc. made obsolete due to change of address
 - Actual direct loss of tangible personal property not moved
 - Reimbursement for reasonable costs incurred in attempting to sell an item not moved
 - Purchase of Substitute personal property
 - Search costs in looking for replacement property.
- Reestablishment Expenses, limited to \$10,000
- OR
- Fixed Payment (In lieu). Payment is limited to a minimum of \$1,000 and a maximum of \$20,000, based upon average annual net income.

The business owner opted to move herself, based upon the lowest bid provided from commercial movers. She demonstrated a need for storage costs for three months, while the building she was renting was remodeled. The storage costs were approved for reimbursement. Search costs of \$1,000 were also paid, based upon documentation. Payment for stationary, invoices and various promotional items that needed to be replaced due to change in address and telephone number were paid, limited to replacement of quantities on hand at the time of displacement.

Finally, the business owner qualified for \$7,200 in reestablishment costs. This was based upon the estimated increased cost of operation at her new site for a period of 24 months. The rent she was paying increased from \$800 to \$1,100, or \$300 per month.

In summary, the displaced business (pawn shop) received the following:

Negotiated Cost move (based on low bid)	\$8,600.00
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Search Costs	1,000.00
Storage Costs. \$400 per month X 3 months	1,200.00
Replacement of obsolete printed material	1,700.00
Reestablishment costs	<u>7,200.00</u>
Total Costs Reimbursed:	\$19,700.00

NOTE: The displaced business owner generated average annual net income of \$14,300. Had her net income exceeded \$19,700, and had she met all the criteria for the Fixed Payment, she would have opted for this higher amount (\$20,000). This benefit is "in lieu" of any and all other moving expenses, including the reestablishment expense category.

Case Study #3 - Partial Acquisition with six feet taken off the front of a video store

Subject: The subject property is improved with a small retail strip center built in 1976. This center has frontage on SR 99 "Aurora Corridor". The proposed taking will result in an acquisition of 12 feet along the street frontage of the property. The proposed taking will result in a partial acquisition of the building located on the site. One end of the current retail structure will need to be shortened by six feet. Thus, the appraisal problem will deal both with the effect of the acquisition on the land and the effect of the acquisition on the whole property as improved. The appraiser will be looking at the before and after value for the property based on the current improvement and assuming the current improvements had already lost the six feet. Additionally, the remainder valuation outlines the rehabilitation specifications and costs to remove six feet of the current retail structure and to rebuild the façade. Also dealt with in the rehabilitation will be the affect on the current tenant occupying the space to be modified and the affect on the remainder of the site (i.e., landscaping and parking). It is anticipated within this appraisal report that all three approaches to value will be utilized both in the before and the remainder. Costs of rehabilitation will be substantiated by estimates from consulting architects.

Value of Property Before Acquisition

Value of Property After Acquisition

Difference between "Before" and "After" Values:

Breakdown:

Construction costs including provided by an AIA Architect

This figure includes demolition, new concrete floors, masonry framing, roofing and insulation, electrical and HVAC work, siding, windows and doors, painting, floor finish, ceiling repair, and a profit and overhead which is for the contractor.

Other costs: minor restriping of parking lot and new curbing, landscaping and walkway costs

Drainage hook up costs including new catch basin

Modification of utilities to building

Loss of Rent

Value of Building Improvement Taken

Right of Way acquisition (6 x 66 feet = 396 square feet of take area)

396 square feet at \$15.00 SF =

Total:

Note: No relocation was necessary.

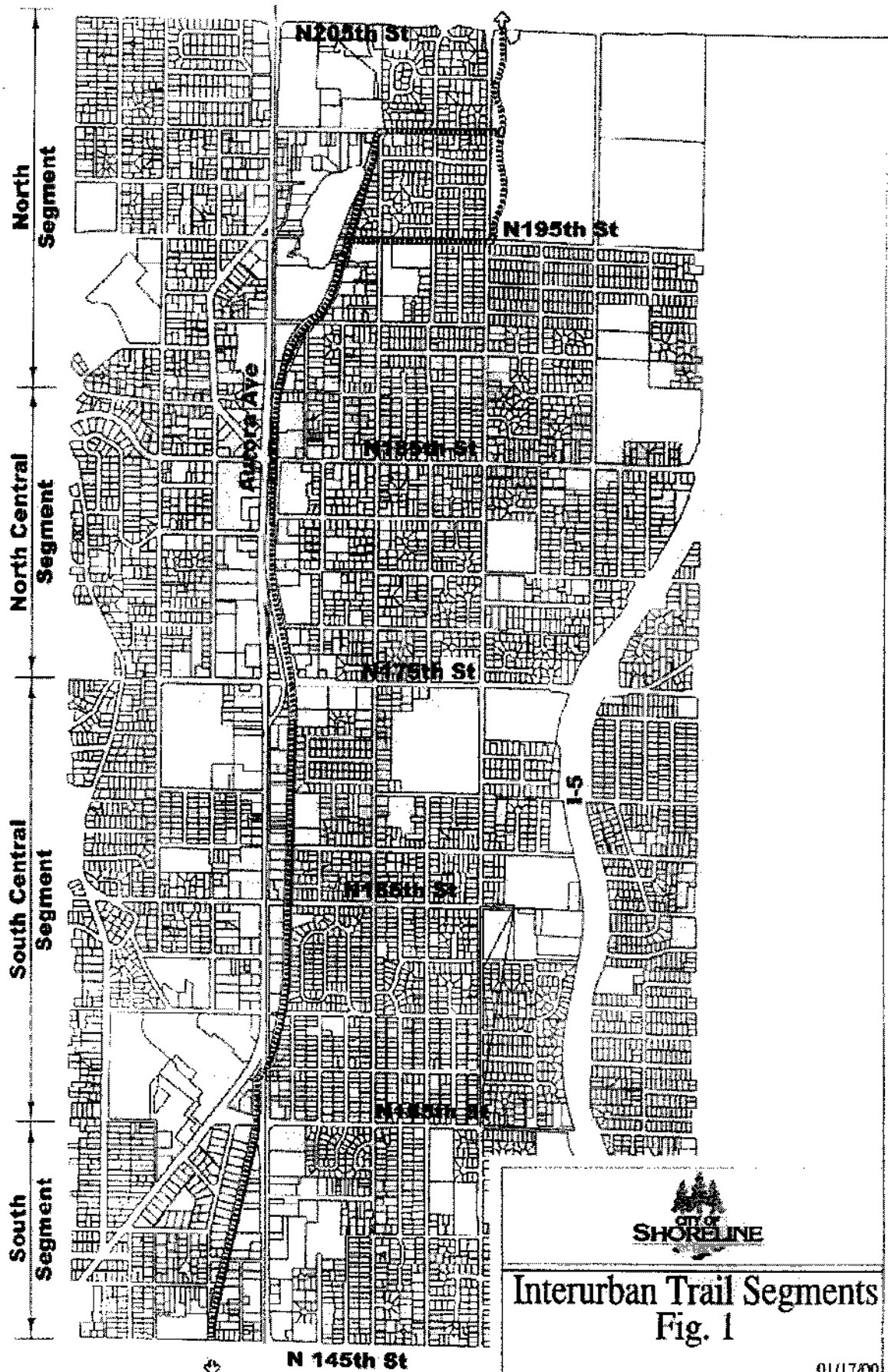
End Notes

- ⁱ RCW 8.26.035(3), WAC 468-100-304(1), 49CFR§24.306(a)
- ⁱⁱ WAC 468-100-304(4), 49CFR§24.306(d)
- ⁱⁱⁱ WAC 468-100-304(5), 49CFR§24.306(e)
- ^{iv} WAC 468-100-401(2), 49CFR§24.401(b)
- ^v WAC 468-100-401(6), 49CFR§24.401(f)
- ^{vi} RCW 8.26.055(1), WAC468-100-402(1), 49CFR§24.402(a)
- ^{vii} RCW 8.26.055(1), WAC468-100-402(2)(a), 49CFR§24.402(b)
- ^{viii} WAC 468-100-402(2)(a), 49CFR§24.402(b)
- ^{ix} WAC 468-100-402(3)(a), 49CFR§24.402(c)

Attachment B

Trail Segments – Figure 1

Interurban Trail



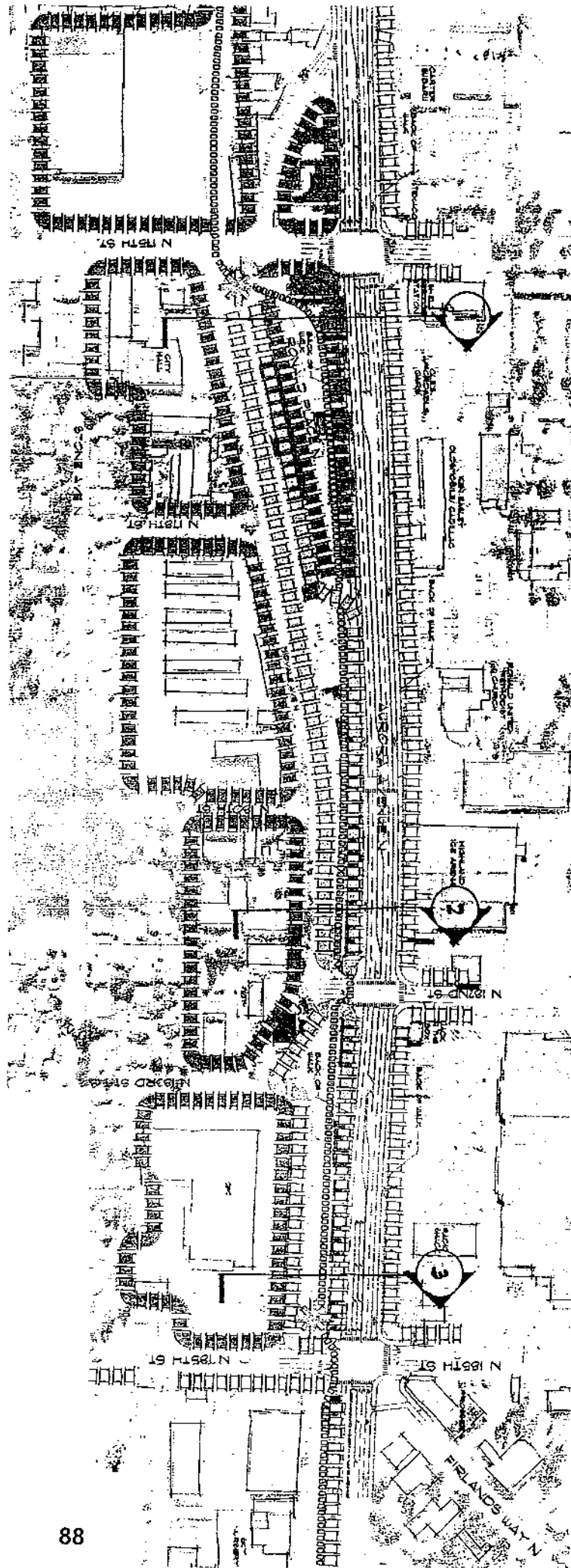
01/17/00

Attachment C

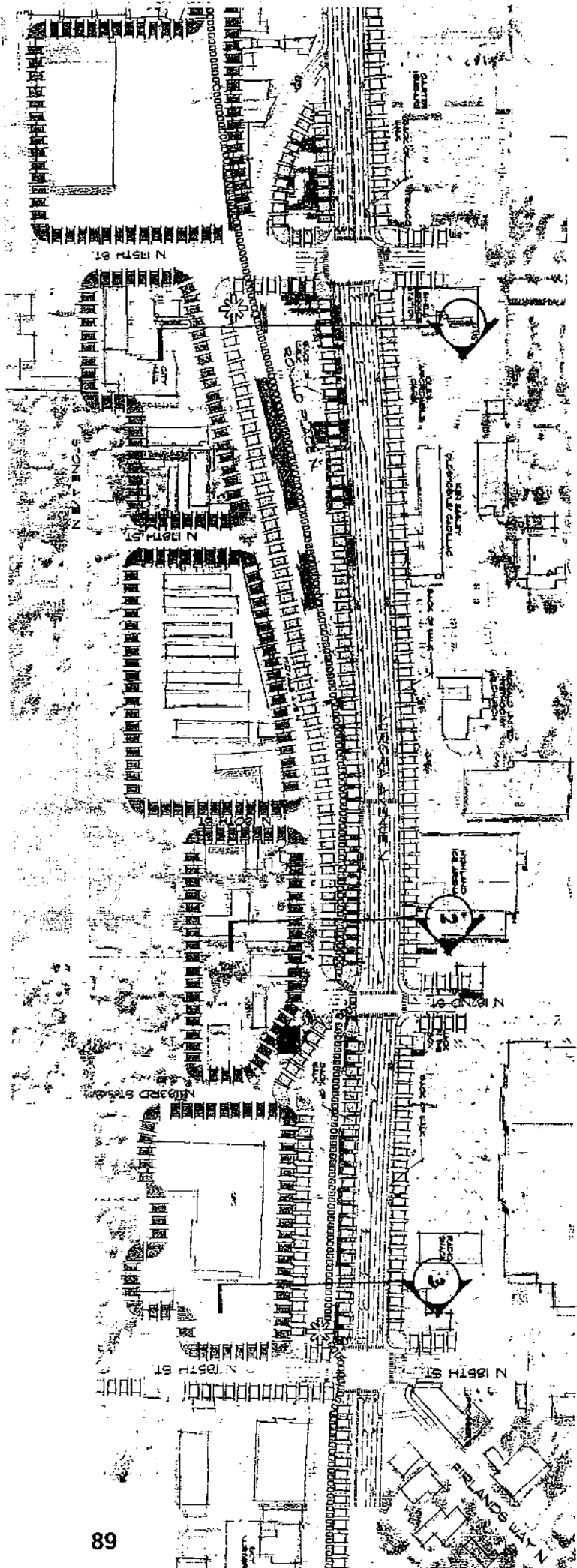
Four Conceptual Designs – North 175th Street to North 185th Street

PRELIMINARY CONCEPT 'B'

AURORA SHUT TO EAST
RONALD PLACE VACATED TO MAXIMIZE REDEVELOPMENT - PUBLIC PLAZA
INTERURBAN TRAIL ADJACENT TO AURORA - REDUCE SIDEWALK TO 9'
LIMITED AUTO ACCESS TO MIDVALE
REALIGNMENT OF 183RD N.



- LEGEND**
- POTENTIAL IMPACTS TO EXISTING USES
 - POTENTIAL IMPACTS TO EXISTING USERS
 - PROPOSED/POTENTIAL REDEVELOPMENT
 - INTERURBAN TRAIL
 - PARKS/PARKING/SMALL RETAIL
 - TRAIL HEAD/INTERPRETIVE LOCATION

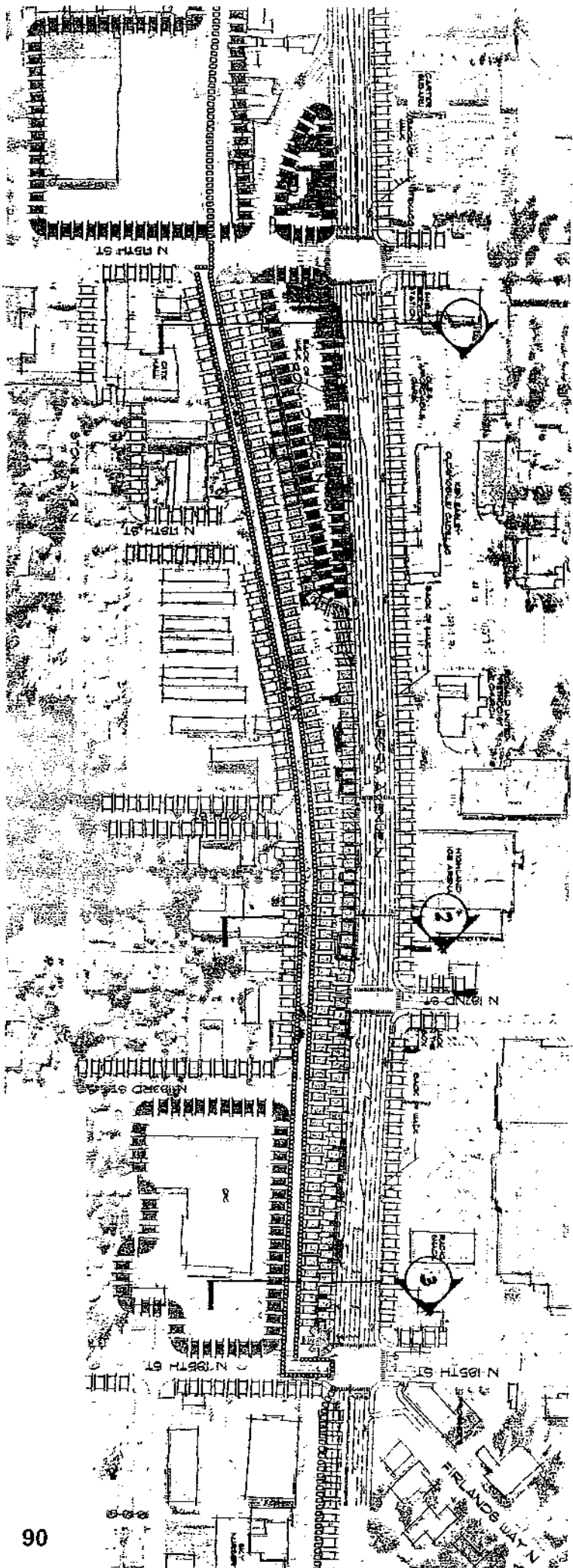


PRELIMINARY CONCEPT 'C'

1. AURORA SHIFT TO EAST
2. RONALD PLACE TO REMAIN AS PED. PROMENADE
3. INTERURBAN TRAIL ADJACENT TO RONALD PLACE
4. GRADE SEPARATED TRAIL CROSSING AT 175TH
5. LIMITED AUTO ACCESS TO MIDVALE
6. REALIGNMENT OF 183RD STREET

