

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

<b>AGENDA TITLE:</b>	Adoption of Ordinance No. 605 vacating 256 square feet of Aurora Avenue N, adjacent to 18551 Aurora Avenue North/ <b>Quasi-Judicial</b>
<b>DEPARTMENT:</b>	City Attorney's Office
<b>PRESENTED BY:</b>	Ian R. Sievers, City Attorney
<b>ACTION:</b>	<input checked="" type="checkbox"/> <b>X</b> <b>Ordinance</b> <input type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Motion</b> <input type="checkbox"/> <b>Discussion</b>

**PROBLEM/ISSUE STATEMENT:**

The existing building at 18551 Aurora Avenue North currently encroaches into Aurora Avenue North right-of-way. This encroachment was discovered as part of the survey for the Aurora Corridor Project 165<sup>th</sup> -192<sup>nd</sup>. The 256 square feet proposed for vacation in Ordinance No. 605 is behind the Aurora retaining wall recently built adjacent to this property as part of the Aurora Corridor Project

On March 7, 2011, the City Council initiated the street vacation by passing Resolution No. 313, fixing the time for the Planning Commission's April 21, 2011 open public hearing. On April 21, 2011, the Planning Commission held the public hearing and recommended approval.(Attachment A-Planning Commission Findings and Recommendation). Ordinance No. 605 is before the City Council for a closed record hearing. If approved, it would be the final action on the street vacation.

**FINANCIAL IMPACT:**

The property owner has agreed to pay the fair market value of \$7,800 for the 256 sq.ft. of vacated right of way subject to continuing easements needed for the Aurora Project. Fair market value for the proposed vacated right-of-way way was determined using the valuations recently prepared for acquisition of the easements over the adjacent private parcel. These funds are held in an administrative trust account pending final action on this vacation.

**ANALYSIS**

The Planning Commission's Findings detail the background of this street vacation. In short, the need for this street vacation was discovered during a survey for the Aurora Project. The survey revealed the two building buttresses of the building at 18551 Aurora Avenue North encroach into the Aurora Avenue right-of-way by about four inches. As part of the Project settlement for the property interests needed from the property at 18551 Aurora Avenue North (three easements), staff agreed to proceed with a resolution method street vacation for a uniform strip of 256 square feet of unneeded right-of-way to resolve the encroachment. The City and owner agreed to reserve the \$7,800 vacation payment from the settlement to be paid for project easement acquisitions.

The proposed vacation encompasses the building encroachments and does not affect the City's design for the Aurora Corridor Project 165<sup>th</sup> – 192<sup>nd</sup>. The City does not need this right of way for any future right of way use, and the area is inaccessible from the street and sidewalk due to the high retaining wall.

The Planning Commission held a public hearing and recommended approval of this street vacation, subject to easements for the City's retaining wall soil nails, temporary construction and a retaining wall that are currently recorded against the adjacent parcel. No written or public comments were made or submitted during the hearing.

The ordinance before you tonight concludes the street vacation process.

### **ALTERNATIVES CONSIDERED**

This street vacation recommendation is part of the settlement agreement with this owner as part of Aurora acquisition. Once discovered, staff wanted the owner's cooperation in resolving the encroachment. Vacation is not a prerequisite of settling Project acquisitions on this property and the condemnation action on this property has been concluded. If the Council does not approve the vacation, the vacation payment held in trust will be paid to the owner, but the encroachment will have to be resolved another way. Possibilities include: (1) litigation to abate a trespass in the right-of-way, or (2) negotiation and approval of long term leases of the right of way.

The location of part of a principal use structure does not qualify for the administratively issued five-year right-of-way site permit under SMC Chapter 12.15. Since the engineering staff has determined the strip including the encroachment is surplus to the City's needs, the proposed vacation involves less administrative management and a permanent solution for a building with a long useful life. The proposed vacation is also consistent with vacations of right-of-way in mile one of the Aurora Project that were surplus to the needs of the Project and consistent with the Development Code regulation which allows zero setbacks for buildings on Aurora once the project design is finalized.

### **RECOMMENDATION**

Staff recommends that the City Council pass Ordinance No. 605 adopting the Planning Commission's recommendation to vacate 256 square feet of Aurora Avenue N, adjacent to 18551 Aurora Avenue North as more fully described in the ordinance.

### **ATTACHMENTS:**

- Attachment A: Planning Commission Findings and Recommendation
- Attachment B: Minutes from Planning Commission meeting (Draft)
- Attachment C: Ordinance No. 605

Approved By: City Manager  City Attorney \_\_\_\_\_

**CITY OF SHORELINE  
PLANNING COMMISSION FINDINGS, CONCLUSIONS AND RECOMMENDATION  
Street Vacation at 18551 Aurora Avenue N.**

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**PROJECT INFORMATION SUMMARY**

<b>Project Description:</b>	A street vacation of a 256 square foot portion of Aurora Avenue N.
<b>Project File Number</b>	#201857
<b>Project Address:</b>	18551 Aurora Avenue N., Shoreline, WA
<b>Petitioner:</b>	N/A
<b>SEPA Threshold:</b>	Street Vacations are categorically exempt from SEPA
<b>Recommendation:</b>	Approval with conditions

**FINDINGS OF FACT**

1. On March 7, 2011 the City Council initiated a vacation of a 256 sq. ft portion of Aurora Ave. N by passage of Resolution No. 313. The proposed vacation abuts the property located at 18551 Aurora Ave. N. and is depicted and described in Attachments A and B attached hereto. Resolution No. 313 also set a hearing before the Planning Commission for its recommendation on April 21, 2011.
2. The process for reviewing street vacations is described in Chapter 35.79 RCW codified by the City of Shoreline in Chapter 12.17 of the Shoreline Municipal Code.
3. Notice of the vacation hearing was posted on March 25, 2011, at least 20 days before the hearing, and mailed to owners of property within 500 feet of the proposed vacation on March 29, 2011, at least 15 days before the hearing. No written comments or protests have been filed with the City in opposition to the vacation, and any received prior to April 21 will be placed into the record at the Planning Commission hearing.
7. Street vacations are categorically exempt from SEPA under WAC 197-11-800(2)(h).
8. On April 21, 2011, the Planning Commission held the open record hearing on the proposed street vacation.
9. During the survey of the Aurora Project N 185<sup>th</sup>-192<sup>nd</sup> Project it was discovered that structural buttresses extending the height of the multi-level office building located at 18551 Aurora Ave. N. partially encroached into the existing Aurora Ave right of way. The building is of newer construction with a long useful life and is

not likely to be remodeled in the foreseeable future such that the encroachment would be removed.

