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**Council Meeting Date: November 2, 2009**

**Agenda Item: 8(b)**

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

<b>AGENDA TITLE:</b>	Ordinance Adopting a Moratorium on the Filing or Acceptance of Right-of-way Vacation Applications
<b>DEPARTMENT:</b>	Public Works
<b>PRESENTED BY:</b>	Mark Relph, Public Works Director Alicia McIntire, Transportation Senior Planner

**PROBLEM/ISSUE STATEMENT:**

The City has recently received several inquiries regarding possible street or unused right-of-way vacations. For much of the City, we do not have an established plan for how we want all of our streets to ultimately be developed, be they with sidewalks, bike lanes, as green streets or, in the case of undeveloped right-of-way, maybe a future street or trail connection.

In order to prevent the City from potentially vacating right-of-way that may be needed in the future, staff recommends that the Council adopt a moratorium on the acceptance of any right-of-way vacation applications until adoption of the updated Transportation Master Plan. The Transportation Master Plan update is currently underway and is scheduled to be completed by the end of 2010. This moratorium will prevent residents from submitting street vacation applications and paying the application fee, knowing that there is a strong likelihood staff will recommend denial.

**RECOMMENDATION**

Staff recommends Council adopt Ordinance 558, placing a moratorium on the filing or acceptance of right-of-way vacation applications.

Approved By:

City Manager 

City Attorney 

## **DISCUSSION**

Shoreline Municipal Code 12.17 establishes the City's right-of-way vacation process. The vacation process allows property owners adjoining City right-of-way to request the City to vacate the land so that it may be utilized for private purposes. It applies to rights-of-way with streets, alleys, utilities or undeveloped space, as well as City easements. When a property owner petitions the City for a right-of-way vacation, they are required to pay the appropriate application fees (\$10,925) and, if the vacation is approved, purchase the land from the City at fair market value.

Over the past few months, the City has received inquiries about at least two different right-of-way vacations. Staff has had a difficult time discussing the potential for vacations with residents, as there is very little direction in the current Transportation Master Plan identifying the future right-of-way needs for the City.

One part of the Transportation Master Plan update will be to create a master street plan for the City to identify how we would like to see our rights-of-way utilized. Another part of the Transportation Master Plan update will be the creation of a traffic model for the City. The future traffic scenarios will be created by our consultants based upon potential land use patterns provided by staff. These scenarios will tell us what types of traffic volumes we should expect in the future years and what kinds of traffic improvements will be needed to ensure traffic continues to flow well in Shoreline. Additionally, the Transportation Master Plan update will evaluate the City's nonmotorized needs, which will identify where trails and other pedestrian connections are needed.

Until the City has an established plan for all of our rights-of-way, staff recommends that the Council adopt a moratorium on the acceptance of any right-of-way vacation applications. This will ensure that the City does not inadvertently vacate a right-of-way that may be needed in the future. The Transportation Master Plan update is currently underway and is scheduled to be completed by the end of 2010. In addition to preventing the City from making an error, this moratorium will protect potential applicants, as they will not be permitted to submit expensive street vacation applications and paying the application fee, knowing that there is a strong likelihood staff will recommend denial.

**FINANCIAL IMPACT:** The City receives very few right-of-way vacation applications, generally less than one per year. Therefore, the funding lost by establishing this moratorium will be minimal. Property owners interested in pursuing a right-of-way vacation upon lifting of the moratorium would be able to do so at a later date and funds would be collected at that time.

## **RECOMMENDATION**

Staff recommends Council adopt Ordinance 558, placing a moratorium on the filing or acceptance of right-of-way vacation applications.

## **ATTACHMENTS**

Attachment A – Ordinance 558

## **ORDINANCE NO. 558**

### **AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING A MORATORIUM FOR TWELVE MONTHS ON THE FILING OR ACCEPTANCE OF ANY APPLICATIONS FOR VACATION OF RIGHT-OF-WAY**

WHEREAS, owners of two-thirds interest in any real estate abutting any city right-of-way may petition the city for vacation of the right-of-way; and

WHEREAS, in order to approve a petition for right-of-way vacation, the city council must make four findings, including that the right-of-way is not a necessary part of a long range circulation plan or pedestrian/bicycle plan and that the proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities or other similar right-of-way purposes; and

WHEREAS, the current Transportation Master Plan does not sufficiently identify future right-of-way needs for motorized and nonmotorized traffic and does not adequately address future traffic circulation and access; and

WHEREAS, the Department of Public Works has initiated a work plan to update the Transportation Master Plan by December 2010; and

WHEREAS, the updated Transportation Master Plan will include a master street plan and nonmotorized plan identifying future right-of-way needs for motorized and nonmotorized traffic and a traffic model for the city showing expected future traffic demand, circulation and access; and

WHEREAS, the continued acceptance of new petitions for right-of-way vacation and evaluation of these new petitions based on the current Transportation Master Plan may result in vacation of right-of-way that the City needs in the future or may result in unanticipated traffic circulation or access problems; and

WHEREAS, a twelve-month moratorium on the filing of applications for right-of-way vacation will allow the City to preserve planning options until the Transportation Master Plan is reviewed and updated to address the missing components; now therefore,

**THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Finding of Fact.** The recitals set forth above are hereby adopted as findings of the City Council.

**Section 2. Moratorium Adopted.** A moratorium is adopted upon the filing of any petition for right-of-way vacation. No petition may be filed or accepted which proposes a right-of-way vacation.

**Section 3. Effective Dates and Publication.** This ordinance shall take effect and be in full force five days after publication of a summary consisting of the title and shall expire twelve months from its effective date unless extended or repealed according to law.

**Section 4. Permanent Regulations.** The City Council directs the staff to continue work on updating the Transportation Master Plan.

**PASSED BY THE CITY COUNCIL ON NOVEMBER 2, 2009.**

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Mayor Cindy Ryu

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Scott Passey  
City Clerk

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Ian Sievers  
City Attorney

Date of publication:  
Effective date: