

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Response to Questions Raised Regarding the Adoption of Ordinance 326: an Amendment to the Comprehensive Plan to Define the Future ROW Needs of Aurora Avenue North in the Central Shoreline Subarea (172 nd Street to 192 nd Street)
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Tim Stewart, Director of Planning and Development Services

PROBLEM/ISSUE STATEMENT:

Council conducted a public hearing on June 9, 2003 to consider comments on proposed Ordinance No. 326. At that time Councilmember Hansen moved to adopt the Ordinance No. 326. Councilmember Gustafson seconded the motion. After Council discussion, Councilmember Hansen moved to postpone action until July 14. Councilmember Gustafson seconded the motion, which carried unanimously.

Ordinance 326 proposes to amend the Comprehensive Plan to define the future needs of Aurora Avenue North in the Central Shoreline subarea from 172nd Street to 192nd Street. Several questions and concerns were raised during the public's testimony and the Council's discussion at the June 9, 2003 meeting. The purpose of this report is to answer the questions raised on June 9th to assist Council in making a decision regarding the proposed amendments. Please see Attachment A: Response Memo to 6/9/03 Questions Regarding Ordinance 326.

Note: For reference, the June 9, 2003 staff report may be found in Attachment B.

RECOMMENDATION

The Planning Commission and staff recommend that the Council adopt Ordinance No. 326 as amended by the Planning Commission, which amends the text of Land Use Policy LU48 and adds a new Transportation policy T5.1 for the purposes of identifying the future Right of Way needs of Aurora Avenue North from North 172nd Street and North 192nd Street; and Exhibit B which adds a map figure to the Transportation Element of the Comprehensive Plan based the attached folio of maps drafted at a scale of 1 inch = 40 feet.

Approved By:

City Manager  City Attorney 

ATTACHMENTS

Attachment A: Response Memo to June 9, 2003 Questions Regarding Adoption of Ordinance 326

Attachment B: June 9, 2003 City Council Staff Report on the Adoption of Ordinance No. 326

ATTACHMENT A: Response Memo



City of Shoreline

17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 546-1700 ♦ Fax (206) 546-2200

To: Shoreline City Council
From: Tim Stewart, Planning Director
Re: Ordinance 326, Central Shoreline ROW
Date: June 11, 2003

At the City Council meeting of June 9, 2003, a number of questions were raised about the proposed amendment to the Comprehensive Plan. The purpose of this memo is to respond to those questions.

How would the businesses and property benefit if this amendment were adopted?

There are two primary benefits that would accrue to the businesses and property owners in the Central Shoreline Area.

1. Uncertainty about the future Right of Way needs would be reduced. Property owners and businesses could make future business plans that would have less risk than exists today. Property owners and businesses on the west side of Aurora could rest assured that major future takings are not planned for their property; businesses and owners on the east side of Aurora could also make mid and long term business plans.
2. The ten-foot front yard setback would be eliminated on the West Side of Aurora pursuant to SMC 20.50.230 (1). On the East Side of Aurora property would still be required to set back any new construction ten feet from the existing property line.

Would adoption of this Plan amendment preclude an alternative design, such as moving buses to Midvale?

No. This amendment would not preclude alternative designs unless the design required right of way beyond that identified in this amendment. For example, if the Interurban Trail and the Aurora sidewalks were combined in a future project, resulting in a project that requires less than the maximum, that project would be allowed. But, conversely, if an additional turning lane was desired and needing right of way beyond that defined in the Comprehensive Plan, the acquisition of the additional right of way would not be permitted unless and until the Comprehensive Plan were amended.

Why isn't this a "taking" of private property?

The City will not acquire or use the property before the City buys or condemns the property through the power of eminent domain. The property owner will continue to be allowed to use the property rights enjoyed today.

But doesn't a "cloud" come over the property?

If a "cloud" exists at all, it is the result of the public discussion about projects (Aurora, Interurban, etc.) that might be built. That "cloud" exists today because of the uncertainty of future right of way needs. Even if a property was sold now it would be incumbent upon the seller to reveal the potential projects and the uncertainty of the future right of way. The proposed amendment will help alleviate that uncertainty. In addition, the full and fair market value of the property would need to be paid if the property is taken for a public use. That value would be based upon comparable property including property not contemplated for public use. Conversely, property owners can be assured of where right of way acquisition will not need to occur.

Would adoption help or hinder the implementation of the vision established in the Central Shoreline Subarea Plan?

Adoption of the Comprehensive Plan amendments would help the implementation of the Central Shoreline Plan's vision. Property owners on both sides of the street would know what is happening and could make investment decisions accordingly. With the eastern maximum right of way established it will allow the City to work with interested property owners on possible vacation of Ronald Place and redevelopment of properties sooner rather than later.

What is the City's process for amending the Comprehensive Plan?

SMC 20.30.100 states that: *"Any person may propose an amendment to the Comprehensive Plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan."* This proposed amendment is the only amendment resulting from the 2002 Annual Review.

Can the plan be amended outside of the Annual Review?

Yes. The plan can be amended any time for a subarea plan.

Could the redevelopment of the "wedge" occur before the Central Subarea Plan is adopted?

Yes. A redevelopment proposal (including, perhaps a street vacation, use of Seattle City Light ROW and new mixed use five story building) could occur today and could occur following adoption of the ROW plan.

Could the City "land swap" for future ROW?

Yes. A "land swap" similar to the swap that occurred for the Sky Nursery Street vacation could be possible in the Central Shoreline area.

Has SEPA been completed?

Yes. A SEPA Determination of Nonsignificance was issued on April 10, 2003.

Is NEPA Required?

No. NEPA is not required for this Comprehensive Plan amendment since this is not a federal action. The NEPA process may be required for future project actions.

What would happen if the Comprehensive Plan amendment is delayed or not adopted?

Businesses and property owners on both sides of the street would remain uncertain about the potential right of way needs of the City of Shoreline and property on both sides of the street would continue to have a 10-foot front yard setback.

**ATTACHMENT B: June 9, 2003
City Council Staff Report on the
Adoption of Ordinance No. 326**

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Conduct a Public Hearing and Adopt the Amendments to the Comprehensive Plan for the Purpose of Defining the Future Right of Way Needs for Aurora Avenue North in the Central Shoreline Area (177 th Street to 192 nd Street)
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Timothy M. Stewart, AICP Director of Planning and Development Services

PROBLEM/ISSUE STATEMENT:

In September 2002, staff briefed Council on the Central Shoreline Subarea Plan and presented environmental options. At that time, Council expressed a strong desire to resolve issues regarding the future location of the Aurora Corridor right-of-way in the Central Subarea. Since then, staff has focused on identifying the maximum potential right-of-way width and location of the Aurora Corridor in the Central Subarea, and developing a Comprehensive Plan amendment to adopt the identified right-of-way needs into the Transportation Element.

FINANCIAL IMPACT:

The 2003 budget includes \$75,000, which has been carried over from the 2002 budget, associated with the Central Subarea. Of this amount, \$43,200 has been used for right-of-way surveying and mapping to produce the Central Subarea Future Right-of-Way Needs Map used to develop the Comprehensive Plan Amendment. Remaining funds will be utilized for any additional work on the Central Subarea Plan Report, printing, publishing noticing, etc. No additional funding needs are anticipated.

RECOMMENDATION

The Planning Commission and staff recommend that the Council conduct a Public Hearing on the proposed amendments to the Comprehensive Plan and adopt Ordinance No. 326 as amended by the Planning Commission (Attachment A), Exhibit A which amends the text of Land Use Policy LU48 and adds a new Transportation policy T5.1 for the purposes of identifying the future Right of Way needs of Aurora Avenue North from North 172nd Street and North 192nd Street; and Exhibit B which adds a map figure to the Transportation Element of the Comprehensive Plan based on the attached folio of maps drafted at a scale of 1 inch = 40 feet.

Approved By: City Manager  City Attorney 

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INTRODUCTION

The Central Subarea planning process was initiated in the fall of 2001. The 2001 work effort included several coordination and outreach meetings, followed by a four-day design charrette in early October. The consultant, Lennertz, Coyle and Associates, then refined the concepts and on March 5th and 6th of this year, a post-charrette check-in with the community and demonstration site owners was held. The consultant then developed the Preliminary Draft Central Shoreline Subarea Plan.

BACKGROUND

On April 15, 2002 the City Council and Planning Commission held a joint workshop to discuss the Preliminary Draft Central Shoreline Subarea Plan. At that time, staff discussed an adoption process similar to the North City Subarea Plan to include an amendment to the Comprehensive Plan, an overlay district in the Development Code, and the adoption of an environmental ordinance. The Council and Commission showed general support for the direction of the plan, but thought the five-year vision may be too ambitious, and asked for more input from the development community regarding the draft development standards. The Council and Commission also discussed the complexities of the Aurora Corridor and Interurban Trail projects.

On September 3, 2002, the City Council considered options for moving forward with the Central Subarea Plan. Council recognized the complexities associated with the Central geographic area, and sought resolution for some of the largest policy decisions to be made.

Since September, staff has revised the Preliminary Draft Central Shoreline Subarea Plan to become a new document titled "Setting the Stage for Redevelopment in Central Shoreline: Central Shoreline Subarea Plan Report" (Note: This report is available from the City of Shoreline Planning and Development Services Department upon request 206-546-1811). This document is similar to a document produced for the North City Subarea prior to the adoption of the North City Subarea Plan, and contains discussion regarding redevelopment potential and transportation solutions for the Central Subarea. The draft Central Development Standards are included as an appendix to this report, as is the Central Subarea Future Right-of-Way (ROW) Needs Map.

Staff briefed the Council on the proposed strategy to delay the adoption of the Central Subarea Plan and proceed with Comprehensive Plan amendments to define the future ROW needs in the Central Subarea at the April 21st City Council meeting. Council supported bringing this approach to the Planning Commission for a public hearing.

The Planning Commission conducted a public hearing on the proposed amendments to the Comprehensive Plan on May 15, 2003. Please see Attachment B: Draft May 15, Planning Commission Minutes for a record of the hearing including a list of those persons who testified. The Commission did not have sufficient time to formulate their recommendation on May 15th and called for a Special Meeting on May 22nd to complete its discussion and formulate a recommendation on the proposed amendments for Council.

On May 22, 2003, the Planning Commission unanimously recommended with an 8-0 vote adoption of Ordinance 326 with a few amendments to Exhibit B: Central Subarea Right of Way Map. Please see Attachment C: Draft May 22, 2003 Planning Commission minutes. These amendments edited folio map notes #1 and #3 and added a new note. The new note was created in response to public testimony from the owners of Aurora Rents, Mr. Steele, and Aurora Cold Storage and Exotic Meats, Russell McCurdy. Mr. Steele and Mr. MacCurdy requested that proposed amendment not preclude the consideration of vacating Ronald Place. By vacating Ronald Place, those businesses located between Aurora Avenue North and Ronald Place may have the opportunity to be relocated in basically the same location minus the needed right of way on Aurora Avenue. In addition, changes were made to folio map grid #13. Please see Attachment D: Planning Commission Amendments to Exhibit B Ordinance 326. Attachment D shows the Planning Commission Amendments in legislative format. Please also see Attachment E: Correspondence and Written Comments.

COMPREHENSIVE PLAN AMENDMENT DEVELOPMENT AND REVIEW

Section 20.30.340 of the Development Code states that a Comprehensive Plan amendment is "...a mechanism by which the City may modify the text or map of the Comprehensive Plan in accordance with the provisions of the Growth Management Act, in order to respond to changing circumstances or needs of the City, and to review the Comprehensive Plan on a regular basis." The Development Code Section 20.30.100 specifies that, "Any person may propose an amendment to the Comprehensive Plan." The City did not receive any applications to amend the Comprehensive Plan in 2002 from the public. Staff proposed three Comprehensive Plan amendments in 2002 in response to changing needs of the City regarding the implementation of the Central Shoreline Subarea plan.

A Comprehensive Plan Amendment may be approved by the City Council if it meets one of the following Decision Criteria from Section 20.30.340 of the Development Code:

1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies; or
2. The amendment addresses changing circumstances, changing community values, incorporates a subarea plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan; or
3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare.

Although the proposed amendments meet all of the above criteria, the amendments most directly address Criteria #2. It became evident to City Council, the Commission, and staff through the development of the Central Shoreline Subarea Plan Report and the ongoing design of the Aurora Corridor and Interurban Trail projects, that the question of: "where will the Aurora Avenue and Interurban Trail projects" be located in the Central Shoreline Subarea" needed to be answered in order to implement a redevelopment plan such as the Central Shoreline Subarea Plan. The proposed Comprehensive Plan amendments found in Attachment A attempt to address this need.

ALTERNATIVES ANALYSIS

➤ Adopt the Central Shoreline Plan

The Central Shoreline Subarea Plan Report presents ideas and concepts for redevelopment and transportation solutions for the Central Subarea. The Plan Report contains two appendices; Appendix A contains the Draft Development Standards for the Central Subarea, and Appendix B contains the Central Subarea Future Right-of-Way Needs Map. As previously stated in the "Background" section, the Council and Commission showed general support for the direction of the plan, but thought the five-year vision may be too ambitious. The Commission and Council also acknowledged that the still undetermined geographic locations of the Aurora Corridor and Interurban Trail projects in the Central Subarea could hinder the implementation of the Central Shoreline Subarea plan. Therefore, the option of adopting the Central Shoreline Subarea Plan is not recommended at this time. Staff recommends that first the Council define the future Right of Way needs in the Central Subarea and then reconsider the adoption of the Central Subarea Plan.

➤ Define the Future Right of Way Needs for the Central Subarea

The staff recommended alternative is the adoption of amendments to the Comprehensive Plan to define the future Right of Way needs in the Central Shoreline Subarea (See Attachment A). Attachment A entitled Ordinance No. 326 contains the following: Exhibit A) text amendments to the Land Use and Transportation Elements of the Comprehensive Plan that defines the northern and southern boundaries of the Central Subarea; and Exhibit B) Comprehensive Plan Figure T-8 - the Central Subarea Future Right-of-Way Needs Maps, which define the *maximum* future width of Aurora and identify the eastern and western Aurora right-of-way boundaries in the Central Subarea. Figure T-8 is drafted at a scale of 1 inch = 300 feet and will be the figure shown in the Comprehensive Plan if this amendment is adopted. However this figure is based on a folio of maps that will serve as the "Official Central Subarea Future Right of Way Needs Map" drafted at a scale of 1 inch = 40 feet. The purpose of adopting the folio in addition to Figure T-8 is to provide a greater of specificity if it is needed.

Identifying the future ROW needs will provide some resolution to business owners and allow them to move forward with their business plans.

STAKEHOLDERS

The stakeholders include:

- Business owners/operators in the Central Shoreline Area: Staff hand delivered and mailed potentially affected property and business owners in the Central Subarea copies of the proposed Right of Way changes. One of the purposes of defining the future ROW needs for the Central Area is to provide property and business owners with some certainty about the future of their property.
- Users of Aurora Avenue North: The City is planning for the redesign and redevelopment of Aurora Avenue North. The future project and improvements will require the acquisition of additional right of way in the Central Shoreline area. The

future projects will improve the safety for both pedestrians and motorists. The projects are also aimed at improving traffic flow, improving economic development potential, enhancing the livability of adjacent neighborhoods and supporting the goals and vision for this corridor that the community has expressed since before incorporation.

The key dates associated with this process are:

Finalize the Draft Central Shoreline Subarea Plan Report	January 2003
Prepare and Issue SEPA Checklist & Threshold Determination	April 2003
Notify State Agencies of the Growth Management Act Action	April 2003
Comment Period and Public Hearings	April/May 2003
Public Hearing at the Planning Commission	May 15, 2003
Special Meeting at the Planning Commission	May 22, 2003
Central Shoreline Subarea Plan Adoption	June 9, 2003

RECOMMENDATION

The Planning Commission and staff recommend that the Council conduct a Public Hearing on the proposed amendments to the Comprehensive Plan and adopt Ordinance No. 326 as amended by the Planning Commission (Attachment A), Exhibit A which amends the text of Land Use Policy LU48 and adds a new Transportation policy T5.1 for the purposes of identifying the future Right of Way needs of Aurora Avenue North from North 172nd Street and North 192nd Street; and Exhibit B which adds a map figure to the Transportation Element of the Comprehensive Plan based the attached folio of maps drafted at a scale of 1 inch = 40 feet.

ATTACHMENTS

Attachment A	Ordinance No. 326
Attachment B	Draft May 15, 2003 Planning Commission Minutes
Attachment C	Planning Commission Amendment to Ordinance 326
Attachment D	Draft May 22, 2003 Planning Commission Minutes
Attachment E	Correspondence and Written Comments

ATTACHMENT A: ORDINANCE 326

ORDINANCE NO. 326

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE LAND USE AND TRANSPORTATION ELEMENTS OF THE COMPREHENSIVE PLAN; AND AMENDING ORDINANCE NO. 178 FOR THE PURPOSE OF DEFINING THE FUTURE RIGHT OF WAY NEEDS FOR AURORA AVENUE NORTH IN THE CENTRAL SHORELINE AREA (177TH STREET TO 192ND STREET)

WHEREAS, Shoreline's first Comprehensive Plan adopted on November 23, 1998 includes Policy LU7 – "Ensure that the Shoreline City Council can amend the Comprehensive Plan once a year, as established in the Growth Management Act, through an amendment process..."; and

WHEREAS, the City in accordance with the Washington State Growth Management Act (GMA) RCW36.70A.130 which states "Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them" developed an annual Comprehensive Plan review process; and

WHEREAS, Comprehensive Plan amendments may be accepted from anyone at any time with the processing deadline of December 31st the preceding year for consideration in the following year; and

WHEREAS, the City did not receive any Comprehensive Plan amendment applications from the public and three amendments were initiated by staff in 2002 for processing in 2003; and

WHEREAS, a public participation process was conducted to develop and review amendments to the Comprehensive Plan as part of the annual review including:

- April 17, 2003 Planning Commission Briefing
- April 21, 2003 City Council Briefing
- May 15, 2003 Planning Commission Public Hearing
- May 22, 2003 Planning Commission Special Meeting
- June 9, 2003 City Council Public Hearing

WHEREAS, a SEPA Determination of Nonsignificance was issued on April 10, 2003 in reference to the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments at the May 22, 2003 Special Meeting; and

WHEREAS, the City Council conducted a Public Hearing on this Ordinance on June 9, 2003; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development for comment pursuant WAC 365-195-820 and its comments were received on May 5, 2003 and are favorable; and

WHEREAS, the Council finds that this ordinance complies with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in Title 20 for adoption of amendments to the Comprehensive Plan;

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

Section 1. Amend the Comprehensive Plan. The Shoreline Comprehensive Plan is hereby amended as follows:

- a) Land Use and Transportation Elements as set forth in Exhibit A attached hereto and incorporated herein;
- b) Figure T—8 Future Right of Way Needs for Central Subarea added as set forth in Exhibit B, the Official Central Subarea Future Right of Way Needs Map, a copy of which has been filed with the City Clerk and identified with the Clerk's Receiving No. 2243.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JUNE 9, 2003.

Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: June 12, 2003
Effective Date: June 17, 2003

EXHIBIT A

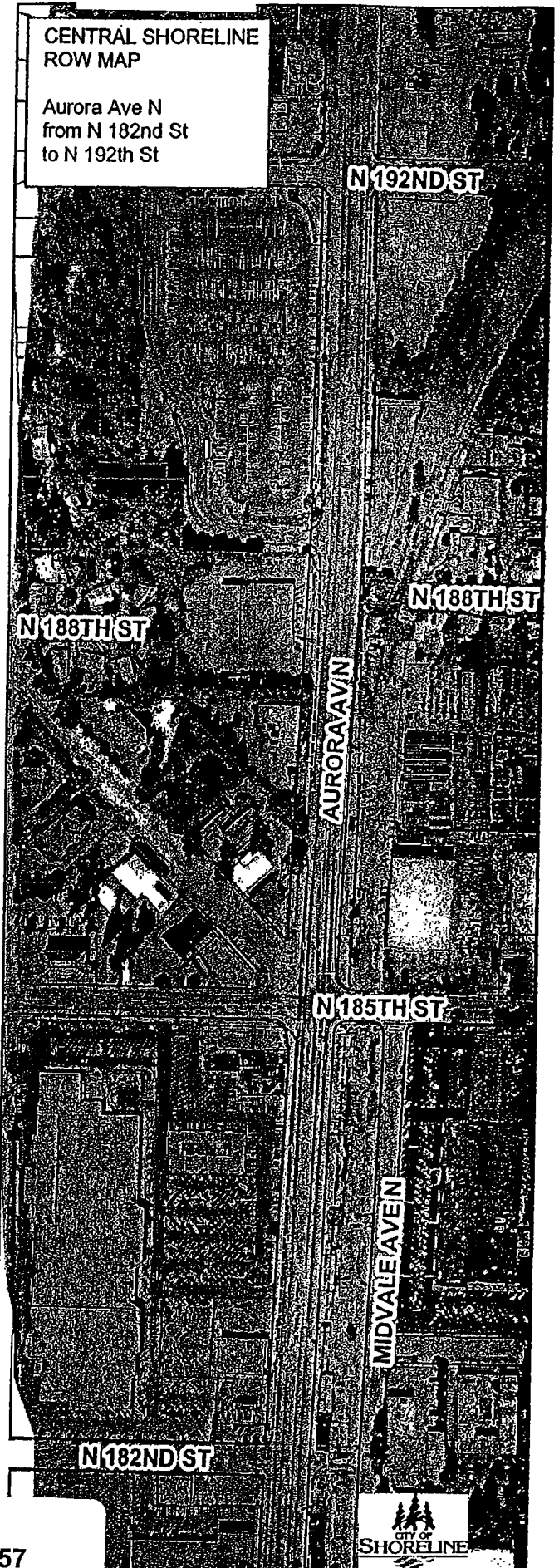
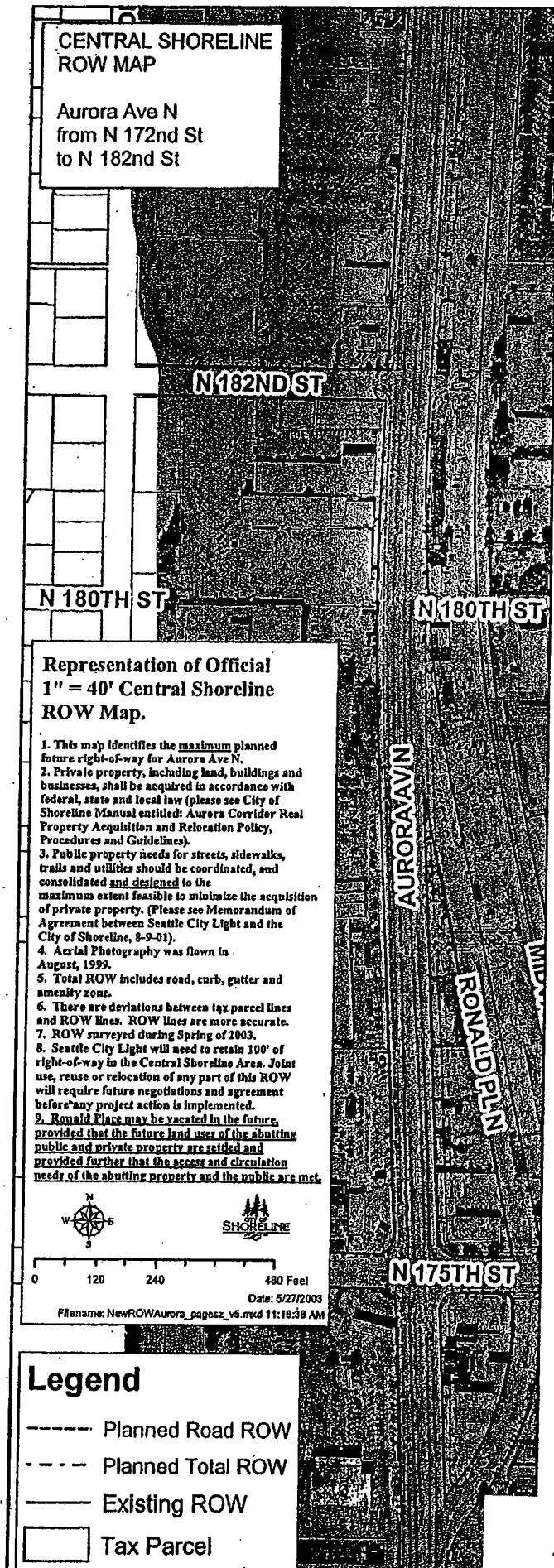
ORDINANCE 326 EXHIBIT A

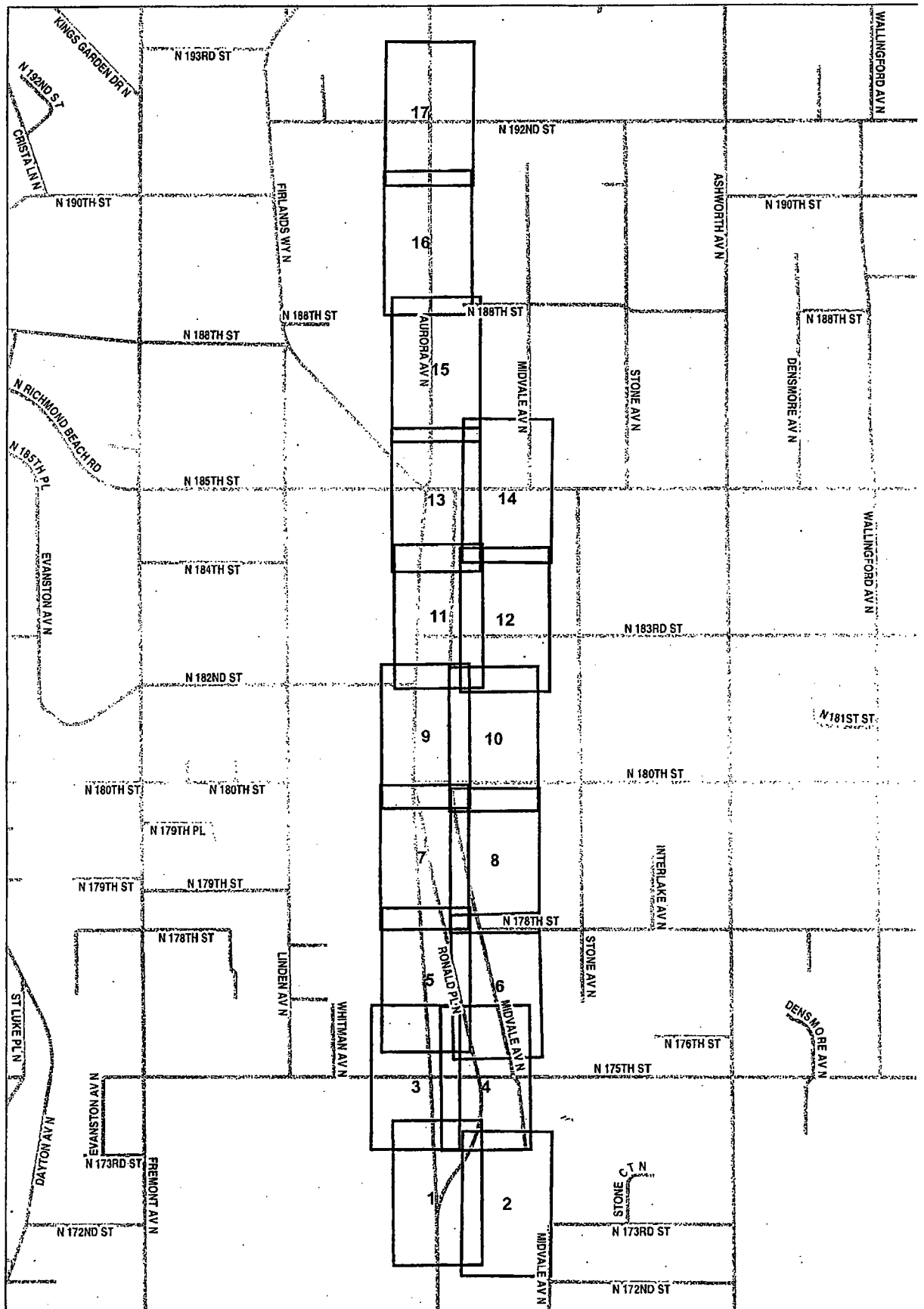
COMPREHENSIVE PLAN LAND USE ELEMENT

Policy LU 48: Ensure that street design and urban design in general is distinctive in the center Central part of the Corridor, from 175th through 185th N 172nd Street to N 192nd Street.

COMPREHENSIVE PLAN TRANSPORTATION ELEMENT

Policy T5.1: Figure T-8 identifies the future right of way needs for the Central Subarea.





Central Shoreline ROW Maps

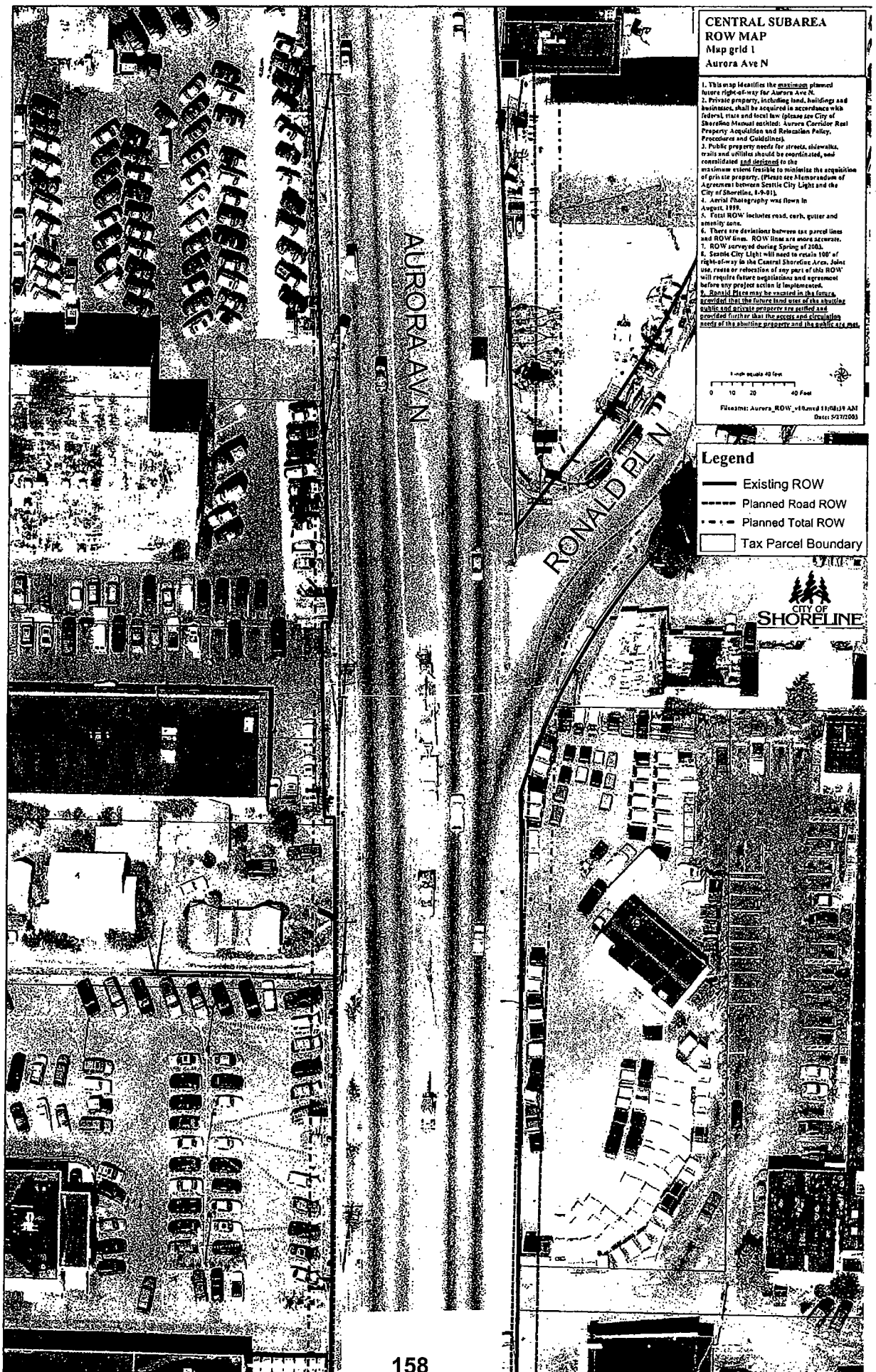
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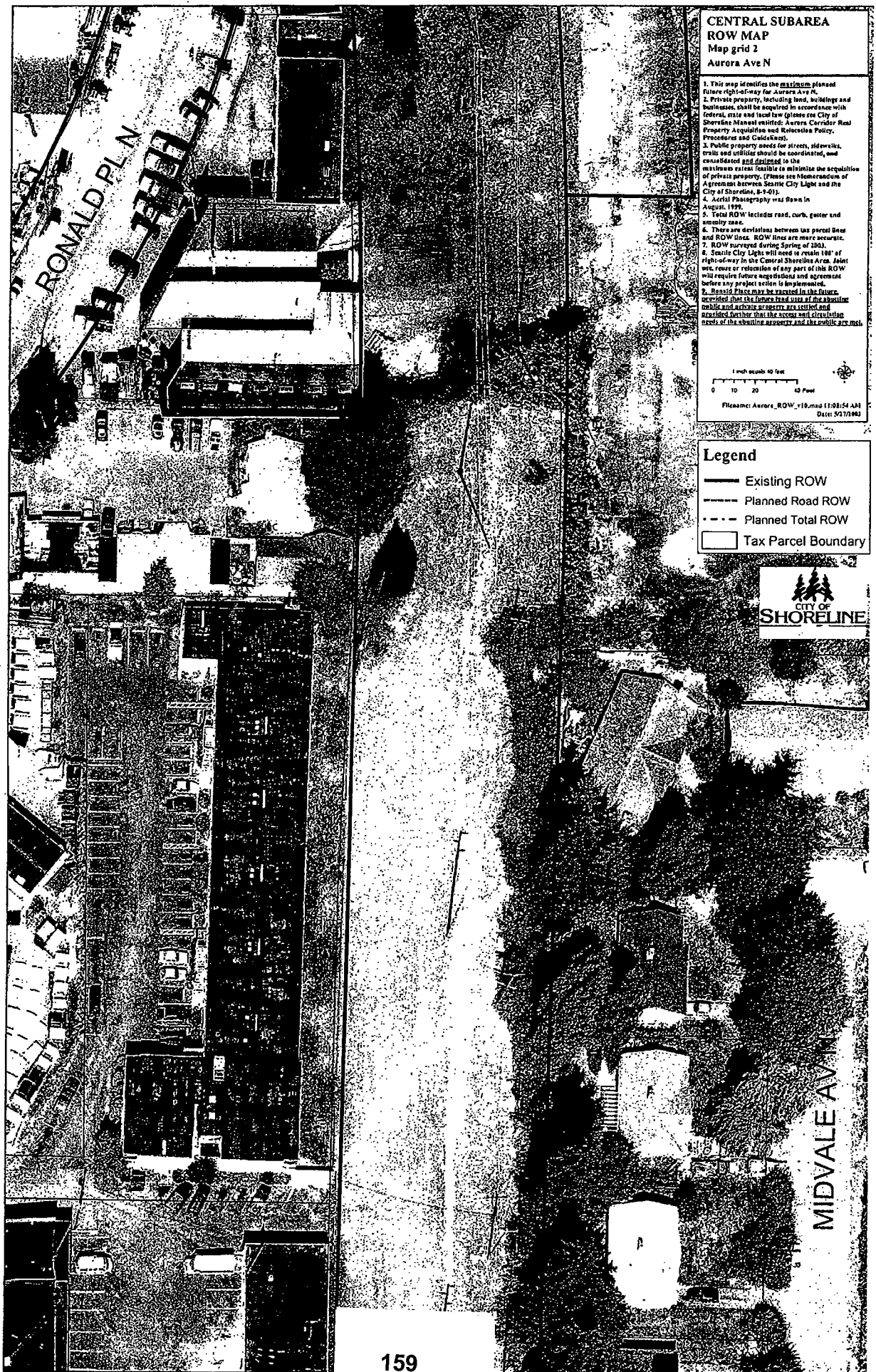


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Date: 4/30/2003





CENTRAL SUBAREA ROW MAP Map grid 2 Aurora Ave N

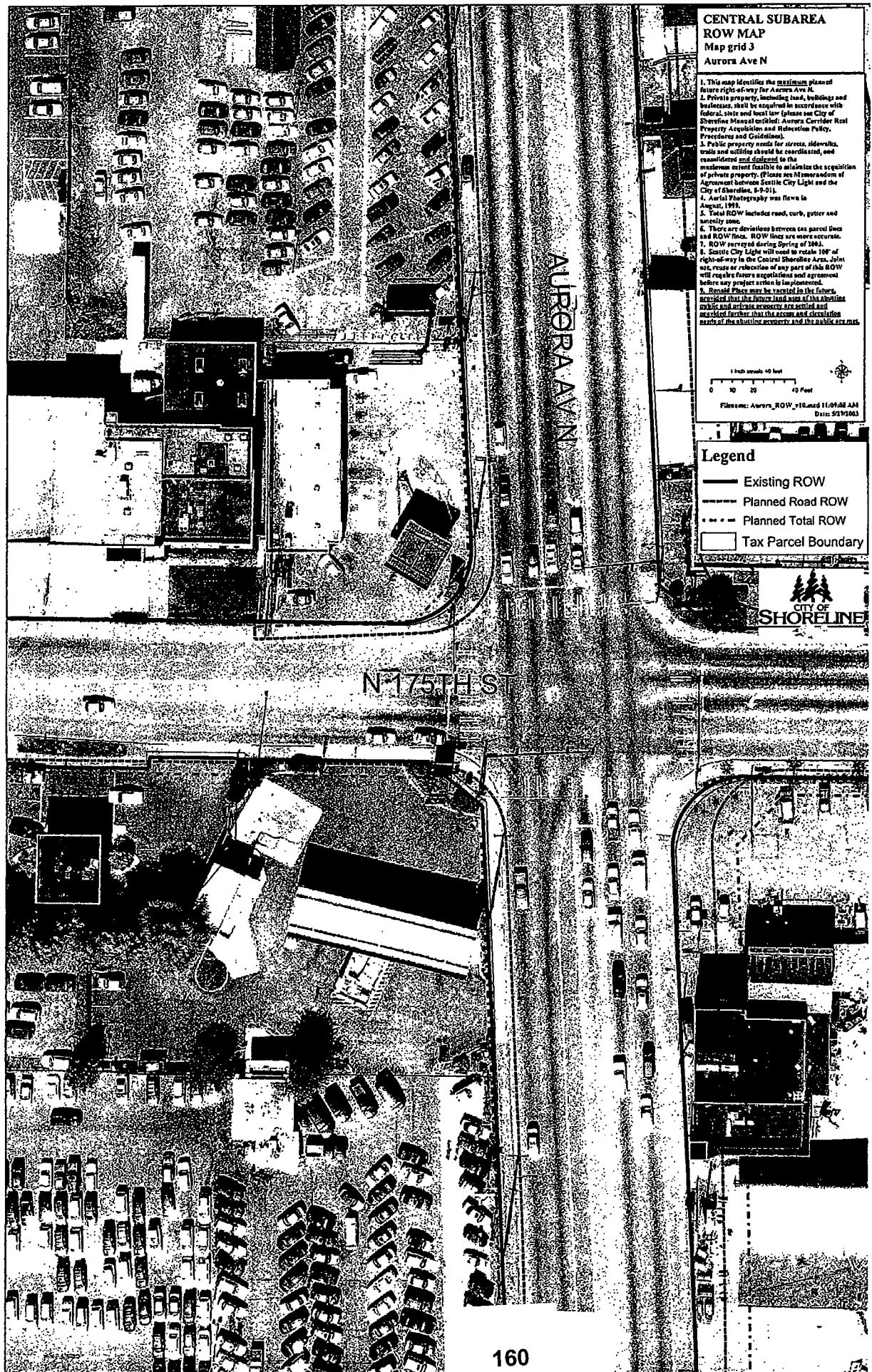
1. This map identifies the maximum planned future right-of-way for Aurora Ave N.
2. Private property, including land, buildings and businesses, shall be acquired in accordance with federal, state and local law (please see City of Shoreline Manual entitled: Aurora Corridor Real Property Acquisition and Relocation Policy, Procedures and Guidelines).
3. Public property needs for streets, sidewalks, trails and utilities should be coordinated, and coordinated with the City of Shoreline, in the maximum extent feasible to minimize the acquisition of private property. (Please see Memorandum of Agreement between Seattle City Light and the City of Shoreline, 8-7-01).
4. Aerial Photography was flown in August, 1999.
5. Total ROW includes road, curb, gutter and amenity zone.
6. There are deviations between tax parcel lines and ROW lines. ROW lines are more accurate.
7. ROW surveyed during Spring of 2003.
8. Seattle City Light will need to retain 100' of right-of-way in the Central Shoreline Area. Joint use, reuse or relocation of any part of this ROW will require future negotiations and agreements before any project action is implemented.
9. Ronald Pln may be revised in the future, provided that the future land use of the abutting public and private property is confirmed and provided further that the access and circulation needs of the abutting property and the public are met.