10. The City had a surplus of right of way along the frontage of this property due to the elevation of the property on the west side of Aurora. There were easements acquired from this parcel including a temporary access easement and soil nail easement needed to construct and provide lateral support for a new project retaining wall. The wall itself was located well within existing right-of-way.
11. As part of the settlement for acquiring the easements the City and owner agreed the City would initiate a resolution method vacation of a right of way of a narrow strip sufficient to include the encroachment of the building within the vacated portion to be added to the parcel while leaving enough right of way to maintain drainage behind the new public retaining wall. If the vacation were not approved, other solution would have to be found. The owner has agreed to pay compensation required by city regulations for the vacation should it be approved.
12. The City has determined that the proposed vacation is surplus to the needs of the Aurora Project under construction and future right of way or utility needs. In addition the property is difficult to access from Aurora for maintenance due to its elevation separation from the Aurora sidewalk but is easily maintained as part of the private property.
13. The Shoreline Development Code permits zero front yard setbacks from the final Aurora Project design. Releasing excess right of way outside this final design promotes this goal of development at the back of street improvements and surplus right of way has been released where it has occurred in the first mile of the Aurora Project.

### **CONCLUSIONS**

1. The notice and meeting requirements in SMC 12.17.020 have been met.

#### **2. CRITERIA FOR STREET VACATION APPROVAL**

The criteria for approving Street Vacations are described in Shoreline Municipal Code 12.17.050:

##### **CRITERION 1**

*The vacation will benefit the public interest.*

The public has an interest in efficient use of land, smart right-of-way design, potential economic development; all are anticipated to be met by this street vacation. The public will benefit from placing excess right-of-way land in private hands for potential redevelopment. Control of hazards and maintenance can be more efficiently performed

if joined to the private property, resulting in public safety, reduced City liability, and improved roadside appearance along Aurora.

This criterion has been met by the proposed vacation.

#### CRITERION 2

The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes.

This vacation is physically isolated from right of way uses by a grade separation resulting from the new retaining wall. Therefore there are no impacts to right of access, circulation, or emergency services. All utilities have been relocated within the Aurora project design outside the vacation area. No existing utility easements encumber the vacation area according the title reports reviewed as part of the Project acquisition process. All utilities have been contacted and none have requested public utility easements over the vacation area.

This criterion has been satisfied.

#### CRITERION 3

The street or alley is not a necessary part of a long-range circulation plan or pedestrian/bicycle plan.

The proposed vacation area is not part of a long-range circulation plan or pedestrian/bicycle plan. The City of Shoreline is currently designing improvements to Aurora Avenue North, immediately east of the roadway segment proposed for vacation. The Aurora Corridor Improvement Project is a three-mile long roadway improvement plan that includes construction of BAT lanes, facilities for improved pedestrian and vehicle safety, and operational improvements for vehicular movement. The improvements to Aurora Avenue North will incorporate the construction of pedestrian facilities, including a seven-foot wide sidewalk and four foot amenity zone separating the sidewalk from the transit lanes. All project improvements are being fully accommodated within the existing right of way outside of the proposed vacation except for the easements needed for the retaining wall, soil nail and temporary construction access for the wall. The proposed vacation property should be conveyed subject to these easements.

The proposal, conditioned by reservation of necessary retaining wall, soil nail and temporary construction easements, meets these criteria

#### CRITERION 4

The subject vacation is consistent with the adopted comprehensive plan and adopted street standards.

There are no policies in the Comprehensive Plan that specifically address street vacations. The following policies do have application to the proposed vacation:

Goal LU VI: Ensure that adequate land is designated for commercial areas that serve community and regional based markets and that these areas are aesthetically pleasing and have long-term economic vitality.

Goal LU VII: Increase the vitality and economic development in the North City and Aurora Corridor business areas through a public/private effort.

Goal LU IX: Increase the City's role in economic development for the Aurora Corridor.

Goal EQ II: Support economic development and retail and office activity so as to maintain sustainable sources of revenue.

ED 15: Support and retain small businesses for their jobs and services that they provide to the community.

Vacation of the road would facilitate redevelopment and retention of the current office building and avoid economic waste if the encroachment were removed. The vacation will facilitate maintenance of the front of the building and allow private maintenance of the vacation area, which would otherwise have a low priority for the City.

This criterion has been satisfied.

### RECOMMENDATION

Because the criteria have been satisfied, the Commission recommends that the proposed street vacation be approved, with the following condition:

1. Easements currently recorded against the adjacent parcel for Aurora Project retaining wall soil nails, temporary construction and retaining wall should be reserved on the vacated portion of right-of-way as deemed necessary by the Shoreline Public Works Department.

Date: 4/25/2011

By:   
Planning Commission Chair

### ATTACHMENTS

Attachment A: Proposed Vacation Legal Description

# ATTACHMENT A


## PARCEL 407

PERMANENT RIGHT OF WAY VACATION BEING A PORTION OF THE EXISTING AURORA AVE NORTH RIGHT OF WAY TO BE CONVEYED TO THE OWNERS OF THE HEREINAFTER DESCRIBED TRACT "X" LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 6, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., CITY OF SHORELINE, KING COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

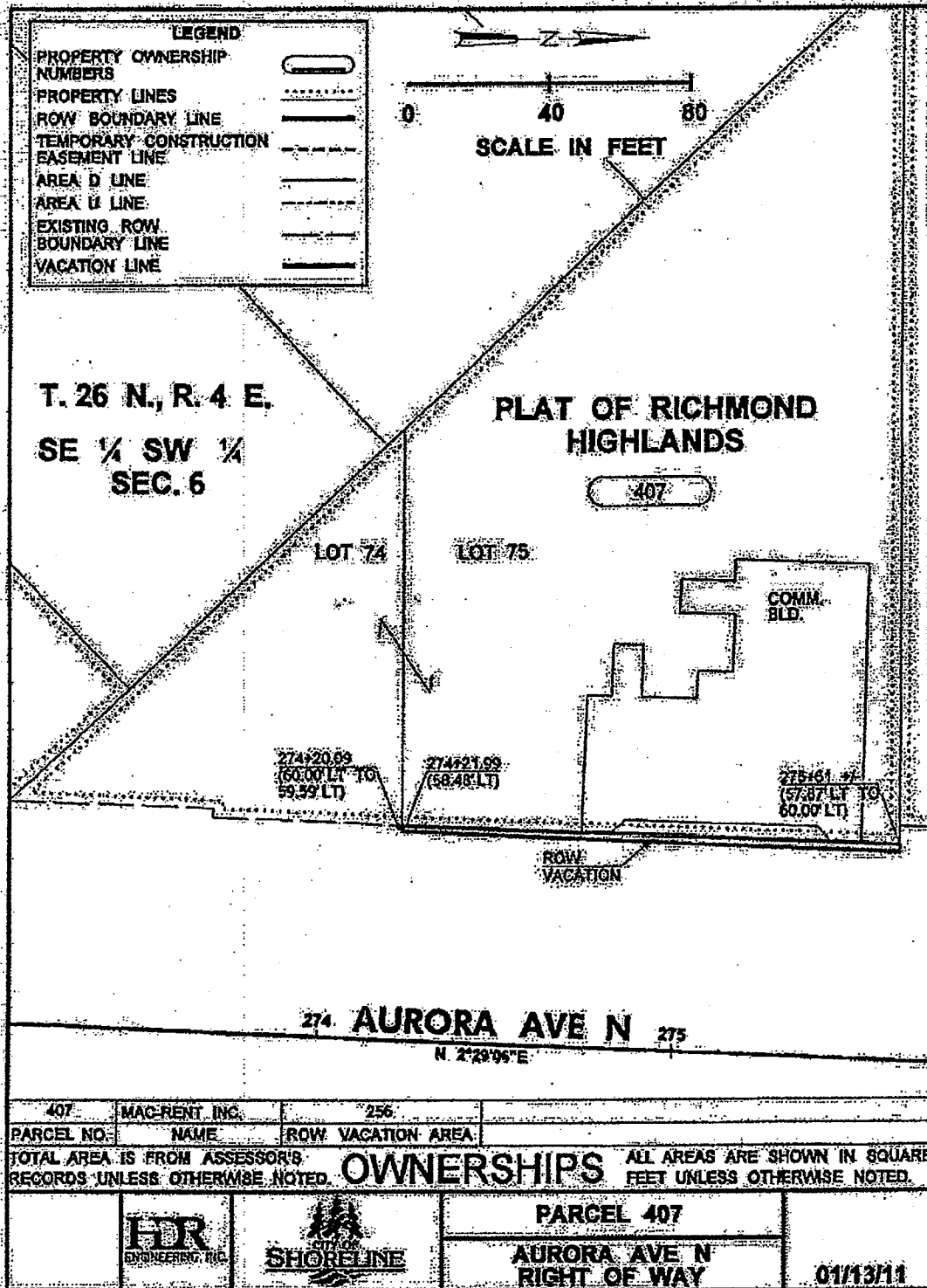
ALL THAT PORTION OF SAID AURORA AVE NORTH RIGHT OF WAY LYING WITHIN THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE EAST LINE OF SAID TRACT "X" OPPOSITE ENGINEERS STATION 274+20.09 AND 60.00 FEET WESTERLY MEASURED AT RIGHT ANGLES THEREFROM ON THE CENTERLINE OF AURORA AVENUE NORTH AS SHOWN ON THE RECORD OF SURVEY RECORDED UNDER AUDITOR'S FILE NUMBER 20080305900001, RECORDS OF KING COUNTY, THENCE EASTERLY TO A POINT OPPOSITE ENGINEERS STATION 274+20.09 ON SAID CENTERLINE AND 59.59 FEET WESTERLY THEREFROM; THENCE NORTHEASTERLY TO A POINT OPPOSITE ENGINEERS STATION 274+21.99 ON SAID CENTERLINE AND 58.48 FEET WESTERLY THEREFROM; THENCE NORTHERLY TO A POINT OPPOSITE ENGINEERS STATION 275+61, MORE OR LESS, ON SAID CENTERLINE AND 57.87 FEET WESTERLY THEREFROM; THENCE WESTERLY TO THE NORTHEAST CORNER OF SAID TRACT "X" OPPOSITE ENGINEERS STATION 275+61, MORE OR LESS, ON SAID CENTERLINE AND 60.00 FEET WESTERLY THEREFROM; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID TRACT "X" TO THE POINT OF BEGINNING, AND THE TERMINUS OF THIS LINE.

CONTAINING 256 SQUARE FEET MORE OR LESS.



<b>INCA HDR</b> <small>INCA ENGINEERS INC. ENGINEERING INC.</small>	 <b>CITY OF SHORELINE</b>	<b>PARCEL 407</b> <b>AURORA AVE N</b> <b>RIGHT OF WAY</b>	<b>01/17/11</b>
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# ATTACHMENT B





DRAFT

These Minutes Subject to  
June 2<sup>nd</sup> Approval

## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

April 21, 2011  
7:00 P.M.

Shoreline City Hall  
Council Chamber

#### Commissioners Present

Chair Wagner  
Vice Chair Perkowski  
Commissioner Behrens  
Commissioner Broili  
Commissioner Esselman  
Commissioner Kaje  
Commissioner Moss

#### Staff Present

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
John Vicente, Capital Projects Administrator  
Jessica Simulcik Smith, Planning Commission Clerk  
Paul Cohen, Senior Planner (arrived at 8 p.m.)

#### CALL TO ORDER

Chair Wagner called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

#### ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Wagner, Vice Chair Perkowski and Commissioners Behrens, Broili, Esselman, Kaje and Moss.

#### APPROVAL OF AGENDA

The items listed under "New Business" were reversed.

#### DIRECTOR'S COMMENTS

Mr. Tovar announced that the May edition of *CURRENTS* would feature a number of articles related to planning, including articles about the open space and park effort at the Aldercrest Annex, the Planning Commission, Sound Transit's work in the north corridor, Town Center, Planning 101, Point Wells, Shoreline School District high schools, economic development and how it relates to comprehensive planning and regulation, directional signs, tree canopy, and the 2010 census. There will also be a full-page graphic explaining how the state, regional and local plans and regulations fit together.

## **APPROVAL OF MINUTES**

The minutes of April 7, 2011 minutes were approved as amended.

## **GENERAL PUBLIC COMMENT**

No one in the audience expressed a desire to provide general public comments.

## **QUASI-JUDICIAL PUBLIC HEARING ON STREET VACATION OF 256 SQUARE-FOOT SECTION OF AURORA AVENUE AT 18551 AURORA AVENUE NORTH**

Chair Wagner reviewed the rules and procedures for quasi-judicial public hearings. She reminded the Commissioners of the Appearance of Fairness Rules. She invited all those who wanted to participate in the hearing to swear and affirm that their testimonies would be the truth. She opened the public hearing and asked Commissioners to disclose any communications they may have received about the subject of the hearing outside the hearing. None of the Commissioners identified ex parte communications.