LEGEND

- POTENTIAL IMPACTS TO EXISTING USES
- NO IMPACTS TO EXISTING USES
- PROPOSED/ POTENTIAL REDEVELOPMENT
- INTERURBAN TRAIL
- PARKS/ PARKING/ SMALL RETAIL
- TRAIL HEAD/ INTERMEDIATE LOCATION



PRELIMINARY CONCEPT 'D'

AURORA SHIPT TO EAST
 VACATE RONALD PLACE TO MAXIMIZE REDEVELOPMENT - PUBLIC PLAZA
 INTERURBAN TRAIL AS BICYCLE LANES ALONG MIDVALE AVENUE
 MIDVALE USE TO REMAIN THE SAME

- LEGEND**
- POTENTIAL IMPACTS TO EXISTING USES
 - MINIMAL IMPACTS TO EXISTING USES
 - PROPOSED/ POTENTIAL REDEVELOPMENT
 - INTERURBAN TRAIL
 - PARKS/ PARKING/ SMALL RETAIL
 - TRAIL HEAD/ INTERPRETIVE LOCATION

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Review of Gambling Policies and Ordinance No. 247
DEPARTMENT: Planning and Development Services
PRESENTED BY: Tim Stewart, Director of Planning and Development Services *for T.S.*
Rachael Markle, Senior Planner *A.K.*

EXECUTIVE / COUNCIL SUMMARY

The purpose of this workshop item is to ask your Council to provide staff with direction on how to proceed with the clarification of our ordinance for the regulation of card rooms and other gambling land uses. Council adopted Ordinance No. 247 on September 18, 2000 to clarify the regulation of card rooms and other gambling land uses. This Ordinance is only effective for 90 days expiring on December 17, 2000. Therefore, Council's options include:

- 1) Readopt Ordinance No. 247; or
- 2) Request changes to the policy established by the adoption of Ordinance No. 223 and/or amend specific details of the development regulations established for gambling land uses in Ordinance No. 247.

Staff prepared a report based on a substantial literature review and comparative research of local and Washington State gambling regulations for Council in reference to Ordinance No. 223 in January 2000 (See Attachment I). The referenced literature and research focused on all types of gambling. The facts presented to Council in the report that formed the basis of Council's findings for the adoption of Ordinance No. 223 are applicable to all types of serious gambling. For the purposes of this Workshop, the report is organized by a series of questions to aid in determining if the work completed to date by staff is sufficient for your Council to readopt Ordinance No. 247 or if additional information is needed and/or if changes to Ordinance No. 247 required.

RECOMMENDATION

If Council is satisfied with the current policy and Development Code regulations adopted with Ordinance No. 247, direct staff to bring forward an ordinance to readopt Ordinance No. 247; if Council would like to amend the policy and/or the Development Code regulations specifically advise staff of the desired changes.

Approved By: City Manager *LB* City Attorney _____

BACKGROUND/ANALYSIS

In June 1999 your Council's consensus supported an option that would prevent gambling operations to expand or intensify. This direction to staff resulted in Council's adoption of Ordinance No. 223.

Question #1: Does your Council still support Option #4, the basis for Ordinance No. 223?

Option 4 reads as follows: "This Option prohibits new gaming establishments. Existing gaming establishments may remain as non-conforming uses for a maximum time period to be established by the City. This non-conforming status would prevent intensified or expanded operations. Limited remodeling could be allowed."

The findings that were adopted by Council as the basis for Option 4 are as follows:

- Card rooms have the potential for significantly greater secondary social and economic impacts on the community and business environment than other classes of eating and drinking establishments;
- Card rooms are not consistent with those key provisions of the City of Shoreline Comprehensive Plan which establish framework goals supporting a diverse economy to assure economic development and to enhance the quality of life within the City of Shoreline;
- The City has the ability to prohibit such establishments under its police power to regulate land use under RCW Chapter 35A.64 and more particularly its power to regulate any or all forms of gambling licensed by the State under RCW 9.46.295; and
- The City believes it is necessary to prohibit new gambling establishments and restrict existing card rooms as non-conforming uses to preserve public safety and welfare.

A staff report was prepared for Council to aid in the decision making process that lead to the adoption of the findings for Ordinance No. 223. As part of that staff report, the City attorney and staff conducted a review of current literature and case law on impacts related to gaming establishments and gambling activities. Staff also participated in regional meetings with City officials, state government representatives, gaming establishment operators, and King County Law Enforcement officials to discuss issues and options related to the gaming industry. The following is a summary of the facts that support the Council's findings for Ordinance No. 223 (Attachment I contains the previously mentioned staff report in its entirety and the sources for the bulleted facts below).