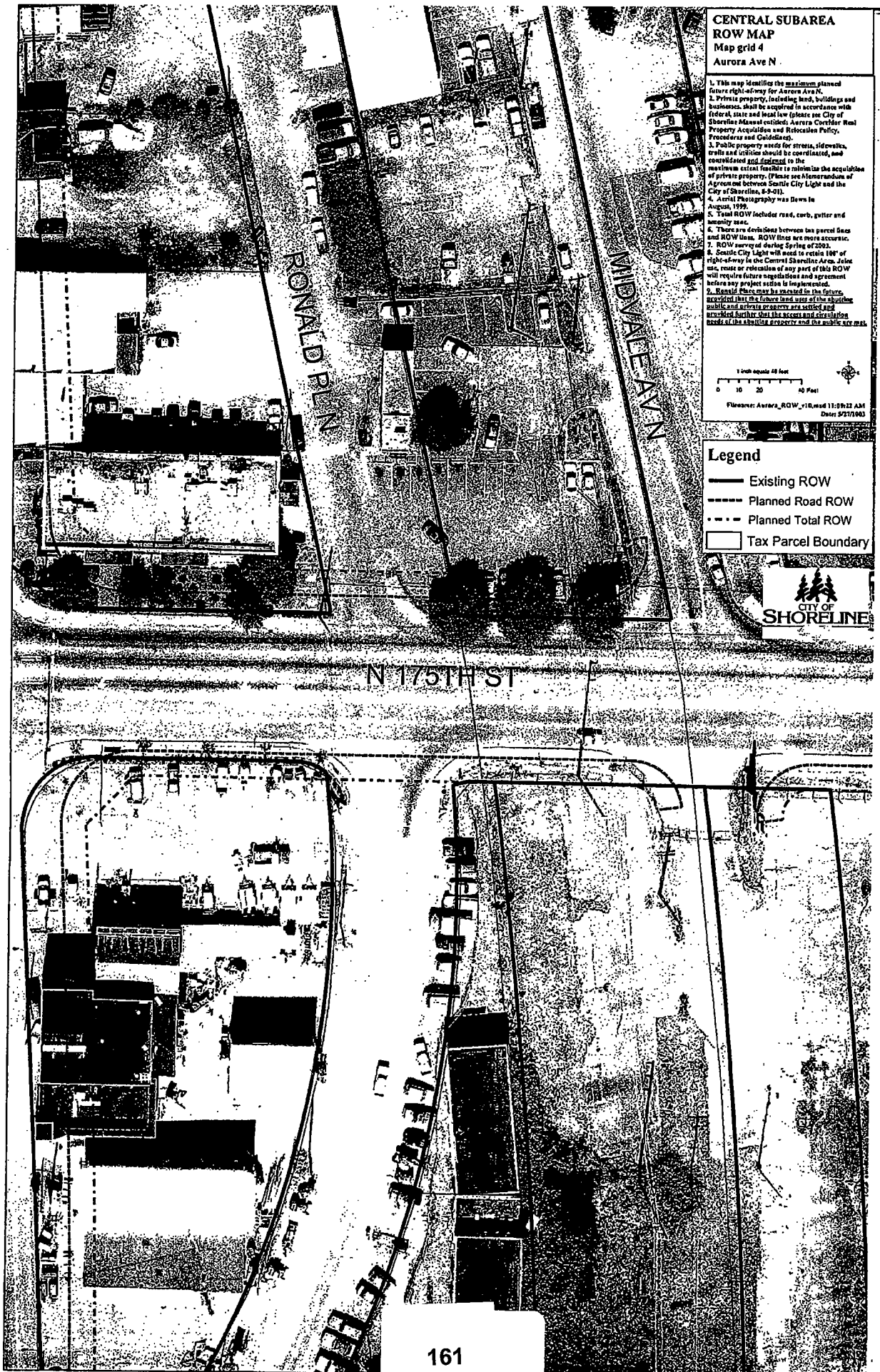
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- ## Legend
- Existing ROW
 - Planned Road ROW
 - Planned Total ROW
 - Tax Parcel Boundary



MIDVALE AVE N






**CENTRAL SUBAREA
ROW MAP**
Map grid 4
Aurora Ave N

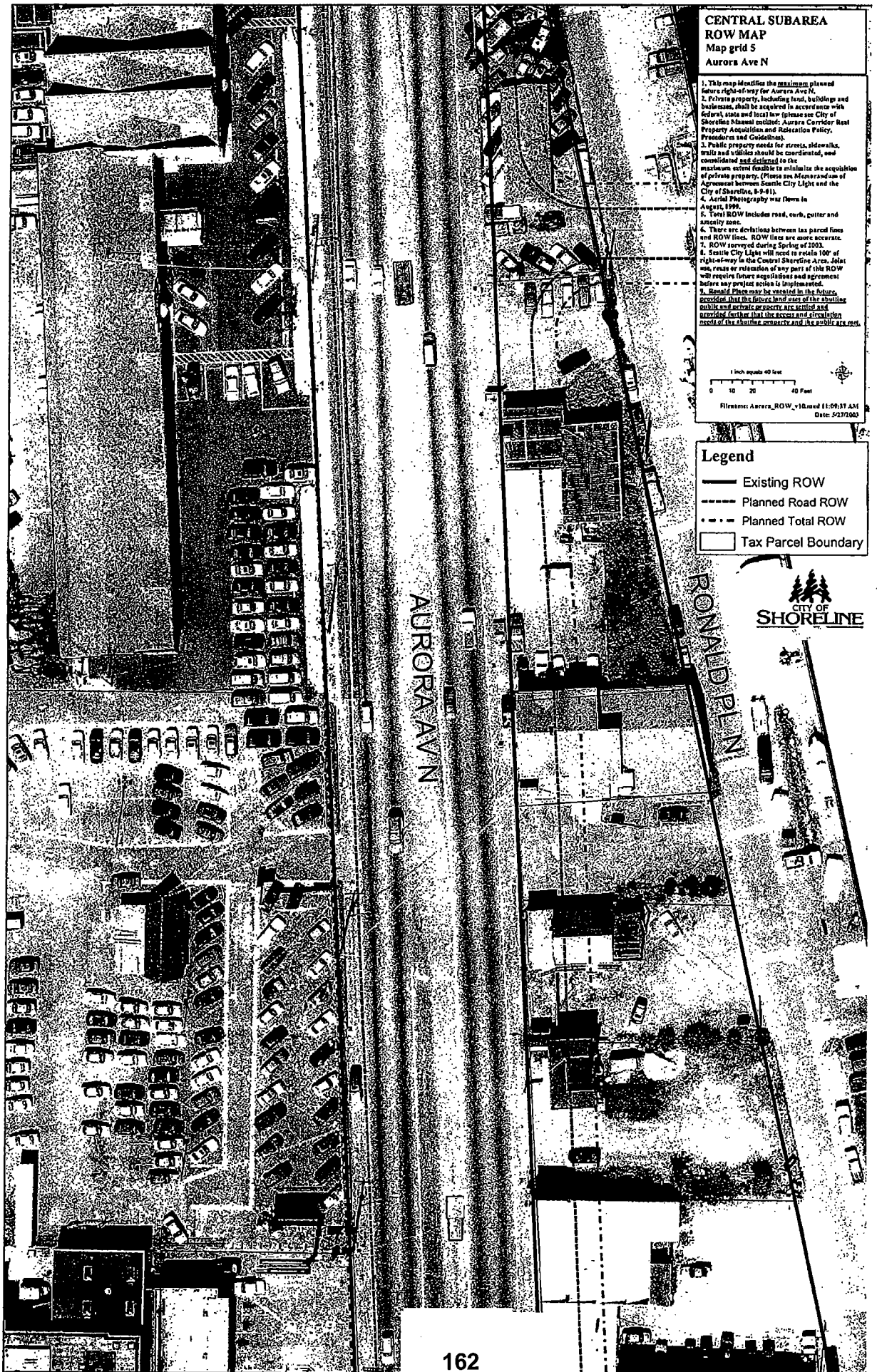
1. This map identifies the maximum planned future right-of-way for Aurora Ave N.
2. Private property, including land, buildings and businesses, shall be acquired in accordance with federal, state and local law (please see City of Shoreline Manual entitled: Aurora Corridor Real Property Acquisition and Release Policy, Procedures and Guidelines).
3. Public property assets for streets, sidewalks, trails and utilities should be coordinated, and consolidated and dedicated to the maximum extent feasible to minimize the acquisition of private property. (Please see Memorandum of Agreement between Seattle City Light and the City of Shoreline, 8-9-01).
4. Aerial Photography was flown in August, 1999.
5. Total ROW includes road, curb, gutter and utility easel.
6. There are deviations between tax parcel data and ROW lines. ROW lines are more accurate.
7. ROW survey was during Spring of 2003.
8. Seattle City Light will need to retain 100' of right-of-way in the Central Shoreline Area. Joint use, reuse or relocation of any part of this ROW will require future negotiation and agreement before any project action is implemented.
9. Shoreline Plans may be revised in the future. Notwithstanding that the future land use of the shoreline public and private property are settled and approved further that the access and availability needs of the shoreline property and the public are met.

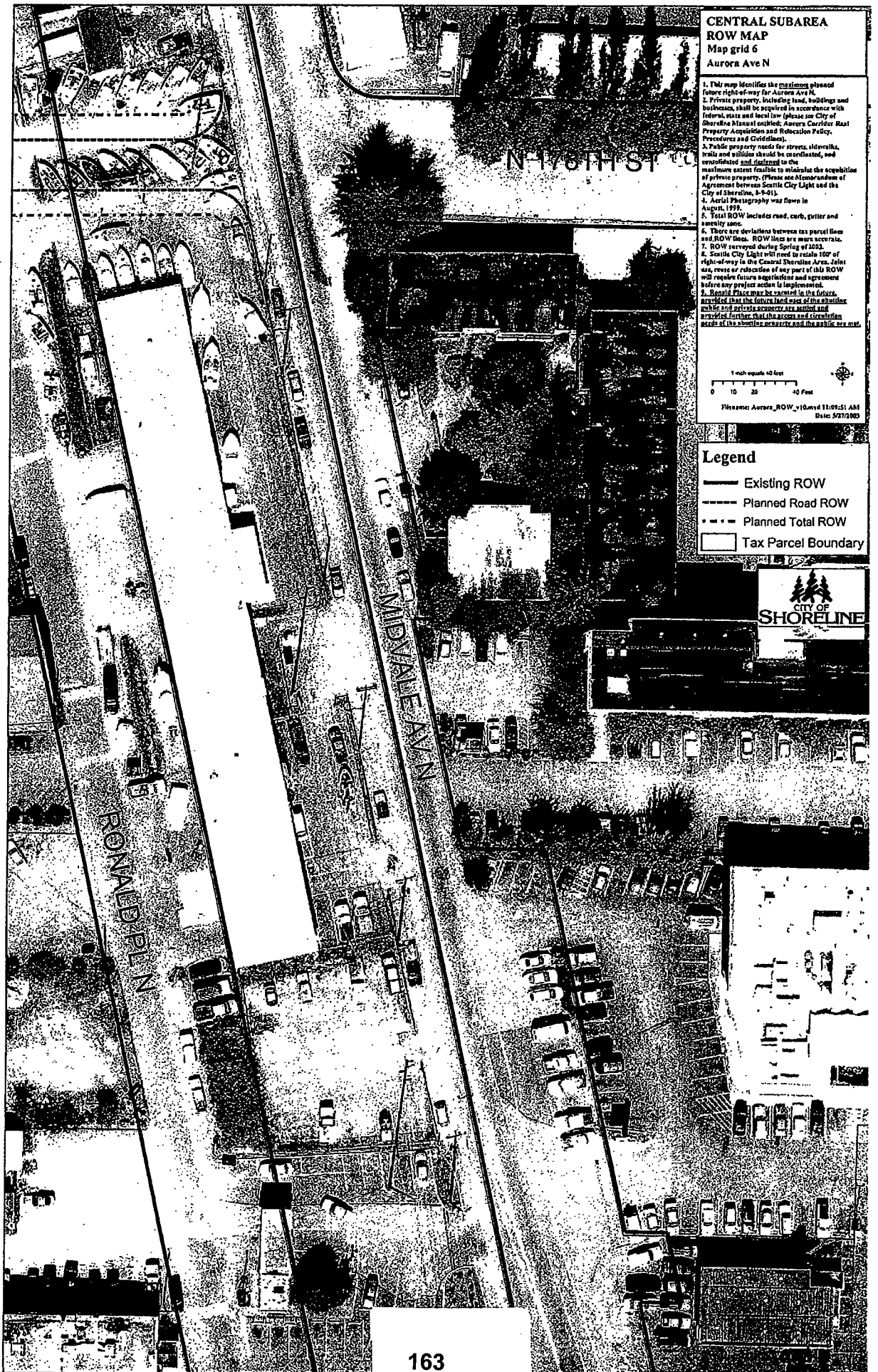
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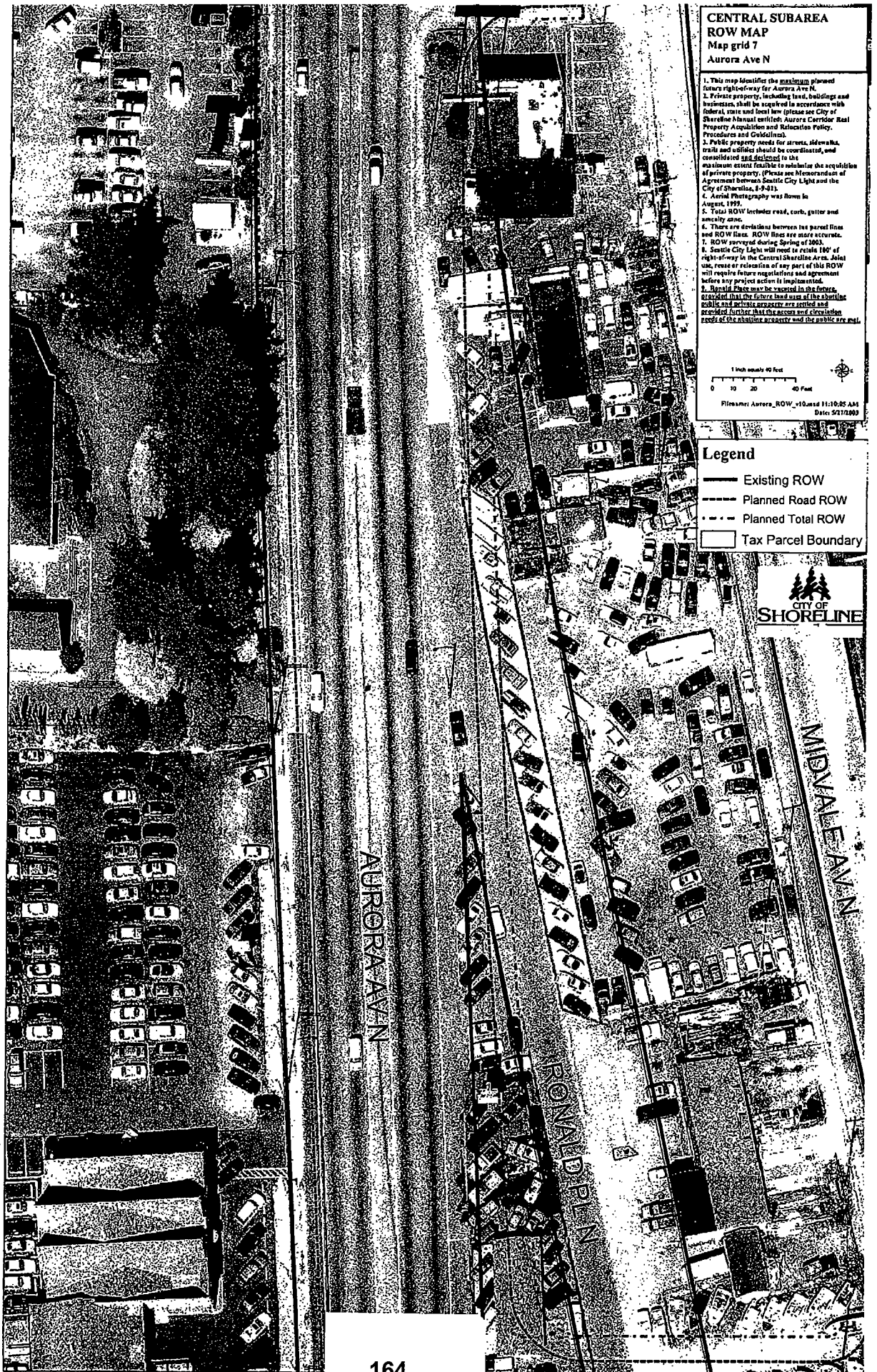
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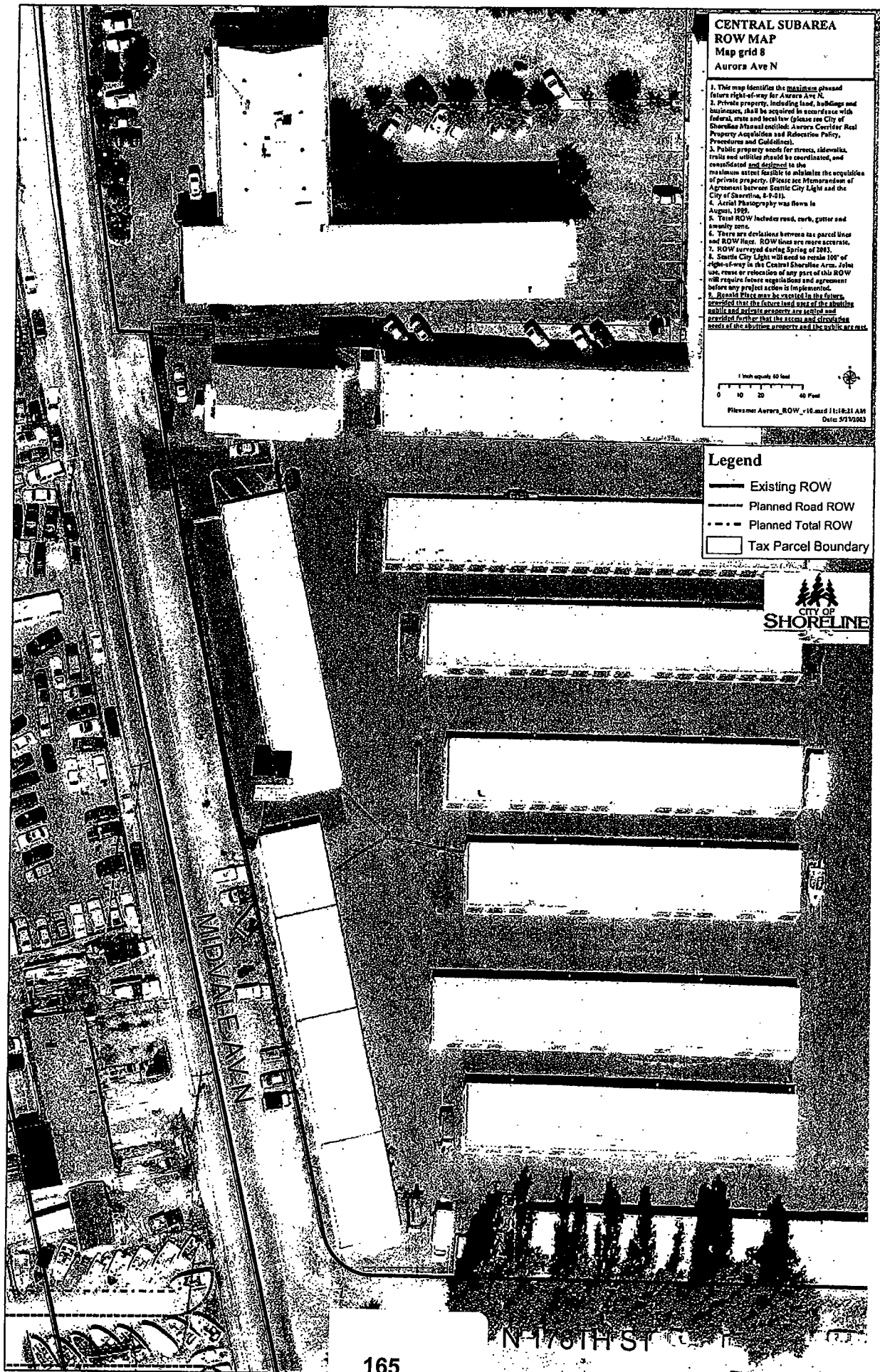
- Existing ROW
- Planned Road ROW
- Planned Total ROW
- Tax Parcel Boundary

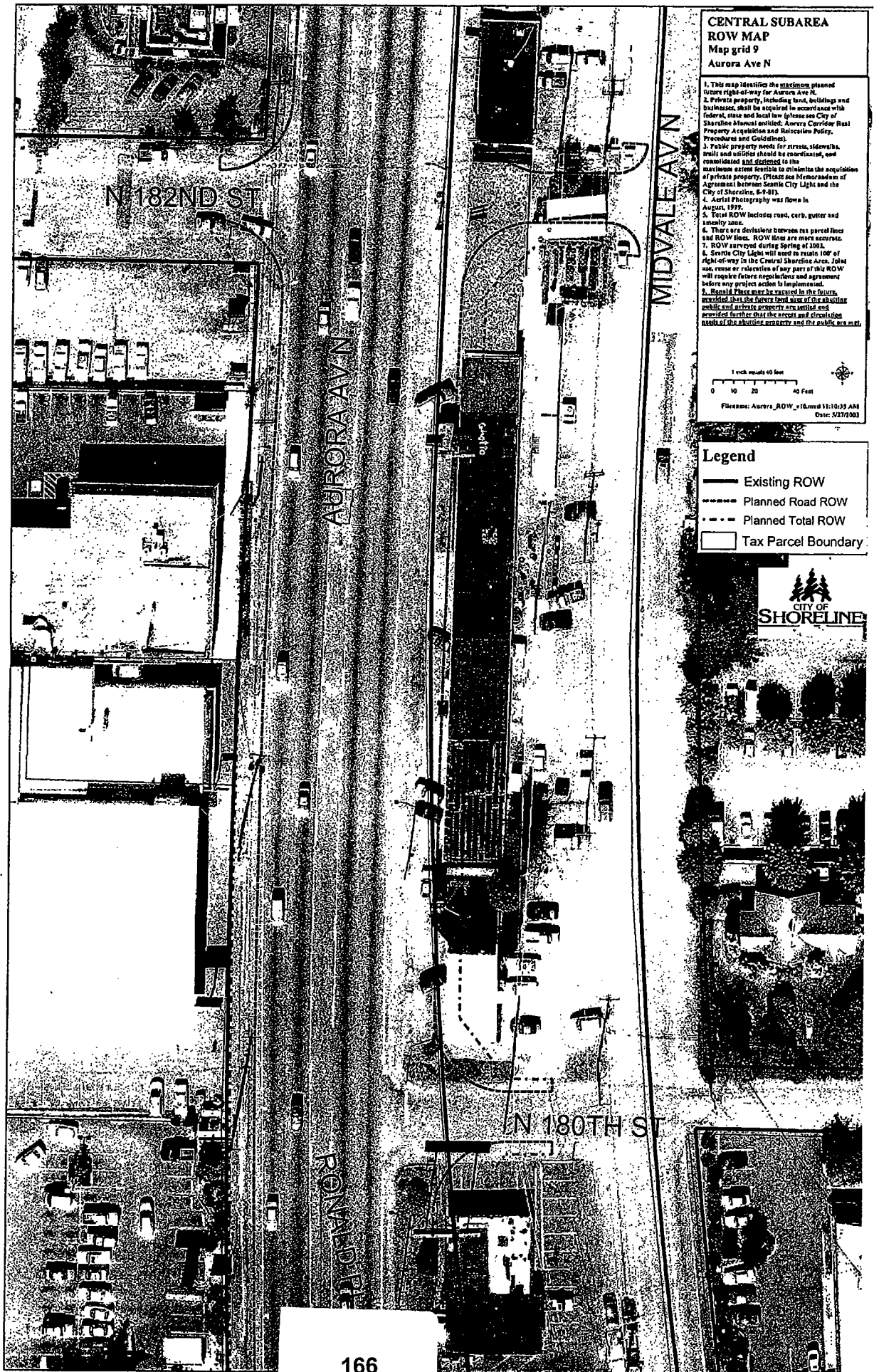

CITY OF SHORELINE











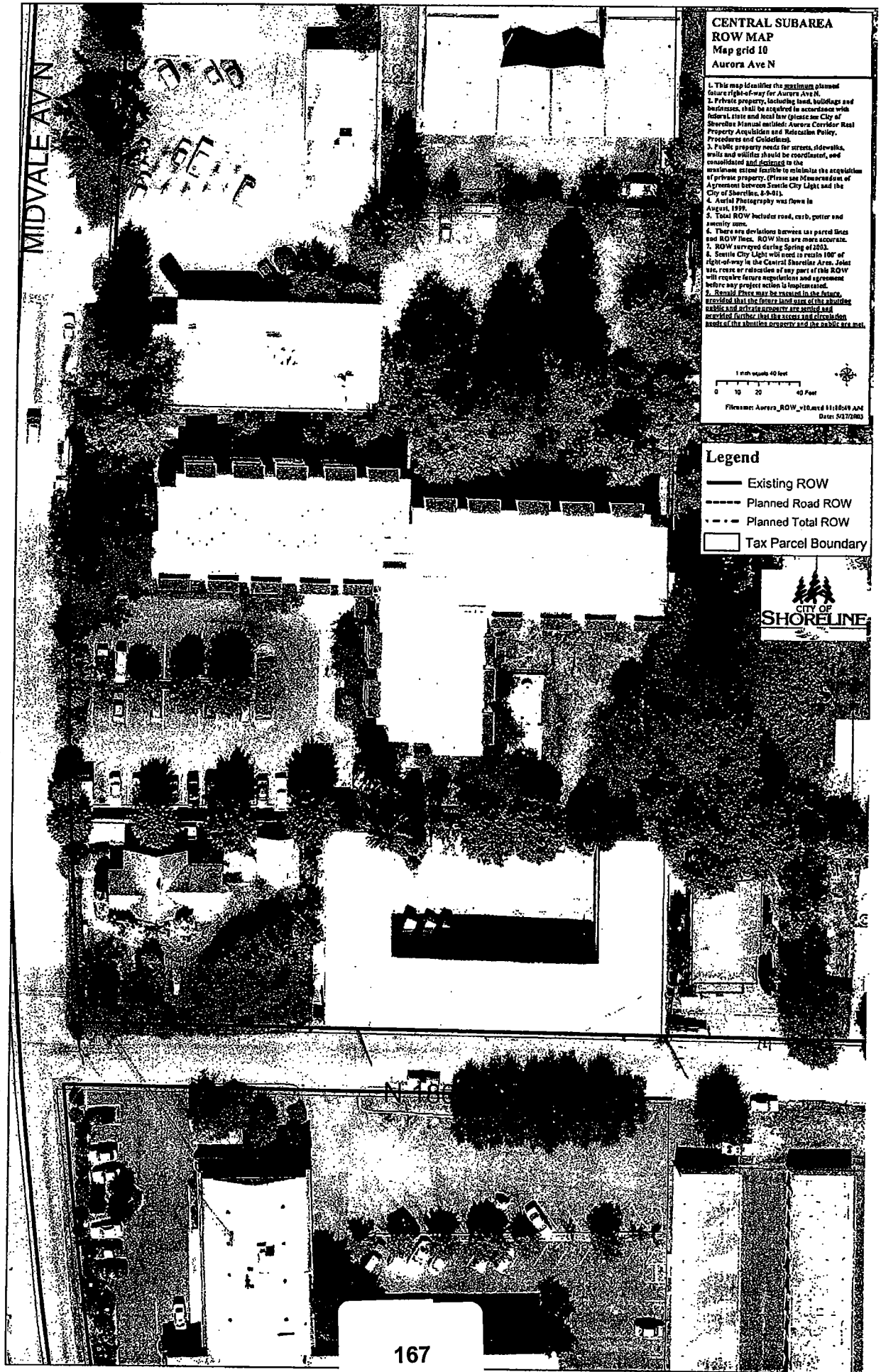
CENTRAL SUBAREA ROW MAP Map grid 9 Aurora Ave N

1. This map identifies the maximum planned future right-of-way for Aurora Ave N.
2. Private property, including land, buildings and buildings, shall be required to meet with federal, state and local law (please see City of Shoreline Manual entitled: Aurora Corridor Real Property Acquisition and Relocation Policy, Procedures and Guidelines).
3. Public property needs for streets, sidewalks, walls and utilities should be coordinated, and consolidated and defined to the maximum extent feasible to facilitate the acquisition of private property. (Please see Memorandum of Agreement between Seattle City Light and the City of Shoreline, 6-5-81).
4. Aerial Photography was flown in August, 1979.
5. Total ROW includes road, curb, gutter and utility eases.
6. There are deviations between tax parcel lines and ROW lines. ROW lines are more accurate.
7. ROW survey was during Spring of 1983.
8. Seattle City Light will need to retain 100' of right-of-way in the Central Shoreline Area, total was, more or less, 100' of right-of-way. ROW will require future negotiations and agreement before any project action is implemented.
9. Final Plans may be required in the future, awarded that the future land use of the abutting public and private property are settled and awarded further that the needs and standards needs of the abutting property and the public are met.

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- ## Legend
- Existing ROW
 - Planned Road ROW
 - Planned Total ROW
 - Tax Parcel Boundary





**CENTRAL SUBAREA
ROW MAP
Map grid 10
Aurora Ave N**

1. This map identifies the maximum planned future right-of-way for Aurora Ave N.
2. Private property, including land, buildings and businesses, shall be acquired in accordance with federal, state and local law (please see City of Shoreline Manual entitled: Aurora Corridor Rail Property Acquisition and Relocation Policy, Procedures and Guidelines).
3. Public property needs for streets, sidewalks, trails and utilities should be coordinated, and consolidated and designed to the maximum extent feasible to minimize the acquisition of private property. Please see Memorandum of Agreement between Seattle City Light and the City of Shoreline, 8-9-01.
4. Aerial Photography was flown in August, 1999.
5. Total ROW includes road, curb, gutter and security zone.
6. There are deviations between tax parcel lines and ROW lines. ROW lines are more accurate.
7. ROW surveys during Spring of 2001.
8. Seattle City Light will need to retain 100' of right-of-way in the Central Shoreline Area. Joint use, reuse or relocation of any part of this ROW will require future acquisition and agreement before any project action is implemented.
9. Revised Plans may be obtained in the future, provided that the future land uses of the abutting public and private property are acted and recorded further than the street and circulation needs of the abutting property and the public are met.

1 inch equals 40 feet
0 10 20 40 Feet
Filename: Aurora_ROW_v10.mxd 11/16/01 AM
Date: 5/3/2002

- Legend**
- Existing ROW
 - - - Planned Road ROW
 - - - Planned Total ROW
 - Tax Parcel Boundary





CENTRAL SUBAREA

ROW MAP

Map grid 12

Aurora Ave N

1. This map identifies the maximum proposed future right-of-way for Aurora Ave N.
2. Private property, including land, buildings and businesses, shall be acquired in accordance with federal, state and local law (please see City of Shoreline Manual entitled: Aurora Corridor Rail Property Acquisition and Relocation Policy, Procedures and Guidelines).
3. Public property needs for streets, sidewalks, trails and utilities should be coordinated, and coordinated and dedicated to the maximum extent feasible to minimize the acquisition of private property. (Please see Memorandum of Agreement between Seattle City Light and the City of Shoreline, 8-9-01).
4. Aerial Photography was taken in August, 1999.
5. Total ROW includes road, curb, gutter and amenity lane.
6. There are easements between tax parcel lines and ROW lines. ROW lines are more accurate.
7. ROW surveyed during Spring of 2001.
8. Seattle City Light will need to obtain 100' of right-of-way in the Central Shoreline Area. Joint wet, reuse or relocation of any part of this ROW will require future acquisition and agreement before any project action is implemented.
9. Revised Plans may be vacated in the future, provided that the future location of the shoreline public and private property are verified and provided further that the access and circulation needs of the shoreline property and the public are met.