### **Staff Overview and Presentation of Preliminary Staff Recommendation**

Mr. Cohn advised that the proposal is to vacate an approximately 256 square foot section of Aurora Avenue North located adjacent to the McPherson Building at 18551 Aurora Avenue North. He provided pictures to illustrate the location of the subject right-of-way, which is located west of the soon-to-be-constructed retaining wall and outside the limits of the built infrastructure for the Aurora Corridor Improvement Project. The City does not foresee a need to retain this small piece of right-of-way. If the street vacation is approved as proposed, the property owner would have the right to purchase this area.

Mr. Cohn explained that a street vacation is a process by which an adjacent property owner can acquire public right-of-way for private use. He clarified that a public right-of-way is defined as any right-of-way where the City has the right to use the land for street purposes, whether or not the right-of-way has ever been improved as is the case with the current application. He noted that a good portion of the current unimproved right-of-way in the area would be developed as additional street and sidewalks. However, a small portion would not be used, and the Public Works Department has recommended that it be sold. He provided street view photographs to describe the location and topography of the subject right-of-way. The photographs were identified as Exhibit 6.

Mr. Cohn advised that when the building adjacent to the subject property was constructed in the late 1970's or early 1980's, a small portion of the building's footings were placed within the right-of-way. Because the City does not need the property, it would make sense to sell it to the building owner so they can own all the property the building stands on. As a condition of the sale, the City would require an easement because the tiebacks anchoring the retaining wall would be located within this area.

Mr. Cohn reviewed the criteria for street vacation approval (SMC 12.17.050) as follows:

1. **The vacation will benefit the public interest.** Staff analysis shows that the City has an interest in the efficient use of land and good right-of-way design. Aurora Avenue has been designed and will be built, and any excess property can be sold to the property owner. In this case, control of hazards or maintenance is more efficiently proposed by the owner.
2. **The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or similar right-of-way purposes.** The subject right-of-way is physically isolated from the rest of Aurora Avenue North, and the vacation would have no effect on either automobile or pedestrian traffic. A sidewalk would be located within the remaining right-of-way.
3. **The street or alley is not a necessary part of a long-range circulation plan or pedestrian/bicycle plan.** Aurora Avenue North would be expanded to its furthest point after the improvements are completed, and there would be no reason to expand it further.
4. **The vacation is consistent with the adopted Comprehensive Plan and street standards.** The Comprehensive Plan contains policies related to making sure that traffic flows smoothly and that economic development happens along Aurora Avenue North. These policies all support the proposed street vacation.

Mr. Cohn concluded his report by recommending that the street vacation be approved with the condition noted in the Staff Report regarding an easement on the vacated property for purpose of maintaining the retaining wall. If the Commission agrees with the added condition, they should include it as part of their recommendation to the City Council.

#### **Questions by the Commission to Staff**

Commissioner Moss referred to Findings of Fact 10 and requested clarification about whether the subject property is located on the north or west side of Aurora Avenue. Mr. Cohn agreed that Findings of Fact 10 (Page 26 of the Staff Report) should be changed to indicate the property is located on the west side of Aurora Avenue. Commissioner Moss noted that the word "west" in the second sentence under Criteria 3 (Page 27 of the Staff Report) should be changed to "east." She also noted that the word "has" should be deleted from the last sentence of Findings of Fact 13 (Page 26 of the Staff Report).

Commissioner Esselman requested clarification about the proposed easement and whether it would be temporary or permanent. Mr. Vicente answered that one of the easements would be temporary for the duration of construction. Once construction has been completed, the easement would expire. The easement for the retaining wall tiebacks would be permanent and extend for the life of the retaining wall.

Commissioner Behrens asked if the property owner has agreed to purchase the subject property. Mr. Vicente answered affirmatively. Commissioner Behrens asked who would pay the recording costs associated with the vacation. Mr. Vicente said that, typically, the City pays the recording fees for property transactions.

### **Public Testimony**

No one in the audience expressed a desire to participate in the hearing.

### **Final Questions by the Commission**

None of the Commissioners had additional questions.

### **Deliberations**

**COMMISSIONER MOSS MOVED THE COMMISSION RECOMMEND APPROVAL OF THE PROPOSED STREET VACATION, WITH THE EASEMENT CONDITION AND AS AMENDED BY THE COMMISSION. COMMISSIONER ESSELMAN SECONDED THE MOTION.**

Because the petition was presented to the Commission in the form a resolution, Commissioner Kaje asked staff to explain the proper motion format to move the item forward to the City Council. Mr. Cohn explained that to move the street vacation petition forward, the Commission would need to recommend approval of the findings, conclusions and recommendation found attached to the Staff Report. Commissioner Kaje reviewed that Resolution 313 initiated the consideration of the vacation.

### **Vote by Commission to Recommend Approval or Denial or Modification**

**THE MOTION CARRIED UNANIMOUSLY.**

Mr. Cohn explained that in order to adopt the Commission's recommendation, the City Council would be required to adopt a formal ordinance.

### **Closure of Public Hearing**

Chair Wagner closed the public hearing.

### **DIRECTOR'S REPORT**

Mr. Tovar did not have any additional items to report

### **UNFINISHED BUSINESS**

No unfinished business was scheduled on the agenda.

## **NEW BUSINESS**

### **Prepare for Joint Meeting with City Council**

Mr. Tovar advised that the main topics of discussion at the joint meeting will be the Comprehensive Plan update and the long-range planning work program. He reviewed that the Commission's work program for the next several months includes the Town Center Subarea Plan and zoning code, the tree regulations, and the Shoreline Community College Master Plan. At the end of the summer, the Commission would begin extensive work on the Comprehensive Plan update.

Mr. Tovar advised that as the only member on either the Planning Commission or City Council who participated in the 2005 Comprehensive Plan process, Deputy Mayor Hall has encouraged the City Councilmembers to clearly identify their priorities, direction and schedule at the front end of the Comprehensive Plan update process so they can avoid having to significantly amend the Planning Commission's recommendation because it is different than what they were looking for.

Mr. Tovar said the City Council has expressed concern that they are starting with a product that was largely written before the Vision Statement was adopted two years ago to provide specific goals and policies. The City Council is also concerned that much of the current text is either dated or provides more detail than necessary. They have indicated their desire to remove all regulatory text from the Comprehensive Plan and consider it for inclusion in the code. They also had a strong feeling that much of what is in the current Comprehensive Plan is data, analysis or inventory information. While it is important to be aware of and have access to this material, it does not need to be included in the actual Comprehensive Plan.

Mr. Tovar reminded the Commission that the City Council would like the Comprehensive Plan update to be completed in 2012. That means they need to get started soon. He suggested the City Council would be open to additional discussion about their direction related to the Comprehensive Plan update at the upcoming joint meeting.