Economic and Employment Impacts

- The intent of the Economic Development Element of the Comprehensive Plan is to improve the quality of life by encouraging a greater number and variety of thriving commercial businesses that provide services and create employment opportunities for Shoreline residents. Providing incentives for new gaming uses would be inconsistent with those goals and with policies that encourage needed, diverse and creative development identified in Section II: B (1)(c) of the June 1999 Report.

- Several studies address economic impacts of the gaming industry. A majority of studies report that gaming is an industry of mixed value. Short term financial gains (e.g., tax revenue, increased employment) can be positive. However, the value of gaming is generally reported to be limited because it produces no product and no new wealth, and thus makes no genuine contribution to economic development. Several of these studies indicate that gaming establishments do not attract secondary businesses to the community. Rather, reports indicate that many existing businesses will leave an area that has gaming establishments and new businesses (other than gaming) will seek locations away from gaming establishments.
- Customers of gaming establishments spend their dollars on gambling and do not customarily shop or use services in the vicinity of the gaming establishments.
- Employees do not typically shop at stores near their workplaces because their work hours do not coincide with typical business hours of those stores. This further discourages other existing businesses from remaining in the neighborhood. When neighboring uses move away from gaming establishments, this reduces both the commercial viability and property values of the vacated properties.
- In Shoreline, mini casinos and card rooms employ approximately 600 people. These employees are recruited from communities throughout the region. Studies indicate that positions are entry-level jobs and offer few prospects for advancement.
- Several of the reports indicate that gaming establishments almost invariably result in a net loss of jobs to a community due to the fact that other land uses near gaming establishments often move out of the areas.

Community Infrastructure Impacts

- In a variety of studies, data indicates that casinos generate significant volumes of traffic – especially during the evening peak hours. This traffic places a strain on the infrastructure, and creates noise and air pollution.
- Studies also report that traffic and parking accommodations that are established for general businesses (e.g. family restaurant, grocery store) are based upon lower staffing levels and more frequent customer turnover than occurs with gambling as a destination activity.
- Traffic and parking problems are also exacerbated with gambling casinos that are located in commercial zones where overall commercial traffic may be substantial (Zoning News: "Loading the Dice: Zoning Gaming Facilities", 1994, et al).
- Research indicates that gambling attracts customers from a region rather than from a single community.

Social Impacts

- The National Gambling Impact Study Committee Report (NGISC) and other studies consistently identify social costs, such as gambling addiction. Gambling addiction is defined as being "significant" and youth gambling "startling" in several reports.

- Various studies articulate general findings of fact that identify rising crime in conjunction with casinos.
- The NGISC Report and several other studies demonstrate that crime exists in conjunction with: (1) gaming establishment operations (e.g. fraud, organized crime); (2) customer activities within gaming establishments; and (3) customer behavior following gambling activities. Other problems demonstrated to relate to gambling include: (1) income loss leading to financial hardship, bankruptcy and resulting service requirements; (2) concomitant alcohol abuse and alcohol related incidents (e.g., as traffic accidents); and (3) frustration at loss, leading to health/mental health problems (e.g., family abuse), requiring police and social services.
- The number of compulsive gamblers has been shown to increase in states that legalized gambling. This finding is confirmed by a variety of other studies, which report increases of up to 500 per cent and find that low-income people do the most gambling, although they can least afford to gamble.

The Development Code adopted in June 2000, incorporated the regulations established by Council with the adoption of Ordinance No. 223 in January 2000 which was based on Option 4 and the corresponding findings. The Development Code prohibits new gambling establishments; allows for the expansion of existing card rooms only with a special use permit; and requires additional parking for card room uses to account for the increased number of customers at a ratio of five (5) off street parking spaces per card table. Does your Council still support these findings and consequent regulations?

Question #2: If your Council still supports the findings and regulations adopted with Ordinance No. 223, would the Council like to clarify the regulations to consistently address gambling?

The purpose of Ordinance No. 247 is to clarify and amend the Development Code by developing clear definitions of gambling uses to include card rooms and other serious types of gambling regulated by the State Gambling Commission and the Horse Racing Commission. The Development Code Use Tables list broad use classifications that provide sub classifications for more detailed associated uses. If a use is not explicitly listed in the Use Table, but shares similar characteristics of a listed use, the Director can determine if that use is to be permitted. Conversely, uses that are not listed and do not share similar characteristics with listed uses in the Tables shall not be permitted unless allowed through a Code interpretation applying the criteria for Unlisted Use found in the Index of Supplemental Use Criteria. Interpretations using ambiguous analogous uses are likely to generate appeals.

Card rooms are not explicitly listed in the Use Tables because card rooms are prohibited in Shoreline. However, additional regulations apply to the existing legally nonconforming card rooms necessitating the notation of card rooms and associated regulations in the Code. Serious forms of gambling share similarities with card room activities that based on Council's findings for card rooms could have the same potential for secondary impacts. Serious gambling is characterized by:

1. Having a regional customer base;
2. Having no monetary limit to the amount of an individual wager; and

3. The activity being available for an extended duration.

Gambling that is not considered to be serious is characterized by the:

1. Limited duration of the activity (ex. Promotional raffle, fishing derby)
2. Limited amount of an individual wager (ex. Lottery, pull tabs)
3. Short term and low stakes activities being operated by a bona fide charitable or nonprofit organization (not including serious forms of gambling)

Therefore, to provide clarity to the City's regulations staff recommends defining gambling in the Development Code and linking the regulations currently listed for card rooms to gambling as defined by your Council.

Does your Council agree with this approach? This would mean:

1. Removing the definition of Card Rooms and replacing it with a definition for Gambling.
2. Confirming the definition for gambling including the specific uses you would like to include and exclude. Staff recommends at a minimum the following definition:

Gambling: Staking or risking something of value upon the outcome of a contest of chance or a future contingent event not under the person's control or influence, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome.

Gambling includes those uses regulated by the Washington State Gambling Commission and the Washington State Horse Racing Commission with the following exceptions as these uses are defined in Chapter 9.46 RCW:

- Punch boards and pull tabs
- Bingo and Joint Bingo Games operated by bona fide not for profit organizations
- Commercial Amusement Games
- Raffles
- Fund Raising Events
- Business Promotional contests of chance
- Sports pools and turkey shoots
- Golfing and bowling sweepstakes
- Dice or Coin games for music, food, or beverages
- Fishing derbies
- Bona fide business transactions
- Activities regulated by the state lottery commission

Question #3: If your Council does decide to define gambling uses in the Development Code, then Council may want to discuss required parking standards for gambling uses in addition to card rooms. How would Council like to approach parking requirements for gambling uses?

Your Council adopted Ordinance No. 223, which increased parking requirements for card rooms. Ordinance No. 223 states that the expansion of a legal nonconforming card room is subject to: approval of a Special Use permit; providing off-street parking at a ratio of 1 parking space per 75 square feet of dining/lounge area; and provision of 5

additional off street parking spaces per card table. The additional parking requirements directly associated with card tables were adopted to internalize the cost of potential impacts that can be attributed to inadequate parking such as increased traffic, parking in surrounding neighborhoods, and illegal parking. Staff recommends internalizing the impacts associated with all types of serious gambling. Parking for casinos is generally regulated as a ratio of off street parking spaces to gaming positions. Gaming positions are typically linked to seats at a card table or seats associated with a gaming device (ex. Slot machine, video poker).

Regarding parking for some gambling establishments we need to anticipate the potential of multiple, simultaneous uses. For example, a single location could combine the following uses that would be active at a peak time:

- Restaurant (required parking – 1 space per 75 square feet)
- Casino (required parking proposed – 5 spaces per gaming/card table)
- Off Track Betting (required parking proposed – 1 space per 3 seats available for gambling or viewing of gambling activities)

The Director has the authority to waive any portion of these requirements that are shown by the applicant to exceed actual anticipated uses. However, if these parking requirements are not in the ordinance, the City has no authority to increase parking for any applicant. Without these provisions in the ordinance the City would not be able to regulate parking in a way that would ensure that parking would be sufficient to support actual uses. As a result, neighboring streets and adjacent residential or commercial areas could be impacted.

Question #4: Does Council consider off track betting a serious form of gambling such as card room activities?

Serious gambling is identified as:

1. Having a regional customer base

Off track betting has a regional customer base created by the restriction of only one off track betting site per County. The Snohomish County location in Everett reported that off track betting brought in an additional 75 – 150 people per night for regular racing events and that national racing events such as the Kentucky Derby brought in 200-300 patrons. Chuck Potter, the Director of simul-casting at Emerald Downs, testified at the May 8, 2000 public hearing on the moratorium of new pari-mutuel off track betting facilities that approximately 250 people came to Shoreline for the Kentucky Derby.

2. Having no monetary limit to amount individual wagers

The minimum off track bet is \$1 and there is no maximum off track bet.

3. Having an ongoing ability to wager

Off track bets may be placed on 10-11 races held during each race day (MthFSaSu) of the season, which runs from April 15th to September 11th.