1 inch equals 40 feet

0 10 20 40 Feet

Filename: Aurora_ROW_v10.mxd 11/11/18 AM

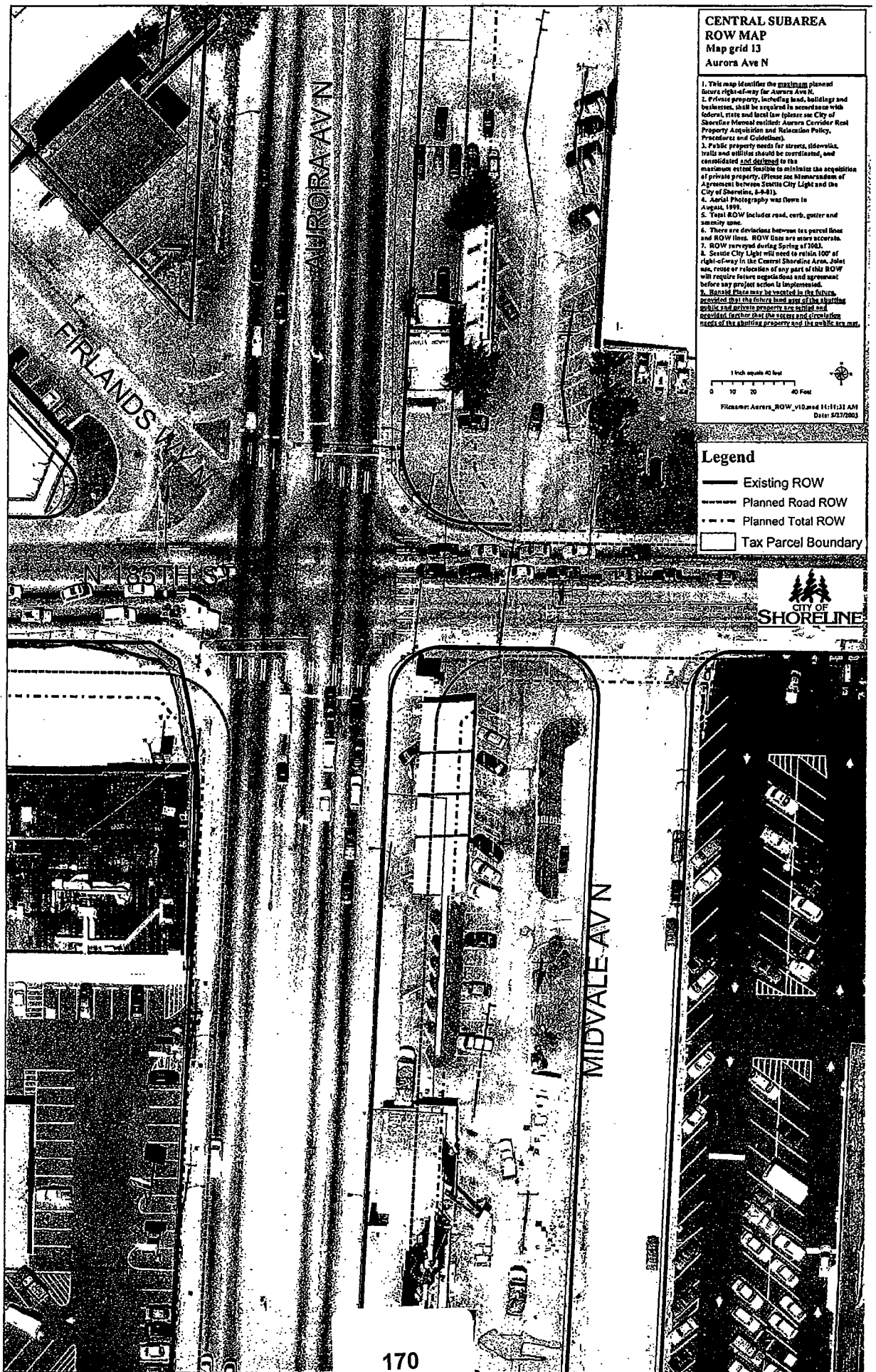
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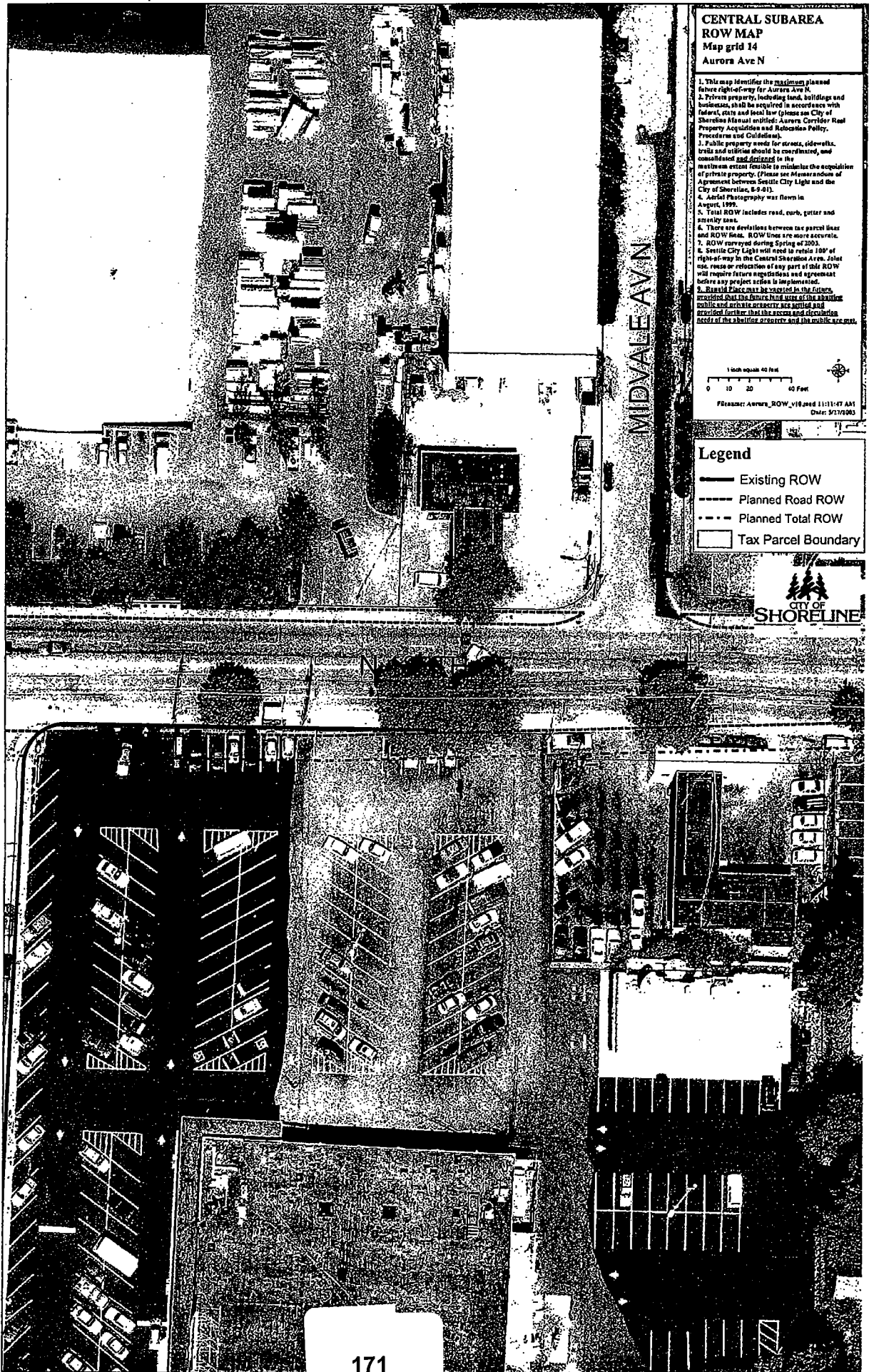
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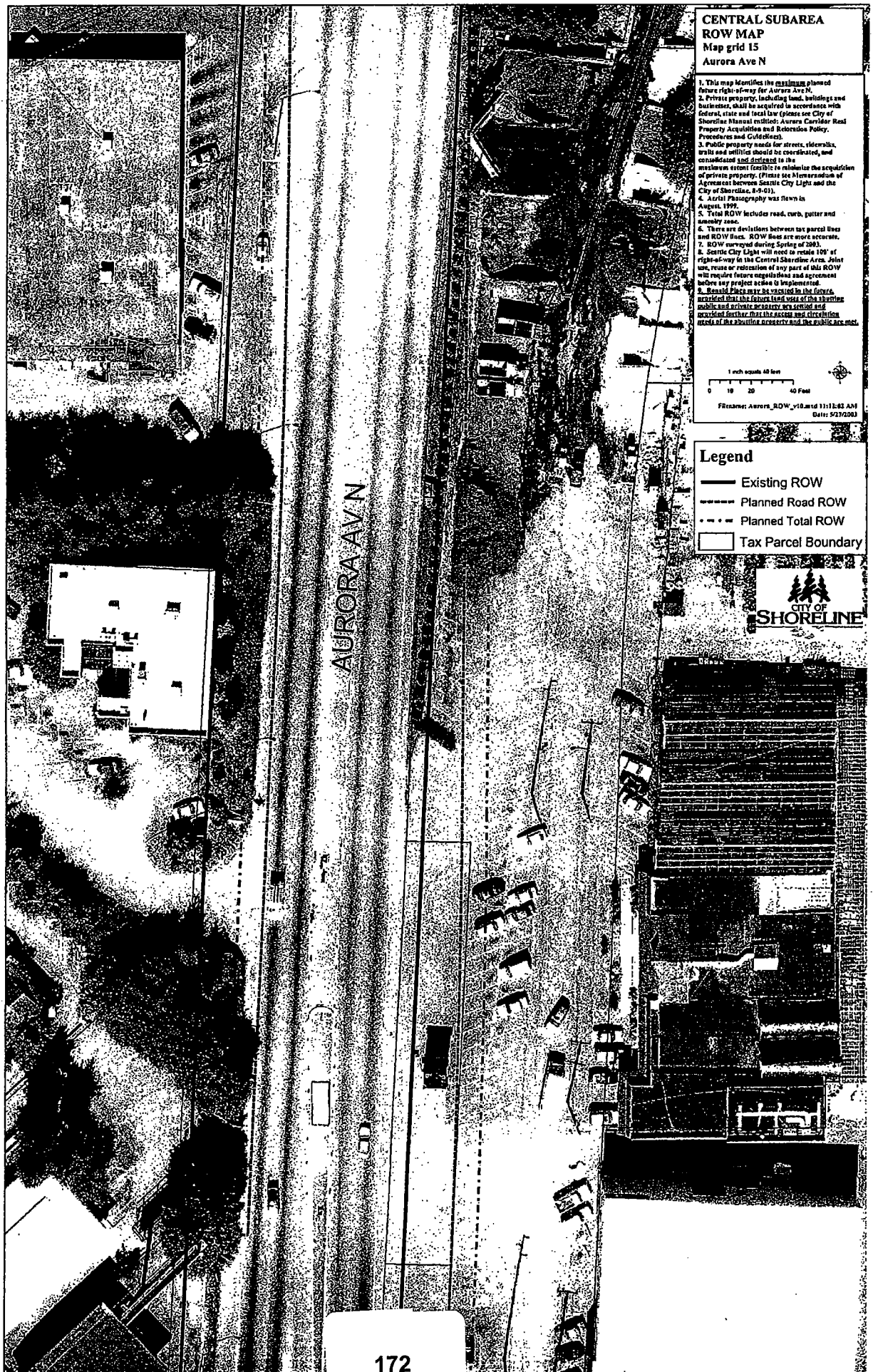
- Existing ROW
- Planned Road ROW
- Planned Total ROW
- Tax Parcel Boundary

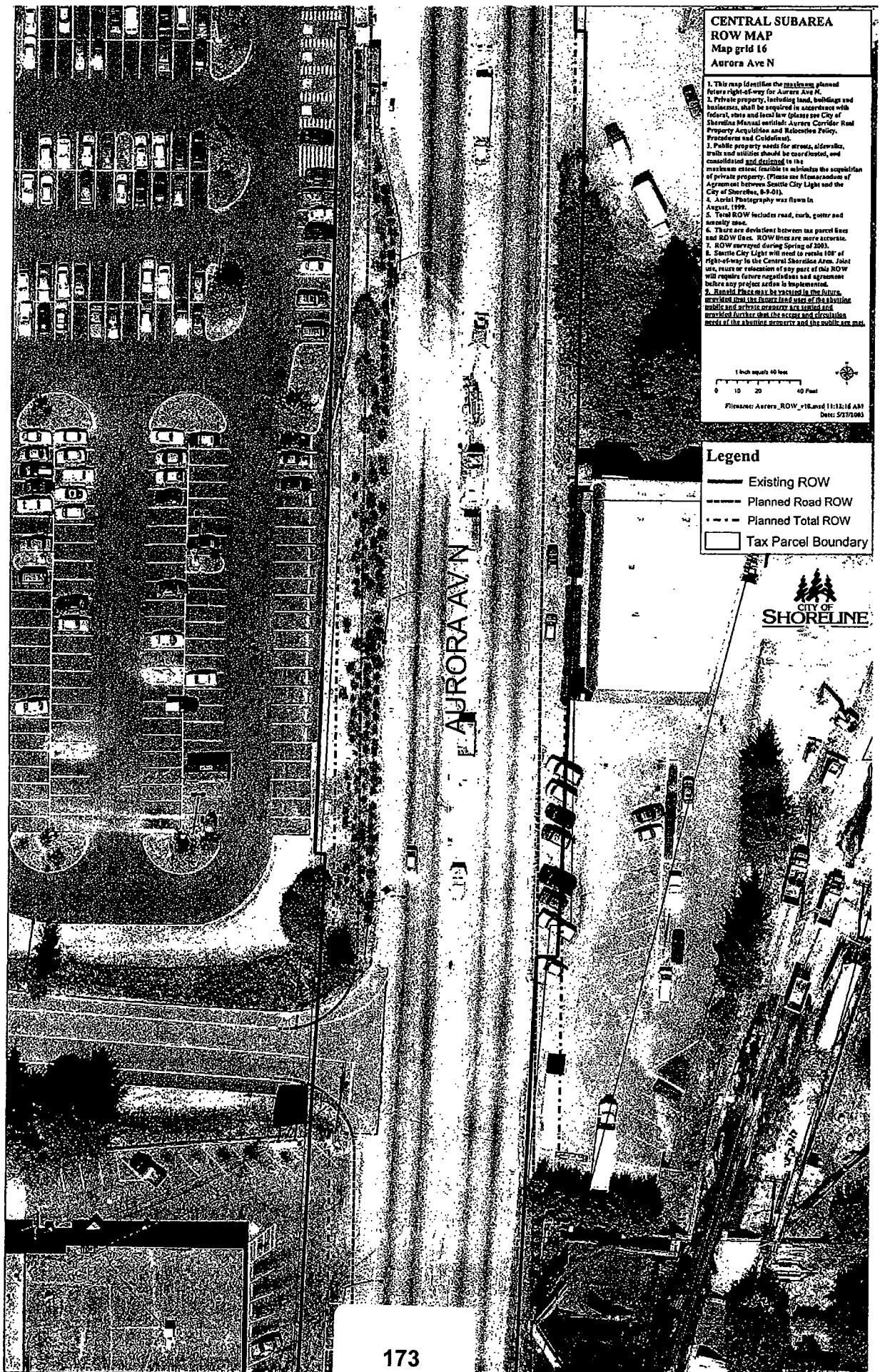


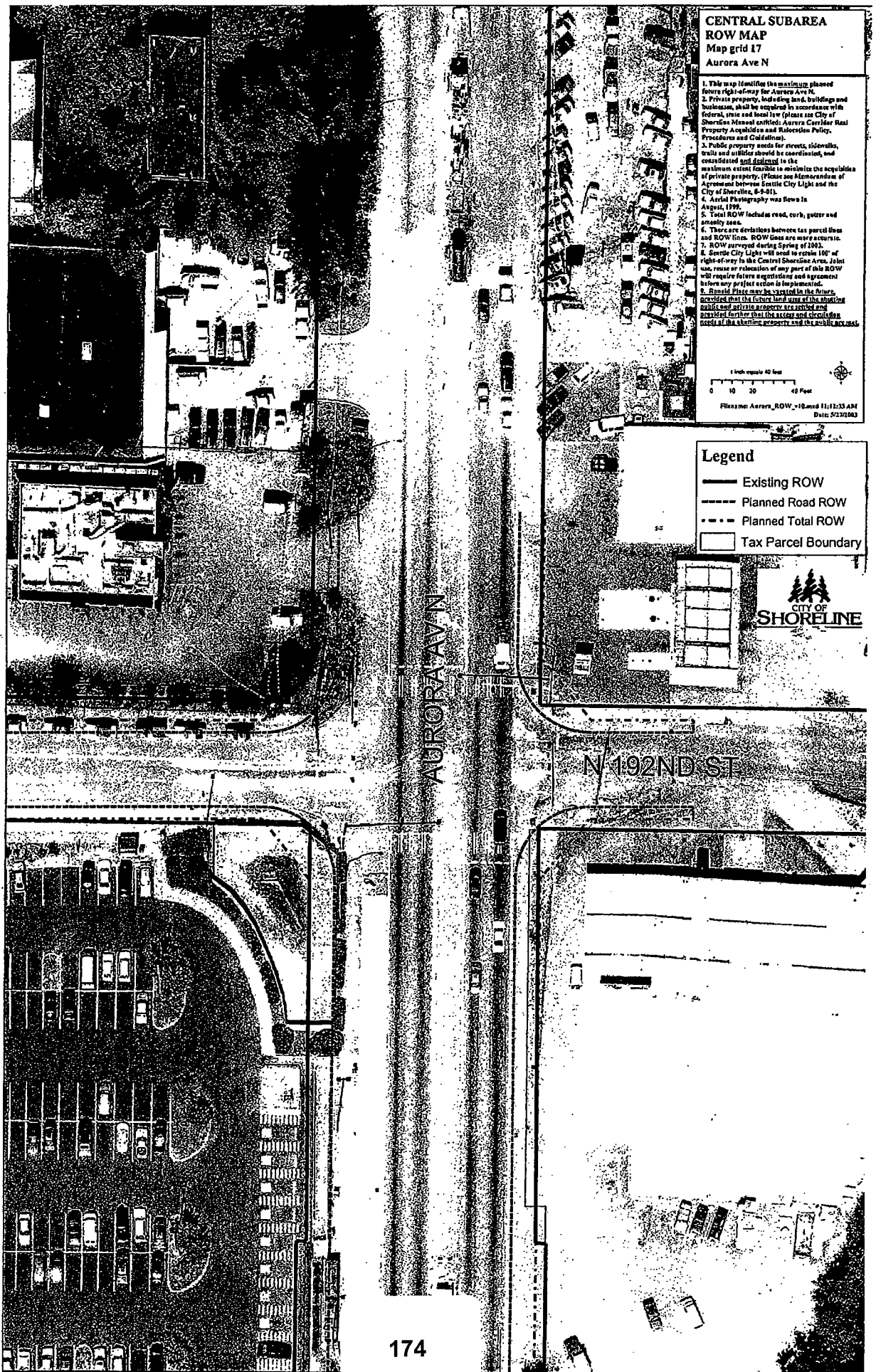
N 183RD ST











**ATTACHMENT B: DRAFT MAY 15,
2003 PLANNING COMMISSION
MINUTES**

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

May 15, 2003
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Doennebrink
Vice Chair Harris
Commissioner Gabbert
Commissioner Kuboi
Commissioner Sands
Commissioner McClelland

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Rachael Markle-Oleson, Senior Planner, Planning & Development Svcs
Andrea Spencer, Planner, Planning & Development Services
Kirk McKinley, Aurora & Interurban Trail Project Mgr, Public Works
Lanie Curry, Planning Commission Clerk

ABSENT

Commissioner Doering
Commissioner MacCully
Commissioner Piro

1. CALL TO ORDER

The regular meeting was called to order at 7:00 p.m. by Chair Doennebrink.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Doennebrink, Vice Chair Harris, Commissioners Kuboi, Gabbert, Sands and McClelland. Commissioners Doering, MacCully and Piro were excused.

3. APPROVAL OF AGENDA

Chair Doennebrink suggested, and the remainder of the Commission agreed, that the Planning Commission should deliberate after each public hearing.

The remainder of the agenda was accepted as proposed.

4. APPROVAL OF MINUTES

COMMISSIONER GABBERT MOVED TO ACCEPT THE MINUTES OF APRIL 17, 2003 AS WRITTEN. COMMISSIONER SANDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

5. GENERAL PUBLIC COMMENT

There was no one in the audience who desired to address the Commission during this portion of the meeting.

6.1 LEGISLATIVE PUBLIC HEARING TO FORMULATE A RECOMMENDATION ON THE NORTH 188TH STREET VACATION

Chair Doennebrink reviewed the rules and procedures for the public hearing.

Andrea Spencer reviewed the staff report for the application to vacate the North 188th Street right-of-way, between Seattle City Light and Midvale Avenue North. She explained that street vacations must be reviewed under the four criteria listed in the Development Code. She displayed a map on the overhead projector to identify the subject property, as well as surrounding properties. She noted that Sky Nursery owns the single-family residential homes located to the north, as well as the property that is just north of the street vacation. She said the intent is that sometime in the future, Sky Nursery will redevelop. The purpose of making the street vacation application is to facilitate this expansion.

Ms. Spencer reviewed the following criteria that the Commission must consider before making a recommendation for approval:

- **That the vacation won't be detrimental to properties in the immediate vicinity.** She said that while the properties are located in an existing single-family residential zone, the right-of-way is unimproved and not really used for access. As long as the houses remain on the property, the right-of-way would be retained in its existing condition. If Sky Nursery were to expand, they would take access from Midvale Avenue North. If the application were approved, the property would be transferred from City to private ownership. She concluded that there appears to be no detrimental effects associated with the street vacation.
- **That the dedication should not be part of a long-range plan.** She said that if the City had any long-range plans for development in this area, it would be important that they not give up the right-of-way. She referred to Map 15, which shows that none of the subject right-of-way area is under consideration as part of the Central Sub Area Plan. She added that the City staff has coordinated with all the utility companies. Since they will maintain access easements over the area, their future plans would not be affected.

- **That the vacation is consistent with the Comprehensive Plan.** She advised that the entire area has been identified in the Comprehensive Plan as a mixed use. If the right-of-way is vacated, the redevelopment of the Sky Nursery site would be facilitated and the vision of mixed-use development could come into play.
- **That there are no adverse impacts on historical or cultural resources or any impacts on critical areas.** She referred to the map and noted that no critical areas are located on the site, which is very flat. There are also no known historical resources in the area.