Commissioner Broili asked how the update process would be similar and/or different from the process that was used to adopt the Comprehensive Plan in 2005. Mr. Tovar said the process would be very different. For example, the City worked with a consultant in 2005, and this time the work would all be done in house. In addition, the update would focus on implementation of the Vision Statement and Framework Goals. As per the City Council's direction, staff would begin the process by reviewing the existing Comprehensive Plan to identify pieces that are redundant, obsolete, look like regulation, or could live in another document. These pieces would be candidates for potential removal. The next step would be to identify language that needs to be added to better reflect the Vision Statement and Framework Goals or to incorporate new State and/or County mandates.

Mr. Tovar said the City Council is also considering the policy question of whether the City should become an urban center under the Puget Sound Regional Council's (PSRC) criteria. They directed staff to review the implications this would have for growth target expectations, such as making the City eligible or more competitive for transportation grant funding. Mr. Cohn advised that after a quick

analysis of the current criteria, staff believes that Town Center might be a good candidate for an urban center designation. However, at this time, neither King County nor the PSRC can answer the question of how this change would impact the City's growth target expectations.

Mr. Tovar announced that the Transportation Master Plan would be finished towards the end of 2011 and may contain policies that need to be reflected in the overall Comprehensive Plan and reconciled with the land use elements.

Mr. Cohn displayed an updated outline of the process for updating the Comprehensive Plan (Attachment 1 on Page 67 of the Staff Report). He noted that the main part of the Commission's work would not start until 2012. Most of the 2011 work would be done by staff. He particularly noted Task 14.11, which is the State Environmental Policy Act (SEPA) analysis. He reminded the Commission that staff has been doing traffic modeling for the current Comprehensive Plan forecast. However, if the decision is made to become a core city rather than a large city, the forecast would change and the traffic models would have to be rerun by a professional consultant.

The staff and Commission reviewed the Commission's Long Range Planning Work Program (Pages 68 and 69 of the Staff Report) as follows:

- Mr. Cohn explained that while staff originally anticipated the Commission would work on the compatibility and single-family dwelling unit scale Development Code amendments in 2011, the City Council has indicated their desire to postpone these two items.
- Mr. Cohn pointed out that design review would be part of the Commission's work related to Town Center.
- Mr. Cohn announced that staff would schedule a hearing on a Development Code amendment related to the permanent transfer of rezones and other quasi-judicial hearings as soon as possible after Town Center has been completed.
- Mr. Cohn advised that Planning and Public Works staff continue to meet with regional representatives and Sound Transit to discuss light rail alignment planning. Mr. Tovar added that the Sound Transit corridor work is already fleshing out some of the alternatives, and they will provide preliminary descriptions related to cost and travel time within the next several months. They will not have a preferred alternative at that point, but they will begin work on an Environment Impact Statement (EIS) that will look at the alternatives in great detail. Staff has asked them to consider two options in the I-5 alternative, one that comes up the east side of the I-5 right-of-way, one that comes up the west side or a combination of the two. Their preliminary work indicates that there could be implications upon single-family neighborhoods, and the City has asked them to consider an alignment that lessens the impact. They will not select an alternative until 2014. The implications for area planning around the station areas (145<sup>th</sup> and 185<sup>th</sup>) won't be known until after most of the Comprehensive Plan Major Update work has been finished. Stationary planning may be required at a later date, depending on the preferred alignment.

- Mr. Cohn announced that the Transportation Master Plan is still on track for adoption in September, and the Parks Master Plan is looking at final adoption in July. The Shoreline Master Program will probably slide an additional month, with Commission review in late September or early October. The State has been following the City's progress on their Shoreline Master Program, and they have indicated they are okay with what has been proposed so far. However, they want to reserve the right to actually review what is passed by the City Council. After City Council approval, the document would be forwarded to the State for review, and they could recommend changes. Commissioner Moss asked if the Transportation Master Plan would come back before the Commission for additional review. Mr. Cohn answered that the document would go straight to the City Council for review and final approval.
- Mr. Cohn said it is anticipated the Commission would make a recommendation to the City Council regarding the Town Center Subarea Plan and Zoning by late June. Mr. Tovar said they would like the City Council to adopt the Town Center Subarea Plan before it takes its August break. The fall schedule will be very busy.
- Mr. Cohn announced that the Southeast Neighborhoods Plan and Zoning Update would likely be pushed forward a bit. Staff will try to bring the item to the Commission in June or July.
- Mr. Cohn reported that a Master Development Plan for Shoreline Community College has been submitted. It is not a very large plan because funds are limited. They have done a good analysis of their proposal, and it is currently being reviewed by the Public Works staff because of implications to transportation, stormwater, etc. It is likely this item will come before the Commission sometime during the summer.

Chair Wagner noted that the Commission is scheduled to forward a recommendation regarding the permanent transfer of rezones, master plans, etc. from the Commission to the Hearing Examiner in June. Depending on the City Council's final decision regarding this item, the Shoreline Community College Master Development Plan may not come before the Commission for review.

The Commission took a break from 8:00 to 8:06 p.m.

### **Urban Tree Canopy**

Mr. Cohen explained that the purpose of the study session is to present and discuss the findings of the consultant's city-wide urban tree canopy survey (UTC) and analysis, which was also presented to the City Council on April 18<sup>th</sup>. The same presentation would be given to the Parks Board next week. He emphasized that the survey and analysis is being presented as information only, but the City Council would use the study on May 9<sup>th</sup> to provide direction to staff about if and how to modify the scope of the tree regulations. It is anticipated the Planning Commission would conduct public hearings on the tree regulations in the coming months.

Mr. Cohen advised that the purpose of the survey and analysis was to establish a baseline assessment of the City's current and past tree canopies. It also supports the direction given by the City Council in early 2009 to do an assessment every five years to gauge the effectiveness of the tree regulations. He reviewed that the assessment was done by AMEC Consultants and was funded by a grant from the Department of Natural Resources (DNR). The study provides a benefit matrix to assess the value of the current UTC. It also analyzes and contrasts historical tree canopy data.

Mr. Cohen reported that the consultant looked at three different years (1992, 2001 and 2009) and found that the UTC percentage is basically unchanged. The existing tree canopy (vegetation over 15 feet in height) is 30.6% and shrub coverage is 3.4%. Grass and vegetation coverage is 21.7%. Total vegetative coverage is about 55%. Water coverage is about .1% and impervious surfaces cover approximately 46.2% of the City. He noted that this survey was compared to surveys conducted in other jurisdictions within Western Washington and found that Shoreline's UTC is about average.