The following information supports that Council's findings for the adoption of Ordinance No. 223 are applicable to off track betting. According to the Washington State Horse

Racing Commission, between April 15, 2000 and September 11, 2000 (149 days), the off track betting handle at Parker's Casino, the King County location was \$2,725,432. To provide your Council with a comparison, according to the Washington State Gambling Commission, gross card room receipts at Parker's Casino for the 1st and 2nd quarters of 2000 totaled \$2,225,598. In addition, the King County off track betting site reported the highest off track betting handle (gross receipts) in Washington for the 2000 season.

Off track betting creates few or no local jobs. According to the Washington State Horse Racing Commission, off track betting is staffed by two employees on the Emerald Downs payroll. In addition, the local off track betting site proprietor will only receive approximately a half of one percent of the total handle, plus a share of the admission if an admission is charged. Admission is typically \$2-3 dollars per person. Therefore, the financial benefit of an establishment having off track betting is to attract additional customers to buy alcohol, food, and place bets at the card tables. The impacts associated with these additional customers can either be internalized (proprietor's responsibility) or externalized (City's responsibility). Staff recommends internalizing the impacts by defining and regulating off track betting as a serious form of gambling.

No local taxes can be collected on gross horse racing receipts. The majority of costs associated with the secondary impacts of off track betting, that are not directly defined as the responsibility of the proprietor, would have to be addressed using community resources. Therefore, staff recommends adding additional parking requirements to attempt to internalize impacts on traffic and surrounding neighborhoods. Off track betting is typically conducted with seating around one or more simulcasts with or without tables. To address parking related to off track betting uses, staff recommends requiring one off street parking space per three seats (not associated with card table) available for gambling or viewing gambling activities in addition to the required one off street parking space per 75 square feet of restaurant/lounge and five (5) off street parking spaces per card table.

Based on the information provided:

- a. Does Council consider off track betting as a serious form of gambling?
- b. If Council does consider off track betting a serious form of gambling, would Council propose to regulate off track betting land uses as proposed in Ordinance No. 247 including the additional off street parking space requirement? If yes, staff recommends adding those uses regulated by the Washington State Horse Racing Commission to the definition of gambling.

RECOMMENDATION

If Council is satisfied with the current policy and Development Code regulations adopted with Ordinance No. 247, direct staff to bring forward an ordinance to readopt Ordinance No. 247; if Council would like to amend the policy and/or the Development Code regulations specifically advise staff of the desired changes.

ATTACHMENTS

Attachment I

June 21, 1999 Staff Report: Summary of Costs and Benefits
of Policies Concerning Land Use Regulations for
Commercial Eating and/or Drinking Establishments with
Social Card Rooms

Attachment II

Ordinance No. 223

Attachment III

September 18, 2000 staff report

Attachment IV

Ordinance No. 247

ATTACHMENT I

Council Meeting Date: June 21, 1999**Agenda Item: 6(b)**

**CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON**

AGENDA TITLE:	A Workshop to Consider Guidelines for Regulation of Food and Drink Businesses Conducting Social Card Games, Punch Boards, or Pull Tabs in the City of Shoreline
DEPARTMENT:	City Attorney/Planning and Development Services
PRESENTED BY:	Bruce Disend, City Attorney; Lenora Blauman, Senior Planner <i>LHB</i>

At your February 8, 1999, regular meeting, Council adopted Ordinance No. 190, placing a moratorium on new or expanded gaming establishments in Shoreline. On March 22, 1999, your Council conducted a required public hearing for this Ordinance. Following the public hearing, your Council agreed to: (1) maintain the moratorium approved with Ordinance No. 190; and (2) adopt Ordinance No. 193, placing a moratorium on intensification of existing gaming establishments. Your Council also directed the City Attorney and staff to conduct a study of gaming operations.

Specifically, the study was to address the potential impacts of gaming operations on the community, including:

- Identification of any negative secondary effects associated with such businesses.
- Financial impacts (e.g., tax revenue, employment opportunities, service costs, enforcement costs, multiplier effects)
- Establishment of ways to mitigate any identified secondary effects or other impacts.

The study was also designed to examine: (1) tools for addressing these businesses in our Comprehensive Plan and Development Code; and (2) the establishment and implementation of a public process to consider regulation of gaming operations.

The purpose of this Council Workshop is to present information from studies conducted by the City Attorney and staff concerning impacts of gaming establishments and gambling activities. The report will focus on the following topics: Legal Issues; Land Use Authorities (Comprehensive Plan, Zoning, Development Standards), and Economic/Social Issues.

At this Workshop your Council will have the opportunity to consider options for permitting or prohibiting gaming (i.e., what the City should do about gaming operations). This Workshop will also provide your Council with guidance concerning the type of policies and criteria (tools) necessary to ensure that gaming regulations are compatible with City's community values, development goals and development capacity.