Ms. Spencer said staff suggests that the Planning Commission recommend approval of the street vacation. She referred to the details regarding staff's recommendation for how the property should be exchanged. Staff is suggesting that, instead of the City accepting payment for the parcel, they should do a right-of-way exchange. When the site redevelops, the City would still have adequate right-of-way on Midvale Avenue North to facilitate the City's transportation system. She said that, in the past, a dedication was done, and staff is recommending that this dedication be continued both to the south and to the north so that the City has the full, typical right-of-way width of 30 feet from the centerline. Currently there is only 20 feet from the centerline to the property.

Again, Ms. Spencer said staff recommends approval of the street vacation and the option of taking the right-of-way trade instead of payment or working another deal for a fair exchange of property. She noted that, currently, Sky Nursery uses the Seattle City Light right-of-way for parking as well as storage of landscaping supplies. Some of these uses would be moved to the parcel to the north.

Commissioner McClelland inquired if an easement for public utilities would preclude the property owner from being able to develop over the land. Ms. Spencer answered that there are some preliminary proposals that identify the property as parking area and access, which would be an allowed use.

Commissioner Kuboi requested that staff explain how the real estate valuation of the property is done. Ms. Spencer said that a preliminary report from the appraiser indicates that the subject property is worth about \$220,000. This is based on comparable property within the City (commercial value as well as proximity to Aurora Avenue).

THERE WAS NO ONE IN THE AUDIENCE WHO DESIRED TO SPEAK DURING THE PUBLIC HEARING. THEREFORE, THE PUBLIC HEARING WAS CLOSED.

Commissioner Kuboi inquired if the staff considered the inclusion of a condition that would require Sky Nursery to be the developer as opposed to selling the property to another owner at a price that is much higher than the property would originally have been worth without the vacation. He said that approval of the street vacation would result in a consolidated parcel that is worth more than two separate parcels. There is an implied assumption that Sky Nursery would develop the site, but that is not explicitly listed in the conditions.

Commissioner Kuboi said that if the property has been appraised at \$220,000, it seems that the City should get at least that much in return, if not more, because the overall value of the combined parcels is going to be more than the current value of the separated parcels. He did not feel it would be inappropriate for the City to get more than \$220,000 and share in the benefit of the higher economic value of one larger parcel instead of two smaller ones.

Ms. Spencer said that is why staff is recommending that the City receive dedications in lieu of true payment. If the site does redevelop, they already have the right-of-way to help that happen. The City would be getting something very valuable in return (a full, dedicated right-of-way). Commissioner Kuboi agreed, but pointed out that the City has 10,528.40 sq. ft. of property versus Sky Nursery's 8103.18 sq. ft. He questioned if the City would receive some monetary compensation for the difference.

Commissioner Kuboi again inquired if the staff and Commission should be concerned about the future development plan for the combined parcels. Mr. Stewart agreed that it is very important that the City consider this issue, but the Commission should keep in mind that the City wants to encourage lot consolidation and redevelopment in the commercial areas. Economic development is one of the top City Council goals, and by allowing for the consolidation of smaller parcels into larger parcels, the City would provide significantly more redevelopment opportunities. This, in turn, would expand the tax base. He expressed his opinion that the City should encourage this type of activity to facilitate business investment and expansion. Regarding actual values of the properties, Mr. Stewart advised that the City is fairly well constrained by State law. If there are differences between the land areas, there would have to be some compensation on a per square foot basis. He concluded that staff feels the proposal is appropriate and would allow a private business to develop a long-term plan for expansion. Sky Nursery is currently working on a redevelopment proposal, and the City staff is encouraging this effort.

Commissioner Gabbert said he would be in favor of the proposal, subject to the City being compensated for the difference in the land swap. He recalled that the City currently has an agreement with Seattle City Light for the trail. He questioned how the trail would be developed, and how it would be impacted by Sky Nursery's parking. Mr. McKinley answered that staff has not significantly analyzed how the trail would fit within the mile and a half section between 192nd and 175th Streets. However, there has been some dialogue with Sky Nursery about including the trail in with their development plans. If Sky Nursery decides to redevelop prior to the City being able to obtain funding, go through the environmental process and come up with a plan for the trail, the City would work with them to make sure accommodations for the trail are made.

Commissioner Gabbert said Sky Nursery might be losing something in the transition as they move into the trail project because of access and parking. Depending upon how it is done, it could end up providing an enhancement, as well. He said he assumes that most the parking would be relocated onto their site. Mr. McKinley said it is too early to tell. Their plans show a lot of the parking going north of the street vacation, but they still want to keep the arrangement with Seattle City Light to use a part of their property for parking.

Vice Chair Harris said he does not believe that Sky Nursery can continue their operation without more space once the Interurban Trail is developed. If the City wants Sky Nursery to remain in their current location, they will need to accommodate their needs as best they can. Commissioner McClelland agreed. While the street would be vacated, the easement down the middle would require a break in the development. Even though Sky Nursery would be adding land to each of their parcels, the easement restriction would impact the value, as well.

Commissioner Kuboi said he supports giving Sky Nursery the flexibility to create a better business. He said that Mr. Stewart's answer to his question made him feel much more comfortable that all of the issues have been considered, and he now feels comfortable supporting the request.

Vice Chair Harris inquired if the City has the ability to take right-of-way without paying for it if it is deemed necessary when a development permit is issued. Mr. Stewart answered that this would be possible on certain types of permits. But he is not sure whether Sky Nursery would ever apply for the type of permit that would allow the City to require dedication of the right-of-way. Vice Chair Harris clarified that he is not in favor of the City taking right-of-way without remuneration, although it is a possibility.

COMMISSIONER GABBERT MOVED THAT THE COMMISSION ACCEPT OPTION 2 OF THE STAFF'S RECOMMENDATION. VICE CHAIR HARRIS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

6.2 LEGISLATIVE PUBLIC HEARING TO FORMULATE A RECOMMENDATION ON FUTURE RIGHT-OF-WAY NEEDS FOR AURORA AVENUE NORTH IN THE CENTRAL SHORELINE AREA

Chair Doennebrink reviewed the rules and procedures for the public hearing.

Mr. Stewart presented the staff report. He explained that this project was started in the fall of 2001 and has gone through a rigorous public review process, a design charrette, numerous public meetings and a hearing, and a second review by the community. He said the issue before the Commission is a critical decision about the establishment of the future public right-of-way needs in the Central Shoreline area. This decision needs to be made before any of the vision or the substance of the plan can be developed in greater detail. He explained that the Central Shoreline Planning Process generated a development vision for the area, but the vision has always been fuzzy because the staff has not been sure about what the right-of-way needs would be. In particular, he said the question has arisen about whether the future right-of-way needs for Aurora Avenue should be on the east side, the west side, or split between the two. The proposal before the Commission at this time resolves this question by proposing that the future right-of-way needs be established on the east side of the Aurora Avenue right-of-way.

Mr. Stewart advised that one of the major reasons for the staff's recommendation is that there is already an additional 100 feet of publicly right-of-way on the east side, which is owned by Seattle City Light.

As the staff considered minimizing the impact to private property, that additional public right-of-way was the reason why the east side made more sense. This would limit the taking of private property that might be required in the future.

Mr. Stewart referred to the folio of maps that were included in the staff report to illustrate how the right-of-way needs would be identified in the Comprehensive Plan. He referred to Map 5 (right-of-way at 175th and Aurora), and noted that there are a number of lines on the map. The dark lines identify the existing rights-of-way. The short dashed lines indicate the planned road rights-of-way based upon the best information they have on the worst-case scenario. The dot-dash-dot lines are the planned future rights-of-way, including the amenity zones such as sidewalk, curb, etc. These lines are also based upon the worst-case scenario.

Mr. Stewart referred to the boxes at the top right corner of each map, which contain a series of very important notes. He emphasized that the notes are critical to the plan. Note 1 identifies the planned future rights-of-way for Aurora Avenue North. Note 2 states that private property, including land, buildings and businesses, shall be acquired in accordance with federal, state and local law. It then references the City of Shoreline's manual titled "Aurora Corridor Real Property Acquisition and Relocation Policy Procedures and Guidelines." Note 3 states that public property needs for streets, sidewalks, trails and utilities should be coordinated and consolidated to the maximum extent feasible to minimize the acquisition of private property. Note 4 references the date of the aerial photograph, and Note 5 states that the total right-of-way includes road, curb, gutter and amenity zones. Note 6 provides an acknowledgement that there are deviations between the tax property lines and the right-of-way lines. It also notes that the right-of-way lines are more accurate. Note 7 references the date of the right-of-way survey, which was just completed. Note 8 references the future use of the Seattle City Light right-of-way, including those building that might now be located in the right-of-way and are on short-term leases. It states that Seattle City Light will need to retain 100 feet of right-of-way in the Central Shoreline Area. It also states that joint use, reuse or relocation of any part of the right-of-way would require future negotiations and agreement before any project action could be implemented. He explained that before any project action to take property or use or reuse property in the Seattle City Light right-of-way (including the construction of the Interurban Trail) a detailed agreement with Seattle City Light would be required. He referred to the agreement that Top Foods reached with Seattle City Light south of 175th, which demonstrates how this provision would work, where the trail might be located, how the trail might be constructed, and how the private property owner obtained a long-term lease to utilize the balance of the land for parking.

Mr. Stewart said the reason staff is only recommending adoption of the exhibits at this time is because the community voiced their concern that the City was not ready to adopt the Central Shoreline Plan. The public has indicated that they feel it is too soon to adopt the plan because there are uncertainties about which way the right-of-way would go. The public also expressed their opinion that the development regulations were premature. The staff listened to the public comments.

Mr. Stewart said it is important to understand that the proposal does not construct anything. It does not take any land or condemn any property. It does not force any relocation of property that is identified in the future right-of-way needs.

What it does do is very well articulated in the State of Washington's review of the proposal. A letter from the Washington State Office of Community Development stated that "the proposed amendments to the land use and transportation elements of Shoreline's Comprehensive Plan and attached map clearly identify where additional right-of-way is needed on Aurora Avenue to redevelop in the Central Shoreline Corridor. Providing certainty about the location of future public investment should assist owners and potential owners of adjacent properties to decide when and where to make their own redevelopment investments."

Mr. Stewart explained that the process that was followed for the Central Shoreline Plan included a finalization of the plan report in January of 2003. In April of 2003 the staff prepared and issued a SEPA checklist and a threshold determination of non-significance. The comment and public hearing process is taking place in April and May, and the issue is scheduled on the City Council agenda for June 9, 2003. Staff has forwarded copies of the folio to approximately 85 land and business owners in the Central Shoreline area. Every property owner and business owner received a copy of the document, and staff asked that comments and questions be forwarded to them by April 19. The staff then submitted a second folio of documents with better aerial photographs. They again asked for comments to be submitted. During the past month, he said he has talked to four property owners. In addition, the Commission has received two letters. Exhibit 1 is a letter from Rick Stephens, Chairman of the Shoreline Merchants Association. Exhibit 2 is a letter from Larry Steele, Aurora Rents.

In response to the two letters, Mr. Stewart advised that the plan would provide certainty to the property owners, the business owners, the City, and future public agencies as to the City's intent for the long-term future of the corridor. The most frequently asked question he has received is related to when the City expects the changes to occur. He answered that the changes will probably take place within a six to ten-year time frame. It might be as soon as four years, but that would be very optimistic. It could be as long as 20 years or it might never happen.

Commissioner Gabbert requested that staff familiarize the Commissioners as to what the Shoreline Aurora Corridor Real Property Acquisition and Relocation Policy Procedures and Guidelines says. Mr. McKinley said the manual was adopted by the City Council about 2½ years ago. It details the process the City would go through as they build the Aurora Project and deal with the property owners. For the most part, it reiterates the federal and state process, which is generally very favorable and fair. Mr. Stewart added that, generally speaking, when the City condemns property because they are unsuccessful in reaching negotiations with the property owner, the contested item is usually related to the value of the property. There is a formal legal procedure for the private property owner and the government agency to go through so that the issues can be resolved by the courts.

Commissioner Gabbert asked that Mr. Stewart explain why most of the property taking is identified for the east side of Aurora. Mr. Stewart emphasized that the maps show the worst case in terms of the future public needs. He noted that a significant amount of property on the east is currently owned by a public agency and many of the buildings are on very short-term leases. With the exception of the Aurora Rents property, most of the buildings on the east are fairly old and values may be lower than some of the properties on the west. Commissioner Gabbert clarified his use of the word taking.

The properties are not being taken, the property owners would be compensated. Mr. Stewart added that the properties would be taken with just compensation, as allowed by the United States Constitution.

Chair Doennebrink referred to Note 6 located in the upper right-hand corner of each of the maps. This note states that there are deviations between tax parcel lines and right-of-way lines and the right-of-way lines are more accurate. He explained that when the lands were subdivided there was no GIS system to identify property lines. As a result, when the parcel lines were overlaid onto the aerials there are distortions. There were also potential location errors on how the lines were originally drawn. The new right-of-way lines have recently been surveyed in great detail, and therefore, are the more accurate. As the City acquires more accurate information from surveys, they will adjust the parcel lines on the maps. He said staff feels it is important to declare the discrepancies to eliminate confusion in the future. When differences occur between a tax parcel line and a right-of-way line, the right-of-way line would be considered the more accurate.

Chair Doennebrink suggested that the term "planned right-of-way" be changed to "maximum planned right-of-way." The Commission concurred.

Mr. McKinley explained that the southern cross section provides for a standard, single left turn lane. Because they have not gone through the environmental process for the actual project itself, they used what the current code requires (a 12-foot sidewalk with a 112-foot cross section) for design purposes. Where there are dual left turn lanes, the cross section adds another 12 feet to identify the maximum worst case scenario. He said the engineers looked at the length of turning queues at the two intersections to make sure that the needed length was accommodated.

Chair Doennebrink referred to the upper left hand corner of Map 6. He said it appears that the plan is for this road to go through. Mr. Stewart said staff believes the City should reserve the right for future access at that point, and this would involve the future use of the Seattle City Light right-of-way as well as Ronald Place.

Chair Doennebrink referred to Map 11 and said it appears that 183rd and Midvale would become a street intersection. Mr. Stewart said that no changes are proposed for 183rd. The change would occur on 182nd to the South on Seattle City Light right-of-way.

Next, Chair Doennebrink referred to Map 14 and said it appears that North 185th Street would be widened. Mr. Stewart agreed that is the intent. He said one of the issues that has been a cause of uncertainty for the redevelopment of the Gateway site, which was a target site in the Central Shoreline Plan, has always been the type of additional right-of-way that might be needed along 185th. Map 14 identifies the potential future need.

Commissioner Sands referred to Map 13 and noted that the Aurora Avenue and Midvale Avenue rights-of-way have been marked off. However, the property in between is still owned by Seattle City Light. Using Map 13, Mr. McKinley clarified the location of the existing Seattle City Light right-of-way.

Chair Doennebrink referred to Map 17 and said the lines actually continue past 192nd Street. Mr. Stewart said these lines were provided for illustrative purposes only. The limit for the Aurora Project is 192nd Street.

In answer to Commissioner Kuboi's request for clarification, Mr. Stewart explained that the Comprehensive Plan amendment would be the folio of maps. A one-page summary of the folio of maps would be included in the Comprehensive Plan Documents, and the maps would provide the legal descriptions. He said this same technique was used for amending the zoning and Comprehensive Plan Maps. Legally, the Commission would be recommending adoption of the folio of maps as a Comprehensive Plan amendment. But only the single page summary would be published.

Commissioner Gabbert inquired how the 100-foot right-of-way maintained by Seattle City Light would be reflected on the maps. Mr. Stewart said this point would need to be negotiated with Seattle City Light before any project action could occur. That is why Note 8 is so important. Seattle City Light would have objected to the amendment without assurances that the City would work this issue out with them. He emphasized that the City has no authority to require them to vacate or move any of their right-of-way. The agreement must be voluntary and considered on a case-by-case basis.

Commissioner McClelland inquired if Seattle City Light has a minimum width requirement for their right-of-way that is located under the power lines. Mr. Stewart answered that Seattle City Light currently retains ownership of 100 feet of right-of-way, and they have made it clear that they will need to end up with 100 feet when the project is completed.

Commissioner McClelland referred to Map 5 and noted the narrow strip of property between Aurora Avenue and Ronald Place, which appears to be about 100 feet at its widest point. She clarified that the right-of-way is not the width of that strip of property. It is the 100 feet that goes along Aurora Avenue. She summarized that all of the changes shown on Map 5 (dot and dot-dash-dot lines) would remain on Seattle City Light property. Mr. Stewart said that is not the case. He said the property encroachments to the east of Aurora are on private property. The right-of-way is on the east side of Ronald Place.

Commissioner Sands referred to Map 4, which identifies the Top Foods right-of-way. He noted that Top Foods did not build on the Midvale Avenue North right-of-way. Instead, they built on the Seattle City Light right-of-way. He summarized that Top Foods reached an arrangement with Seattle City Light as to where the bicycle trail might go through their property. He said the only place that Seattle City Light might have to move their easement is further north where Aurora Avenue cuts in. Mr. Stewart answered that they would probably not have to ask Seattle City Light to move their easement. He pointed out that the Seattle City Light right-of-way runs up the middle of Midvale Avenue, so the westerly travel lane of Midvale Avenue is not a public street. During the discussions and negotiations it is likely that Seattle City Light will want to resolve that dilemma.

Mr. Stewart emphasized that if and when the maps are finally adopted, the City will know what the future right-of-way needs for this area will be. Right now, there is a 10-foot required setback for any development on a road where the road right-of-way has not been established. Once the right-of-way is established, the 10-foot setback would be eliminated on both sides of the street.

In effect, all the properties on the west side of the right-of-way would have 10 more feet of development value, and all the properties on the east side would no longer be required to provide for a 10-foot setback. This would add value to all of the properties in the area.

Mr. Stewart clarified that the document is a formal proposal to the Commission as a Comprehensive Plan amendment. If adopted by the City Council, it would then become a legal document the City staff would use to make other determinations, including whether or not the front yard setback could be reduced to zero. Without a legal document, the 10-foot reduction could not occur. Commissioner Kuboi clarified that if, during further review of the maps, it were deemed that the dot-dash-dot line needs to move, this would still be possible. Mr. Stewart agreed and said that as project based actions come forward, staff expects the projects to be required to provide a much greater level of detail before decisions can be implemented. In some cases an additional environmental review could be required. He emphasized that the plan does not implement anything. It does not acquire property, authorize the combination of any property, etc. Its purpose is to identify the future intent so that people can make investments.

Mr. Stewart explained that there would be two methods for changing the map lines in the future. The first could occur if a project were to come in at less than the maximum development allowed. The other method would involve a Comprehensive Plan amendment process.

If the maps denote that the formal right-of-way is the maximum right-of-way required, Commissioner Kuboi questioned if this would constrain the City's ability to go beyond that in the future if determined necessary. Mr. Stewart advised that changing the term used to identify the dash-dot-dash line on the maps to "Maximum Planned Total Right-of-Way" would be consistent. However, he said it would constrain the City's ability to go beyond what is identified in the plan. He explained that if a project would come in beyond the right-of-way line, it would not be consistent with the Comprehensive Plan and a map amendment would be required to make the project consistent. He concluded that the maps are intended to identify the maximum right-of-way requirements, and clarification of this would be appropriate.