Mr. Cohen briefly described the process used by the consultant to collect the data. The majority (71%) of the existing UTC is located in low-density residential zones. About 10% is located in parks and public rights-of-way. He referred to a chart that identifies potential opportunities for additional UTC, particularly in areas where there is grass, ball fields, golf courses, etc. The study also indicates how the UTC could be improved if more trees were planted in impervious surface areas such as parking lots. He emphasized that the assessment of the existing UTC was very general, and the potential UTC projections are even more theoretical and academic and assume that trees are planted wherever there is ground available. He said the information was broken into land-use categories. The greatest potential for expanding the UTC is in the low-density residential zones and the rights-of-way. He said the consultant also reviewed the ecological benefits of UTC's such as air pollution removal, carbon storage or sequestration, stormwater retention, and water-quality improvements.

Mr. Cohen summarized that the review concluded that Shoreline has an existing 31% UTC, and there has been no change over the past 18 years. He reminded the Commission that the premise of the tree code project that started in early 2009 was the concern that there was a crisis in loss of canopy. However, the study found the City to be about average when compared to other cities in the Pacific Northwest.

Mr. Cohen reported that the American Forest Organization has recommended that a UTC of about 40% is possible for the Pacific Northwest, with its mixture of urban, suburban and open lands. While the City has not received any information to explain how they came up with that number, it is actually consistent with the City's Sustainability Strategy. He said it is important to keep in mind that there is potential to improve the canopy, and the City could influence how fast it can be done.

Mr. Tovar observed that the small map provided in the report makes it appear that there is much less than 31% tree canopy. When the map is enlarged, it is clear that the tree canopy is scattered throughout the City, and most of it is located in the single-family neighborhoods. He summarized that the survey indicates the trend line is essentially flat. When meeting with the City Council on May 9<sup>th</sup>, staff will point out that a decision to amend the tree regulations to be more restrictive should not be based on the assumption that the City is losing canopy. It should also be noted that stricter regulations would not



create more trees; the most they can do is prevent the loss of trees. If the City really wants to increase the canopy, staff should consider focusing efforts on education and outreach programs in the neighborhoods.

Mr. Tovar said that after the City Council's May 9<sup>th</sup> meeting, staff anticipates the scope of the tree regulation amendments would be significantly narrower because there is no crisis and loss of canopy. He emphasized that the survey only talks about the quantity of the canopy, and not the health and diversity of the canopy. The Parks Department has expressed concern that the forest is not as healthy and diverse as they would like.

Again, Mr. Tovar said the survey information would be used as background information when the Commission takes up the Comprehensive Plan chapters dealing with natural systems and the natural environment.

Commissioner Kaje asked how the consultant dealt with major areas of hardscape that are not owned by the City such as I-5, which does not have a land use designation. He suggested that if I-5 were counted as right-of-way, the tree coverage percentage for rights-of-way would go significantly down. He also commented that regardless of whether he supports the methodology used in the survey or not, the quantifiable information it provides is useful. Mr. Tovar agreed to provide an answer about how areas such as I-5 were factored into the calculations.

Commissioner Kaje observed that the consultant's report indicates that the amount of impervious surface increased from 36.6% in 1992 to 38.7% in 2001, which equates to a 6% increase from the 1992 base. It is important to keep in mind that while the City's UTC coverage is holding steady, impervious surfaces are increasing. Maintaining the existing tree canopy cannot compensate for the loss of function associated with increased impervious surfaces. He summarized that even though the canopy is staying relatively the same, the rest of the landscape around it is not. Commissioner Broili agreed this is an important issue to consider.

Commissioner Broili expressed his belief that they should talk about vegetative cover rather than tree canopy. Evergreen trees will provide the most benefit, and in a forested situation they intercept at least 40% to 50% of any rain event. However, because the City is an urban center, he is more concerned about having a diverse vegetative cover. He observed that building practices are changing rapidly. Five years ago, vegetative roofs were nearly unheard of, and now they are becoming popular. He pointed out that the only impervious areas that can never be fully vegetated are the rights-of-ways. However, even these areas can be mitigated to be more pervious using a variety of techniques.

Commissioner Broili said the most important information he saw in the Staff Report was on Page 10 of a document submitted by Boni Biery, which drives home the point that most municipalities talk about their vegetative cover as a negative cash flow. He said he does not believe that has to be the case. He referred to two firms in the City of Seattle that harvest street trees and turn them into high-end furniture and lumber for the architectural community. There are many ways to turn the vegetative cover into dollars that will help offset the cost of maintaining the programs.

Commissioner Broili questioned the point of presenting the report to the Commission because they will not be making a recommendation to the City Council. He recommended they should at least have a goal of 40% tree cover, which can be achieved fairly easily. They should maintain a five-year review of the tree cover until they reach the 40% goal. They should continue to work to diversify the rest of the vegetative cover to provide a greater bang for the buck wherever possible and reduce the impervious areas.

Commissioner Broili said he does not remember the Planning Commission putting the tree code amendments on hold in October of 2010 as stated on Page 33 of the Staff Report. He suggested that this decision was made by staff or someone else.

Chair Wagner asked staff to clarify the Commission's role in the tree regulation process and when and where the public should comment on the issue. Mr. Tovar clarified that the Commission is not being asked to take action or make a recommendation regarding the report at this time. Those present in the audience can speak on the issue and their comments would be recorded in the Commission's meeting minutes, but the comments would not be forwarded to the City Council because the Planning Commission is not being asked to provide a recommendation at this time.

Mr. Tovar suggested the Commissioners should offer their ideas to the City Council at their joint meeting on April 25<sup>th</sup>. In addition, the Commission would have an opportunity to voice their concerns and recommend changes as part of their review of the Comprehensive Plan Update. However, setting a 40% tree cover target would be a major policy decision that would require significantly more discussion and research. He suggested the discussion could start at the joint meeting, and then be carried forward as part of the Comprehensive Plan update.

Commissioner Behrens said he found Boni Biery's presentation to be well thought out and addressed a number of issues. If the City is going to effectively implement a tree management plan, it is important to have integration amongst the different departments of the City. He said he made a similar suggestion at the last joint meeting with the City Council. The City must develop a coordinated approach to address the tree issue.

Commissioner Behrens observed that the aerial photographs do not actually measure the types and sizes of the trees that have been removed. While it indicates there is approximately the same number of trees on the ground, it does not speak to the type, size or function of the trees. Large trees have more ecological value, and they should be protected through a permit process that allows the City to keep track of trees that are removed. A visual snapshot from the sky does not provide this information.

Mr. Tovar explained that the City did not have funding to pay for a very detailed survey, and they actually received more information from the consultant than they anticipated. A very detailed inventory would be a major cost for the City. Again, he suggested the Commission share their concerns with the City Council. Commissioner Behrens clarified he is not asking for a costly inventory. He is asking for a way to identify which trees are being removed and from where. A permit process would make this information relatively simple to obtain. Mr. Tovar summarized that Commissioner Behrens is suggesting that having a permit requirement would help the City build a data base to identify when and

what types of trees are removed. This is a major policy choice the Commission could consider as part of their review of the tree regulations.

Vice Chair Perkowski suggested it would be possible to analyze the tree cover map with an overlay of critical areas. Some trees are protected by the critical areas regulations, and the tree regulations should not be credited with saving those trees. Mr. Tovar agreed to discuss this option with staff. Vice Chair Perkowski suggested that if the City is going to rely on the study to move forward, random sampling ground verification would be worthwhile. They should not think of all trees over 15 feet tall as the same. For example, coniferous trees provide significantly more function than deciduous trees. Mr. Cohen said they discussed this option with the consultant, but it was outside of the scope of work based on available funding.

Vice Chair Perkowski observed that 30% tree coverage might appear to be acceptable on a citywide scale. However, some areas have a lot of trees, and other areas have far fewer trees. He suggested they consider tree canopy on a smaller, neighborhood scale. He emphasized that restoration and rehabilitation is always more costly than protection. If 30% tree cover is the City's goal, it is much more cost effective to have regulations to protect the existing trees than to have to rehabilitate if they find the canopy has decreased after 10 years.

Commissioner Broili said the report discusses a per year monetary value of \$1.36 million for trees based on four criteria: air quality, carbon sequestration, stormwater storage capacity, and reduction in stormwater pollutants. He questioned what the dollar value would be for each percent of increase to the forest cover. He noted this does not even address other values such as aesthetics and property values. Mr. Cohen said the benefits are based on the existing trees compared to no trees. He said it would be fairly easy to identify an approximate value for each percent of increase. Commissioner Broili suggested many times, cities fail in the way they present information to the public. Economic value always draws the public's attention, but the value of what they are protecting is also important to consider. It is important to emphasize the value trees provide to the City.

**Fran Lilliness, Shoreline**, said the study points out that the low-density residential areas of the City are providing most of the tree canopy. She suggested the City also needs trees along the main corridors and even along Interstate 5 where the cars create the heaviest pollution. She noted that these are areas where the trees would do the most good to provide shade in the hot summer and absorb some of the surface water runoff during the winter rainy season. She thanked the Commission for their efforts to serve the community.

**Dan Meyers, Shoreline**, said that while he is glad the City finally has some data about the tree canopy in Shoreline, he believes it is misleading for the study to conclude there has been no net loss of canopy over the past few decades because the study used a different methodology than what was used in 1992. He said it is also important to acknowledge that the land is still healing from when most of the forest was cut about 100 years ago. Rather than calling the current tree canopy a baseline, it should be considered an arbitrary point in time. He also expressed concern that the study assumes that all trees provide the same value. It does not distinguish between those trees that provide habitat and those that destroy it. Trees that provide food and habitat for community members are also an important aspect of

sustainability. While the study suggests that it would cost \$12 million (\$264 per tree) plus maintenance costs to bring the tree canopy to the maximum level of 44%, it is important to keep in mind that trees are important to the citizens of Shoreline. It is not farfetched to imagine a situation where citizens volunteer to do this work. He reminded the Commission that trees do not eat money; they eat water and sunlight.

#### **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

Commissioner Kaje announced that he attended the Transportation Master Plan Open House on April 20<sup>th</sup>. The meeting was informative and approximately 30 members of the public were in attendance. The consultants and staff provided some great maps and resources, as well as opportunities for the public to ask questions and provide comments about specific parts of the plan.

#### **AGENDA FOR NEXT MEETING**

Mr. Cohen announced that a public hearing for the Town Center Subarea Plan and zoning code has been scheduled for May 5<sup>th</sup>. The topic would be continued to the June 2<sup>nd</sup> meeting for Planning Commission deliberation and final recommendations to the City Council. Mr. Cohn added that staff has other items to bring before the Commission, if they complete their work on the Town Center Subarea Plan and zoning code sooner than anticipated.

#### **ADJOURNMENT**

The meeting was adjourned at 9:00 P.M.

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Michelle Linders Wagner  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

## **April 21, 2011 TIME STAMP**

**9:55            QUASI-JUDICIAL PUBLIC HEARING ON STREET VACATION OF 256  
SQUARE-FOOT SECTION OF AURORA AVENUE AT 18551 AURORA  
AVENUE NORTH**

**11:52           Staff Overview and Presentation of Preliminary Staff Recommendation**

**20:13           Questions by the Commission to Staff**

**24:59           Public Testimony**

**25:18           Final Questions by the Commission**

**25:28           Deliberations**

**28:47           Vote by Commission to Recommend Approval or Denial or Modification**

**29:39           Closure of Public Hearing**

**29:50           Director's Report**

**29:55           Unfinished Business**

**31:10           New Business: Prepare for Joint Meeting with City Council**

**59:58           Break**

**1:07:11        New Business: Urban Tree Canopy**

**1:52:27        Public Comments**

**Reports of Committees and Commissioners/Announcements**

**Agenda for Next Meeting**

**Adjournment**

**ORDINANCE NO. 605**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,  
STREET VACATING 256 SQUARE FEET OF AURORA AVENUE  
NORTH RIGHT-OF-WAY ADJACENT TO 18551 AURORA AVENUE  
NORTH**

WHEREAS, the City Council adopted Resolution No. 313 on March 7, 2011 initiating a street vacation for 256 square feet Aurora Avenue North Right-of-Way adjacent to 18551 Aurora Avenue North; and

WHEREAS, on April 21, 2011 the Planning Commission held a public hearing on the proposed street vacation and recommended approval of the vacation; and

WHEREAS, the City Council held a public hearing on June 13, 2011 to consider the recommendation of the Planning Commission to approve the vacation; and

WHEREAS, the City Council has determined that the public interest is served by this vacation as adequate right-of-way remains after the vacation to meet the standards for Aurora Ave., utilities, amenity zone and sidewalks according to the Aurora design approved by the Council; the right-of-way subject to this vacation is not part of the long range circulation plan or pedestrian/bicycle plan; and the subject right-of-way is surplus to the present and future transportation needs of the City; now therefore

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

**Section 1. Findings.** The City Council concurs in the findings and conclusions approved by the Planning Commission on April 21, 2011.