Commissioner McClelland requested that staff provide an overview of how they anticipate activity along Aurora Avenue to unfold over the next several years. Mr. Stewart answered that his best guess is that the high degree of uncertainty that has existed on the west side of Aurora Avenue would be removed. There would be no impediment at all to any reinvestment decision on these properties at any time. All of the property owners on the west side would get an additional 10 feet of frontage that they currently do not have development rights to. On the east side, he anticipates the potential for investment on the property that is outside of the future lines. The property that is clearly delineated as "not for public use" is free, and there would be no reason for investment to be discouraged. However, issues of concern arise on properties that have shown that there may be future right-of-way needs. In those cases, the private business owners would have time to make decisions about their future.

Mr. Stewart said that if a building permit application were submitted for development in a future right-of-way area, the applicant would have the legal right to continue to do what they want with their property. The City may, at some point, want to look at a future advanced acquisition fund to purchase these properties as they become available. However, this would be done on a voluntary basis.

Rick Stephens, 18005 Aurora Ave N, said he would be speaking on behalf of the Shoreline Merchant's Association. He said that he attended the Central Shoreline Sub Area Plan Charette that was held over a four-day period. However, during the charette, the public was not allowed to discuss the Aurora Avenue right-of-way. The plans were designed to try to prevent the elimination of private businesses or property. He said that one result of the charette was the relocation of the bus line from Aurora Avenue to Midvale to allow businesses in the wedge to retain their property and stay in business.

Mr. Stephens asked that the Central Shoreline Map revisions not be considered at this time because there has been no public appraisal of the plan. No public meetings were held with the landlords and/or business owners to discuss the right-of-way issues. The original maps that were sent to these individuals were inaccurate, the photos were bad, and they did not receive their new maps until two weeks ago. In addition, Mr. Stephens pointed out that no environmental impact statement was prepared for the maps, using real numbers from real businesses in the area. Also, no study was done on the cumulative impacts of the increased right-of-way to businesses, neighborhoods and the natural environment. He concluded that the Aurora Avenue right-of-way requirements should be studied, discussed and signed off in a public meeting and then implemented for the entire three miles of roadway rather than one little section.

Mr. Stephens said the right-of-way revisions ignore the Central Shoreline Sub Area Plan. They condemn property owners to no future use or sale of their properties. The revisions should not be made without a full and open public process and a NEPA Environmental Impact Statement. Just cause for taking of a person's private property at the cost at the time the City wishes to acquire it is not viable. These properties are the future of the business owners in the area. Allowing the City to take the property after ten years is just not right.

Mr. Stephens said that implementing the changes in the Comprehensive Plan is counterproductive. The property owners would be unable to make changes or adjustments because the Comprehensive Plan would require the exact right-of-way width and alignment identified on the maps. Also, all impact studies would be bypassed once the maps become part of the Comprehensive Plan. He concluded that in order for Aurora to be viable, they need to implement the plan first, and then work out the right-of-way issues with the business owners who own the properties. He said that, once again, this appears to be a back door approach of forcing a plan on the citizens and business owners that they do not want. He urged the Commission to recommend that the City return to the drawing board on the right-of-way requirements for Aurora Avenue.

Larry Steele, Aurora Rents, 17244 Aurora Ave N, proposed that the plan consider the vacation of Ronald Place North south of 175th Street, as long as access to the properties can be satisfied. He referred to Map 4 and identified the location of his property and its proximity to Ronald Place and the Seattle City Light right-of-way. Mr. Steele said the proximity of Ronald Place North and the new light that was just put in at Midvale Avenue is very close.

He said he is worried about traffic flow into his business. Again, he proposed that the Commission consider the vacation of Ronald Place North. By doing so, there would be an opportunity to give him additional property on Ronald Place North if it becomes necessary to take some of his property on Aurora Avenue. With realignment of property lines and working with Haggen's (Top Foods) he could remain whole. He said he may have to move the facility to a different location on the property, but his understanding is the City would help him do this if necessary.

Mr. Steele said that if the Ronald Place North vacation is approved, he asked that the Commission also consider the realignment of Ronald Place North with Midvale Avenue. He recalled that the staff's proposal is to tie Ronald Place North into the traffic light at Haggen's and Midvale Avenue. He suggested that redirecting the traffic and the bus lane would not only benefit his business, but the businesses further down because no bus lane would be required on Aurora Avenue.

If his proposal to vacate a portion of Ronald Place North is not approved, Mr. Steele asked that the Commission consider leaving the properties south of 175th Avenue out of current proposal because there are so many issues that need to be considered. He said the right-of-way, as proposed, would take up about 13,000 square feet of his building and put him out of business.

Russell McCurdy, Aurora Cold Storage and Exotic Meats, 17532 Aurora Ave N, said he is opposed to the proposed right-of-way alignment. He feels the plan is too extravagant. The huge taking proposed from the west into the east is based on 12-foot sidewalks with amenity zones and a 15-foot median. This results in an increase to the right-of-way relief that the citizens and the business community have fought for and still believes is the alternative to the City's plan. The alternative would have 6 to 8-foot sidewalks and left turn lanes with safety islands, and it would allow businesses to be maintained.

Mr. McCurdy said that because the economy is struggling now, there is a need for additional tax revenue for schools rather than acquiring properties to accommodate the increased right-of-way. He said that if he believed his business was in the way of progress, he would leave. But if his business is being eliminated to provide four additional feet of right-of-way on each side and a median, he is opposed. He questioned whether this money would be better spent on infrastructure. He urged the Commission to take a hard look at exactly where the right-of-way lines should be drawn. If the proposed lines are set in the Comprehensive Plan, the City Council would have the right to condemn his property, as well as other business properties along Aurora Avenue. The City needs to approach the improvements to Aurora Avenue with a more realistic proposal that does not take so many businesses that would like to stay.

Mr. McCurdy said that he supports the amendment proposed by Mr. Steele, and asked that it be extended to include the businesses that are located North of 175th Avenue.

Randy Ferrell, Ferrell Penning Inc., 17510 Aurora Ave N, suggested that the process appears backwards. He said, in his opinion, alternative road designs should be created, and the environmental impacts should be studied. He urged the City to also take into account the socioeconomic impacts, which a NEPA Environmental Impact Statement requires that, unfortunately, the State Environmental Impact Statement does not. This type of study would help to determine how many businesses or jobs would be lost or gained from the project, as well as the tax impacts on the City.

He said that this review needs to be completed before the rights-of-way are established. It might turn out that the proposed design is the best, but the NEPA process would help the Commission and City Council make a decision.

Mr. Ferrell said that if the Commission forwards the proposed plan to the City Council with a recommendation of approval, they would be setting the stage for the City to require the largest rights-of-way. He encouraged the Commission to recommend against the proposal to the City Council.

Edsel Hammond, 18541 Burke Ave N, said that while he is not a business owner on Aurora Avenue, he can sympathize with them. He said it is up to the Commission to put some sense into the chaos that is going on. If they recommend approval of the plan, then the taxpayers will suffer the consequences. The City is planning on a lot of future development, and they are talking about bond issues to pay for the projects on Aurora. When bonding is used, tax exemptions are given to the buildings, and only the land is taxed. That means that the citizens will have to pay the taxes on businesses that are on the developed properties. He urged the Commission to deny the plan and send the staff back to the drawing board to come up with a plan that has narrower sidewalks and roadway. He said it is up to the Commissioners to think about the impacts to the fellow citizens.

Veronica Loistl, 1153 North 165th Street, said she is not a business owner in Shoreline, but she has lived just one block east of Aurora Avenue since 1971. She said one of her goals is to support the local merchants. She said the residents understand that something significant is going on with the Aurora Corridor. While they may not be as up to date as the business owners, they are very uneasy and are starting to ask questions. She said the comments she has been hearing in her neighborhood are not very positive. When the staff talks to the business owners along Aurora, they should consider that the community supports the businesses, as well. She recalled that a whole lot was said about accommodations for Sky Nursery in the previous public hearing, yet the businesses in the area from 175th up do not appear to be as important. She suggested that all the businesses be treated with equal consideration.

Ms. Loistl recalled that Mr. Stewart previously stated that the maps show "worst case scenario." She said she sees this worst case scenario cutting the existing buildings right in half. She said she would like to know what the best case scenario would be. If the best case scenario is that some parking would be lost, this parking can be replaced when the Interurban Trail is constructed.

Dan Mann, 17920 Stone Ave N, said that while he owns a business along Aurora Avenue, it is not in the impacted area. He said he has participated in the Aurora Avenue proceedings for quite some time, and was a member of the original Comprehensive Plan Citizens Advisory Panel, which dealt with Aurora Avenue specifically. Mr. Mann said that if Bill Monroe were still on the Commission, he would tell the Commission that the original Planning Commission was "back doored" on the Aurora Avenue Plan. They were not presented with all the data, and the issue was presented as a sort of "non-binding vote." Little did they know what they gave birth to because it has never since been brought back, and there have never been adequate hearings before the Commission. Mr. Mann said the proposal that is being considered now is very similar in that it is an attempt to corrupt the Comprehensive Plan process in a very subtle way, without going through any of the adequate safeguards.

Mr. Mann said he would agree with staff that there has been a public process, but the public process produced an entirely different result than the document before the Commission for consideration. He referred to Page 14 of the Central Shoreline Sub Area Plan Report, which lists all of the public meetings that were held. However, the opening sentence states that the Central Shoreline Charette was a collaborative and open public design workshop held at the Ronald United Methodist Church. While the charette was a good event with a good result, that result is not consistent with the document before the Commission for consideration. The citizen design was morphed behind closed doors and used as a tool to enable predatory urban renewal.

Mr. Mann said the Central Shoreline Plan included keeping the wedge between 175th and 177th, which has now been right-of-wayed out of existence in the proposed right-of-way plan. The businesses located within the wedge have been there for many years, and he encouraged the Commission to look at the plan as more than just lines on paper. He said the 25-year vision identified in the Central Shoreline Plan states that the wedge would be redeveloped with storefronts facing Ronald Place. The brick road would be vacated for traffic, but would remain in place as part of the Interurban Trail. Also, the sidewalk width was reduced on the east side of Aurora Avenue because of the Interurban Trail right behind the wedge.

Mr. Mann said the proposed right-of-way plan condemns property based on a design, which includes room for two, 12-foot sidewalks adjacent to a 100-foot right-of-way trail. He said this does not make any sense now and it didn't make sense when the Central Shoreline Plan was put together by professional designers. Mr. Mann encouraged the Commission to defer judgment on the right-of-way plan until they have had time to review the support material that will shed more light on this huge decision. He urged them not to make the same mistake as the previous Planning Commission when they rubberstamped an Aurora Plan that has now become a real albatross for the City.

David Anderson, 1108 NE 200th Street, said he has a PhD in Toxicology, a Bachelors Degree in Zoology, and a Masters Degree in Fisheries. He said he has concerns both as a citizen and as an environmentalist. He said he has worked with Metro for a number of years on dealing with odor and other problems associated with sewers. While he has not been previously involved in the public process for this issue, he proposed that the trees on the sidewalks be moved away from the street to the other side of the sidewalk on private property. That change alone would add about 10,000 square feet of real estate back on the tax roll. It would also remove the visual barrier to seeing people who are trying to cross the street. Planting the trees next to the street would increase the biological load that goes into the sewer every fall by a large amount, and this could be reduced substantially if the trees were moved to the other side.

Mr. Anderson pointed out that two, 12-foot sidewalks is excessive. However, he noted that the master plan is only a suggestion. He concluded that the major reason for choosing the east side of the Seattle City Light right-of-way is not clear in the document presented. He said the map does not clearly identify this right-of-way in some of the most important areas. If they are going to make a serious decision to create a legal document, it is important that the issues are clear.

Walt Hagen, 711 North 193rd Street, said that the right-of-way document does not represent the plans that were discussed as part of the Central Shoreline Sub Area Plan charette. It represents the City's intent, and not the citizen's intent. It puts the properties along Aurora Avenue in limbo for ten to twenty-five years.

Mr. Hagen inquired why the City staff is proposing to place a four-year-old map into the current Comprehensive Plan as a legal document. The map should be accurate to today's view. He questioned regarding the location of the survey monument that was used to establish the right-of-way lines. He suggested that the lines are not tied to anything, nor are they controlled, and before any right-of-way lines are considered for Aurora Avenue, the Commission must insist upon a proper NEPA process. He noted that Aurora Avenue is part of the national transportation system of highways (State Route 99). It is not "Main Street USA" as Shoreline's City staff would like to call it.

Mr. Hagen said his primary concern is the neighborhoods. He said the Commission must insist that before any right-of-way lines are established and cast in concrete in the Comprehensive Plan, the full NEPA requirements are carried out and the cumulative impacts on 15th Northeast, the Interurban Trail, Aurora Avenue, and all of the neighborhood streets must be considered. He pointed out that the neighborhood streets would have to accommodate the traffic that comes off of Aurora Avenue. He emphasized that the capacity on Aurora Avenue would not be increased by any of the plans. He concluded that the proposed right-of-way plan is not a good proposal, and the citizens would like another chance to review the plan and provide comments.

Diana Stephens, 18005 Aurora Ave N, said she would be speaking for herself, as well as Dr. Eric Carlson, who has a business on Firlands Way. He had to leave early, unfortunately. She said it is important for the Commission to know that the proposed document was not provided to any of the businesses located on Firlands Way. A lot of customers accessing these businesses from northbound Aurora Avenue and westbound on 185th Street, and the proposed plan would close those two access points. The proposal does not provide any rationale for closing the road. The customers will have to turn left on 185th and then turn on to Linden heading North. This pushes business traffic out onto a neighborhood street, and there does not appear to be a reason for this change.

Ms. Stephens said it is important for the Commission to take into account that Seattle City Light is collecting rent for all the businesses that are leasing space from them. Seattle City Light is having a difficult time financially, and they will expect to receive the same amount of money that they are now. The City cannot expect them to get rid of businesses without being compensated for the loss of revenue, yet this issue has not been addressed. She urged the Commission not to approve the plan because it needs a lot more study.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Gabbert requested that Mr. Stewart address the questions and issues that were raised by the public. He asked if the proposed plan reflects the narrowing of the street as a result of moving the bus lane over to Midvale Avenue. Mr. Stewart answered that the proposed plan does not do anything with the bus line. The plan establishes a worst case scenario for future right-of-way needs.

DRAFT

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May 15, 2003 Page 15

If some consolidation of the public rights-of-way can be made, there may be an opportunity to reduce the line and make some adjustments. That is not part of the proposal, but is a possible outcome. However, discussions with Metro have not been encouraging based on their operational needs. The proposed plan would not preclude or prevent negotiations with Metro from coming into fruition in the future.

Commissioner Gabbert inquired how much the staff referred to the Central Shoreline Sub Area Plan as they created the right-of-way plan. Mr. Stewart said the future right-of-way plan would become an appendix to the Central Shoreline Sub Area Plan. The staff is not suggesting that the report, itself, should be formally adopted, but only that the amendment to the appendix be adopted. The right-of-way plan is an outgrowth of the process, and staff thinks it is the first and necessary step that needs to be taken before the Central Shoreline Sub Area Plan can be formalized.

Mr. Stewart explained that the project is following the required environmental review procedures, as advised by the City's legal counsel. If at some point and NEPA (National Environmental Policy Act) process is required for a future project, it would be implemented at that time. The current project is following the SEPA (State Environmental Policy Act) process. The City has issued a determination of non-significance, which is appealable following action by the City Council on the amendment.

Commissioner Gabbert referred to the taking of privately owned properties along Aurora Avenue. He said that if the City does take this property, the property owners should receive just compensation and still be allowed to stay in the area. Mr. Stewart referred to Mr. Stephen's letter in which he stated that no future use of his property would be allowed and that the plan would condemn his property. Other speakers have also made statements regarding condemnation or taking of property or somehow limiting or diminishing the current value of the property. Mr. Stewart emphasized that these statements are not true. The plan establishes a plan for the long-term right-of-way needs. If and when the City moves forward with the project to utilize or take that property, then just compensation would need to be provided to the property owners. This has been established clearly in the note on the plan having to do with the policies and procedures that would be followed in that regard. Until the project moves forward, the owners are free to enjoy and use their property and develop or redevelop as they see fit.

Mr. Stewart referred to Mr. Steele's issue regarding the vacation of Ronald Place. He referred to Map 4, and suggested that an additional Note 9 should be added to read, "Ronald Place North, from 175th Street south to Aurora Avenue might be vacated, provided that the access and circulation needs of the abutting property and the public are satisfied." Mr. Stewart said this note would mean that the vacation might occur along the eastern property line of Aurora Rents, and all or a portion of it might become available for future redevelopment if the abutting property needs and the needs of the public for circulation can be preserved. Mr. Stewart said the reason this makes sense south of 175th but not north is that an agreement with Seattle City Light on the future long-range land use of their right-of-way south of 175th has been reached with Top Foods. Ronald Place to the North of 175th Street is a different situation because there is no agreement with Seattle City Light on the future use of their right-of-way. Once they know how the trail will fit in, there may be an opportunity for a similar arrangement on Ronald Place to the north.

Commissioner Sands suggested that Note 9, as proposed by Mr. Stewart, could apply to Ronald Place north of 175th, as well, with the additional caveat that not only must the public needs and ability to access their property be satisfied, but that an appropriate arrangement with Seattle City Light would also be required for the vacation of Ronald Place north of 175th. Mr. Stewart said this would be possible, but he suggested that they require that not only the access and circulation needs of the abutting property owners and the public be preserved, but also that the proper use of the land be settled satisfactorily.

The Commission discussed whether or not they would be ready to make a recommendation on the proposed plan now, or if they would need to continue their discussion to a future meeting. Mr. Stewart advised that the City Council will begin their budget and Capital Improvement Project deliberations on June 16th, and staff was hoping to get the right-of-way plan tentatively scheduled on their June 9th agenda. If the Commission decides to continue their discussions, he suggested that they do so at a special meeting so that the issue can move forward as quickly as possible. The Commission agreed to extend the meeting to 9:45 p.m. to give the Commissioners an opportunity to present their questions to the staff.

Commissioner Kuboi suggested that the Commissioners submit their questions to the staff. Staff could consolidate their responses and present them at the next meeting. Chair Doennebrink agreed, but suggested that questions related to issues raised by the public should be brought forward while the public is still present. Commissioner Kuboi agreed.

Vice Chair Harris inquired why the City is considering the right-of-way needs for only that portion of Aurora Avenue that is part of the Central Shoreline Sub Area Plan instead of the entire three mile length of Aurora Avenue that is located in Shoreline. Mr. Stewart said the limits of the sub area study were identified in 2001, and staff has focused on this area for the Comprehensive Plan amendment. The issue of cumulative impacts and whether the entire corridor should have been studied is the subject of the current lawsuit. Therefore, he cannot provide further comment at this time. Vice Chair Harris said because Aurora Avenue is a continual highway, it should be considered as such.

Chair Doennebrink referred to Ms. Loistl's question regarding what would be considered the best case scenario for rights-of-way on Aurora Avenue. He suggested that best case could be interpreted many different ways, including doing nothing at all. Mr. Stewart agreed.

Chair Doennebrink referred to Mr. Anderson's comment that the Seattle City Light right-of-way is not always clear on the maps. He questioned if staff could make this line more visible. Mr. Stewart answered that the public rights-of-way are all identified by dark black lines, but they do not indicate which public entity owns each one. If this information were to be included, a new map production would need to be completed. Regarding the age of the maps, Mr. Stewart explained that the underlying aerial photographs are from 1999, but they have been rectified so they do not show the building slants that were included on the earlier maps. The aerial maps that were provided to the Commission are the best available without spending a significant amount of money. Commissioner McClelland suggested that it would be helpful for the staff to display the maps on the overhead projector, using a colored pencil to identify the Seattle City Light right-of-way. Mr. Stewart agreed this would help to clear up much of the confusion.