**Section 2. Vacation.** The right-of-way described in Exhibit A and depicted in Exhibit B attached hereto consisting of approximately 256 square feet is hereby vacated.

**Section 3. Effective Date.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force 5 days from publication.

**PASSED BY THE CITY COUNCIL ON JUNE 13, 2011.**

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Mayor Keith McGlashan

ATTEST:

APPROVED AS TO FORM:

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Scott Passey  
City Clerk

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Ian Sievers  
City Attorney

Date of Publication:  
Effective Date:

# EXHIBIT A


PARCEL 407

PERMANENT RIGHT OF WAY VACATION BEING A PORTION OF THE EXISTING AURORA AVE NORTH RIGHT OF WAY TO BE CONVEYED TO THE OWNERS OF THE HEREINAFTER DESCRIBED TRACT "X" LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 6, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., CITY OF SHORELINE, KING COUNTY, WASHINGTON; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF SAID AURORA AVE NORTH RIGHT OF WAY LYING WITHIN THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE EAST LINE OF SAID TRACT "X" OPPOSITE ENGINEERS STATION 274+20.09 AND 60.00 FEET WESTERLY MEASURED AT RIGHT ANGLES THEREFROM ON THE CENTERLINE OF AURORA AVENUE NORTH AS SHOWN ON THE RECORD OF SURVEY RECORDED UNDER AUDITOR'S FILE NUMBER 20080305900001, RECORDS OF KING COUNTY; THENCE EASTERLY TO A POINT OPPOSITE ENGINEERS STATION 274+20.09 ON SAID CENTERLINE AND 59.59 FEET WESTERLY THEREFROM; THENCE NORTHEASTERLY TO A POINT OPPOSITE ENGINEERS STATION 274+21.99 ON SAID CENTERLINE AND 58.48 FEET WESTERLY THEREFROM; THENCE NORTHERLY TO A POINT OPPOSITE ENGINEERS STATION 275+61, MORE OR LESS, ON SAID CENTERLINE AND 57.87 FEET WESTERLY THEREFROM; THENCE WESTERLY TO THE NORTHEAST CORNER OF SAID TRACT "X" OPPOSITE ENGINEERS STATION 275+61, MORE OR LESS, ON SAID CENTERLINE AND 60.00 FEET WESTERLY THEREFROM; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID TRACT "X" TO THE POINT OF BEGINNING, AND THE TERMINUS OF THIS LINE.

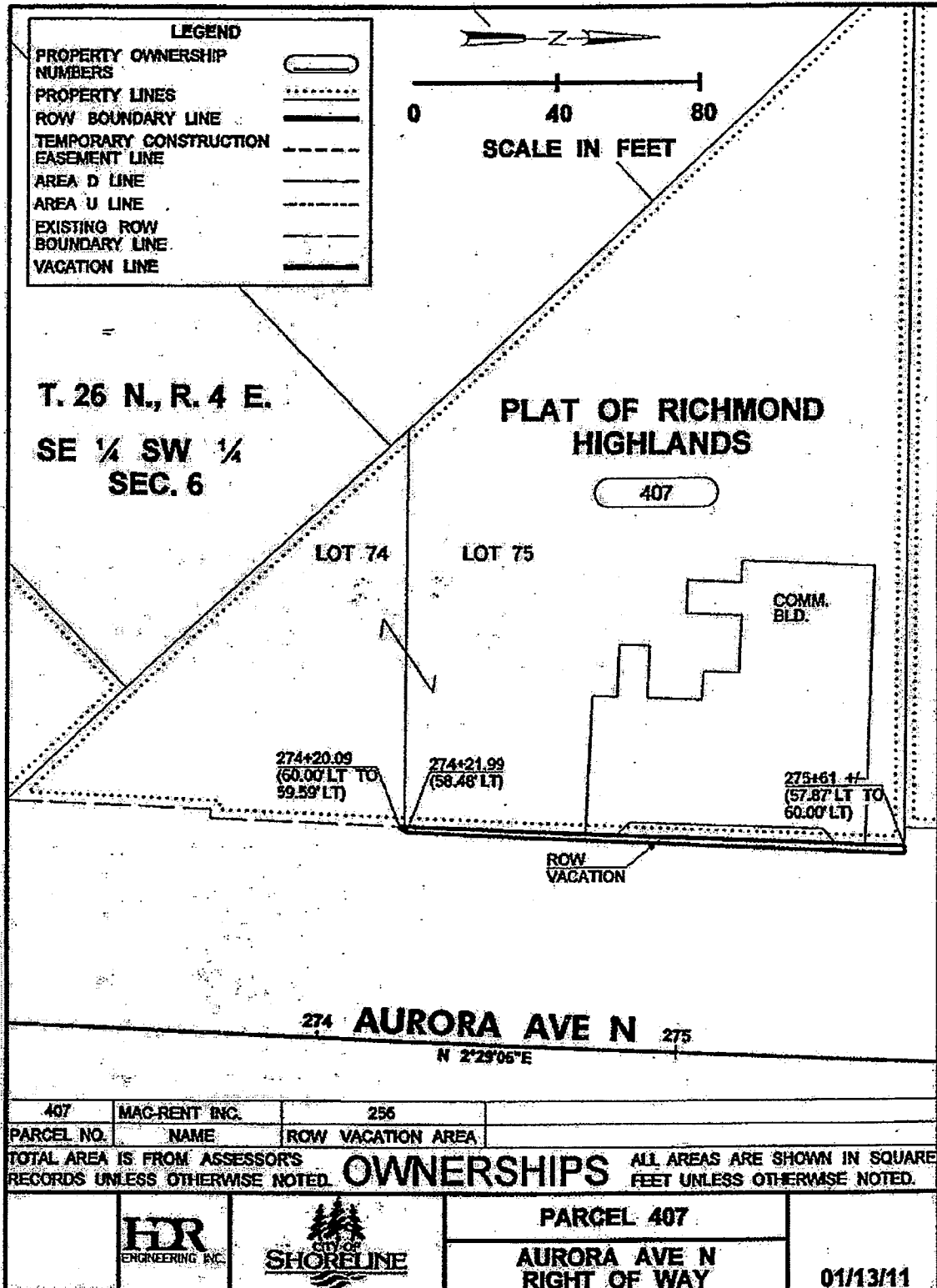
CONTAINING 256 SQUARE FEET MORE OR LESS.



<b>INCA HDR</b> INCA ENGINEERS INC. ENGINEERING INC.		PARCEL 407	
		AURORA AVE N RIGHT OF WAY	01/17/11



# EXHIBIT B



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