Commissioner Sands said he realizes that the lines on the map represent a worst case scenario, but once the lines are approved on an official document, there would become a need, at some point, to make the lines real. He said he is concerned that the City stay true to the charrette and the plans that the community was heavily involved in. At this time, he is not clear as to whether or not the right-of-way lines on the proposed maps are somehow different than what was identified in the Central Shoreline Sub Area Plan. He said he understands the business owners' concern about approving a formal document identifying right-of-way lines without some legislative comments provided to indicate the intent and purpose of the right-of-way maps. It should be clear that the City wants to follow through with what was identified at the charrette. Mr. Stewart said that is the purpose of the notes provided in the boxes in the upper right corner of each map. If there are better ways of expressing the intent, clarification can be provided as a note to the map. He agreed that clarification could be provided to indicate that the right-of-way lines identified on the maps are the maximum, and that they are intended to facilitate the Central Shoreline Sub Area Plan Report.

Commissioner Sands suggested that if the City is able to reach an agreement with Metro to remove the bus lanes from Aurora Avenue there would be no need to have the maximum right-of-way. The same would be true if the sidewalks do not have to be as wide. This intention could also be clearly stated in the notes. Mr. Stewart said that is the intent of Note 3. If the trail and sidewalk could be consolidated, the project right-of-way lines would be less than the maximum.

Commissioner McClelland suggested that staff come up with a method for showing how the right-of-way proposal supports the Central Shoreline Sub Area Plan. This would enable to the Commission to determine whether or not the two documents are consistent. She said it is important that the Commission not dismiss the personal investment people have in owning either property or a business in this area. She inquired how many property owners would be affected by the proposed maps. Mr. Stewart answered that staff could provide the Commissioners with a list of both property owners and businesses that were provided copies of the document. The total of the two groups is approximately 85.

7. REPORTS OF COMMITTEES AND COMMISSIONERS

Vice Chair Harris reported that he represented the Commission at the last City Council meeting regarding the critical areas amendment. The City Council discussed the amendment at their workshop, but no formal action has been taken yet. He said the Mayor thanked the Commission for their efforts.

8. UNFINISHED BUSINESS

Commissioner Kuboi said the Aurora Avenue topic has a lot of issues and questions associated with it. He suggested that the Commissioners forward their questions to the staff before the next meeting so that staff can respond in writing. He said his fear is that they will talk a lot at the next meeting, and still not be all that much closer to coming to a conclusion. He questioned how the Commission's collective thoughts could be organized to enable them to reach a consensus.

Mr. Stewart said he has taken notes of the comments received from the public and the Commission. He suggested that if Commissioners have any additional comments to add, they should contact Ms. Markle. Staff would then try to provide answers to their questions. Commissioner Kuboi suggested that staff provide a written summary of all of the Commission comments prior to the next meeting. Mr. Stewart said staff would attempt to get the best information to the Commission in the earliest form, but this would depend upon when the special meeting is scheduled and when the Commissioners submit their additional questions.

Mr. Stephens asked that the compilation of Commission questions and staff responses also be provided to the Shoreline Merchant's Association prior to the next meeting.

The Commission and staff discussed possible special meeting dates. Staff was directed to work out the details and notify the Commissioners.

9. NEW BUSINESS

There was no new business scheduled on the agenda.

10. AGENDA FOR NEXT MEETING

Ms. Markle advised that a public hearing on a special use permit application by Parker's for intensification of a gambling use is tentatively scheduled on the June 5 agenda.

11. ADJOURNMENT

The meeting was adjourned at 9:55 p.m.

Brian Doennebrink
Chair, Planning Commission

Lanie Curry
Clerk, Planning Commission

DRAFT

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**ATTACHMENT C: PLANNING
COMMISSION AMENDMENTS TO
ORDINANCE 326**

CENTRAL SHORELINE ROW MAP

Aurora Ave N
from N 172nd St
to N 182nd St

N 182ND ST

N 180TH ST

N 180TH ST

Representation of Official 1" = 40' Central Shoreline ROW Map.

1. This map identifies the planned future right-of-way for Aurora Ave N.
2. Private property, including land, buildings and businesses, shall be acquired in accordance with federal, state and local law (please see City of Shoreline Manual entitled: Aurora Corridor Real Property Acquisition and Relocation Policy, Procedures and Guidelines).
3. Public property needs for streets, sidewalks, trails and utilities should be coordinated and consolidated to the maximum extent feasible to minimize the acquisition of private property. (Please see Memorandum of Agreement between Seattle City Light and the City of Shoreline, 8-9-01).
4. Aerial Photography was flown in 1999.
5. Total ROW includes road, curb, gutter and amenity zone.
6. There are deviations between tax parcel lines and ROW lines. ROW lines are more accurate.
7. ROW surveyed during Spring of 2003.
8. Seattle City Light will need to retain 100' of right-of-way in the Central Shoreline Area. Joint use, reuse or relocation of any part of this ROW will require future negotiations and agreement before any project action is implemented.

0 125 250 500 Feet

Date: 4/30/2003

Filename: NewROWAurora_pages_v4.mxd 3:48:39 PM

Legend

- Existing ROW
- - - Planned Road ROW
- - - Planned Total ROW
- Tax Parcel

N 175TH ST

CENTRAL SHORELINE ROW MAP

Aurora Ave N
from N 182nd St
to N 192th St

N 192ND ST

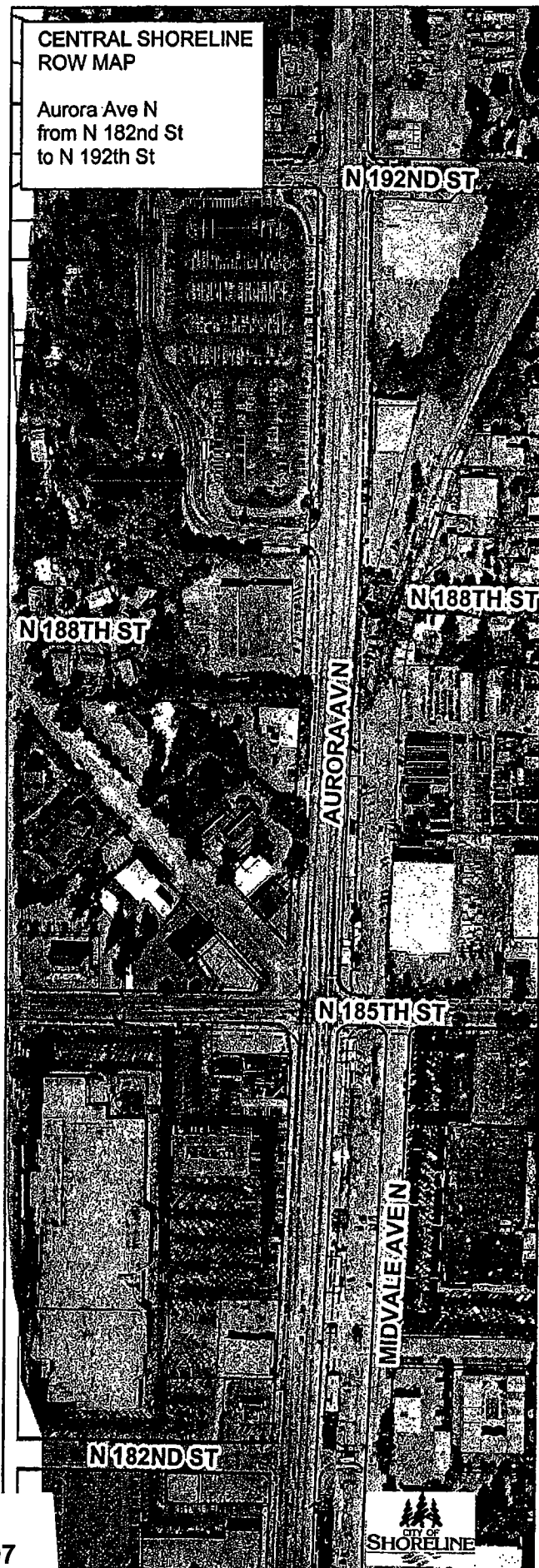
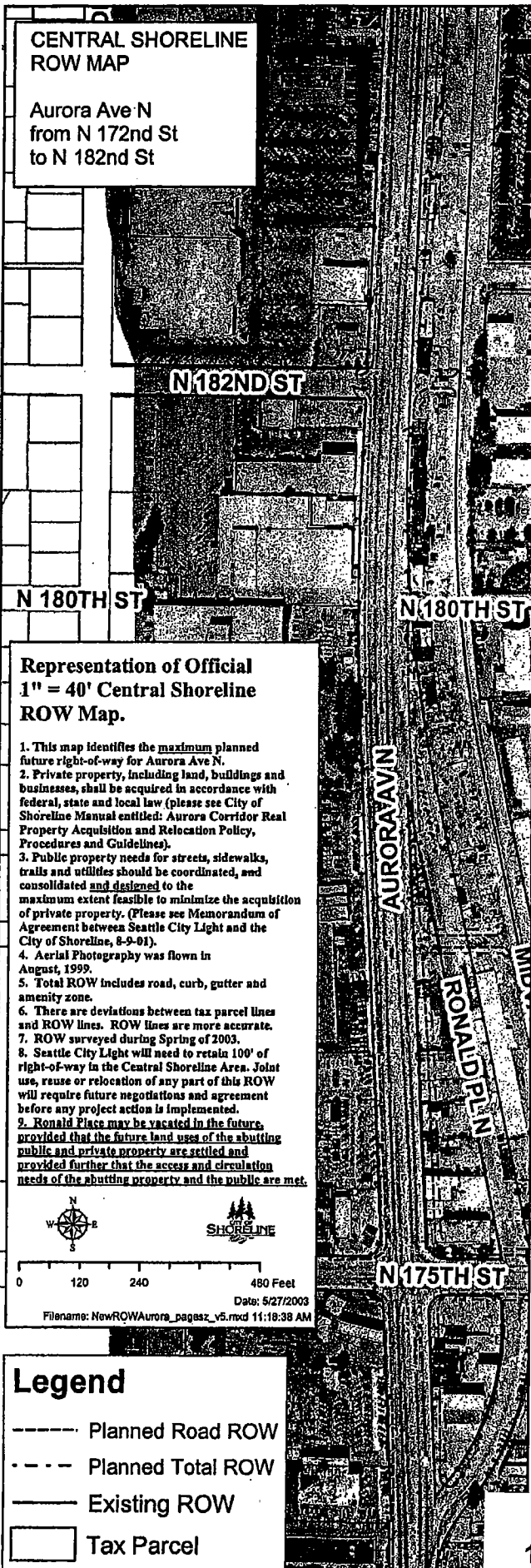
N 188TH ST

N 188TH ST

N 185TH ST

N 182ND ST





CENTRAL SUBAREA
ROW MAP
Map grid 13
Aurora Ave N

1. This map identifies the planned future right-of-way for Aurora Ave N.
2. Private property, including land, buildings and businesses, shall be acquired in accordance with federal, state and local law (please see City of Shoreline Manual entitled: Aurora Corridor Rail Property Acquisition and Relocation Policy, Procedures and Guidelines).
3. Public property needs for streets, sidewalks, trails and utilities should be coordinated and consolidated to the maximum extent feasible to minimize the acquisition of private property. (Please see Memorandum of Agreement between Seattle City Light and the City of Shoreline, 8-9-01).
4. Aerial Photography was flown in August, 1999.
5. Total ROW includes road, curb, gutter and amenity lane.
6. There are deviations between tax parcel lines and ROW lines. ROW lines are more accurate.
7. ROW surveyed during Spring of 2003.
8. Seattle City Light will need to retain 100' of right-of-way in the Central Shoreline Area, along with, reuse or relocation of any part of this ROW will require future negotiation and agreement before any project action is implemented.

1 inch equals 40 feet
0 10 20 40 Feet
Filename: Aurora_ROW_v0.mxd 1/26/16
Date: 4/30/16

Legend

- Existing ROW
- Planned Road ROW
- Planned Total ROW
- Tax Parcel Boundary



VERSION AMENDED BY
PLANNING COMMISSION
ON 5/22/03

**CENTRAL SUBAREA
ROW MAP**
Map grid 13
Aurora Ave N

1. This map identifies the maximum planned future right-of-way for Aurora Ave N.
2. Private property, including land, buildings and easements, shall be acquired in accordance with federal, state and local law (please see City of Shoreline Manual entitled: Aurora Corridor Road Property Acquisition and Relocation Policy, Procedures and Guidelines).
3. Public property needs for streets, sidewalks, trails and utilities shall be coordinated, and consolidated and designed to the maximum extent feasible to minimize the acquisition of private property. (Please see Memorandum of Agreement between Seattle City Light and the City of Shoreline, 8-9-01).
4. Aerial Photography was flown in August, 1999.
5. Total ROW includes road, curb, gutter and easement area.
6. There are deviations between the parcel lines and ROW lines. ROW lines are more accurate.
7. ROW surveyed during Spring of 2003.
8. Seattle City Light will need to retain 100' of right-of-way in the Central Shoreline Arm. Just use, reuse or relocation of any part of this ROW will require future negotiations and agreement before any project action is implemented.
9. Notice: Plans may be changed in the future without notice. The future land use of the shoreline public and private property are settled and recorded further that the access and stipulated needs of the shoreline property and the ship are met.

1 inch equals 40 feet
0 10 20 40 Feet
Filename: Aurora_ROW_10.mxd 11:11:32 AM
Date: 5/13/00

Legend

- Existing ROW
- Planned Road ROW
- Planned Total ROW
- Tax Parcel Boundary



**ATTACHMENT D: DRAFT MAY 22,
2003 PLANNING COMMISSION
MINUTES**

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF SPECIAL MEETING

May 22, 2003
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Doennebrink
Commissioner Piro
Commissioner Gabbert
Commissioner Kuboi
Commissioner Sands
Commissioner McClelland
Commissioner Doering
Commissioner MacCully

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Rachael Markle-Oleson, Senior Planner, Planning & Development Services
Kirk McKinley, Aurora and Interurban Project Manager, Public Works
Lanie Curry, Planning Commission Clerk

ABSENT

Vice Chair Harris

1. CALL TO ORDER

The special meeting was called to order at 7:00 p.m. by Chair Doennebrink.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Doennebrink, Commissioners Doering, Kuboi, MacCully, Piro, McClelland, Gabbert and Sands. Vice Chair Harris was absent.

3. APPROVAL OF AGENDA

COMMISSIONER GABBERT MOVED THAT THE COMMISSION APPROVE THE AGENDA AS PRESENTED. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF MINUTES

Approval of the minutes from May 15, 2003 was postponed to the June 4, 2003 meeting.

5. PUBLIC COMMENT

There was no one in the audience who desired to address the Commission during this portion of the meeting.

6. REPORTS OF COMMISSIONERS

None of the Commissioners provided reports during this portion of the meeting.

7. STAFF REPORTS

There were no new items for the staff to report on.

8. UNFINISHED BUSINESS

a. Continuation of Legislative Public Hearing to Formulate a Recommendation on Future Right-of-Way Needs for Aurora Avenue North in the Central Shoreline Area

Mr. Stewart referred the Commission to the memorandum that was provided by staff related to the proposed amendment to the Comprehensive Plan to identify the Central Shoreline right-of-way needs. The purpose of the memorandum was to respond to the comments, questions and issues that had been raised at the public hearing on May 15, 2003, in addition to comments raised by Commissioner Kuboi since the public hearing.

Mr. Stewart said that staff recommends that the following language be added to each of the maps in the folio as Note 9:

"Ronald Place may be vacated in the future, provided that the future land uses of the abutting public and private property are settled and provided further that the access and circulation needs of the abutting property and the public are met."

Mr. Stewart said that staff is recommending that Map Grid 13 also be changed to address the access issue at Firlands Way. Staff proposes that the Northwest Corner of 185th and Aurora Avenue North be revised to show that the "planned total right-of-way" would be the same as the existing right-of-way along Firlands Way North, the west side of Aurora Avenue North and the north side of North 185th Street west of Aurora Avenue. Mr. Stewart noted that the dashed lines showing the future right-of-way are actually less than the current right-of-way lines, and the land would become surplus property. Therefore, staff recommends that the existing right-of-way lines be retained until the access issues at Firlands Way are resolved.

Mr. Stewart advised that he also responded to a number of other issues in his memorandum, and said he would be happy to provide further information. He referred to an additional letter that was received by the City after the public hearing from Rick Stephens, Chairman of the Shoreline Merchants Association. Since this is a legislative matter, he suggested that it would be appropriate for the Commission to include it in their consideration.

The Commission agreed that Mr. Stewart should briefly review each of the responses that he provided in his memorandum.

Mr. Stewart said that at the public hearing on May 15th, there were some comments made about the sidewalk widths and the configuration of the amenity zone. A question arose as to whether the Comprehensive Plan amendment would establish or change the design of the future Aurora Project. He clarified that the amendment would not establish the design detail of any project. It merely sets the worst-case right-of-way needs for Aurora Avenue North. It is not a project action and does not establish the details of project design. The specific design and environmental impacts of any improvement project would be determined as part of the project. This Central Shoreline Plan does require that public property needs for streets, sidewalks, trails and other utilities should be coordinated and consolidated, to the maximum extent feasible, to minimize the acquisition of private property. He added that it is important to identify the worst possible right-of-way scenario, and then potentially consolidate and minimize the right-of-way zones where appropriate.

Mr. Stewart said that another question raised at the last meeting was whether or not the adoption of the proposal would prohibit the future use of any private property and make the property unmarketable. Mr. Stewart answered that it would not. He explained that all private property owners would continue to enjoy all of the rights vested in their property. Any government that "takes" private property for a public use must pay the owner the "full and fair" market value of the property.

Commissioner Kuboi questioned if the City would be exposing themselves to lawsuits from property owners who claim that their property values have dropped and they are unable to do what they want to do with the property as a result of the new right-of-way lines. Mr. Stewart answered that the City Attorney has reviewed the proposed amendment, as well as the memorandum from staff dated May 21, 2003, and has approved both.

Commissioner MacCully referred to the issue of "taking." He said he is clear about the process used for taking an entire parcel, but he is less clear about the process that would be used when only a portion of the property is being taken. If only a portion of the property is taken and the property becomes unusable for its current purpose, what would the City do? Mr. Stewart said he is not familiar with Washington State practices on this matter. But in other places in the country, there is a very strong legal precedent that if a City leaves an economically unviable remnant of the parcel, they would take the entire parcel. That would probably be the rule in this situation.

Commissioner Gabbert inquired what would happen if improvements are made on a parcel and then the City decides to take a small portion of the land that cuts into the improvements previously made, leaving the structure no longer viable. Would the City compensate the property owner for the improvements?

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Mr. Stewart answered that there are very detailed formulas used to establish how much damage has occurred and what the fair market value for the damage is. Oftentimes, this is negotiated on a case-by-case basis. If a "taking" is unavoidable, then the City must compensate by offering the full and fair market value.

Commissioner Sands inquired if a similar process of redrawing the rights-of-way was used for the portion of the Aurora Project that is located further south. Mr. Stewart answered that it was not. He added that the rights-of-way on the south are generally wider than the rights-of-way in the central area, so the need for establishing the maximum right-of-way was less.

Mr. McKinley said that with the South Aurora Project, a little over a half an acre would be taken to accommodate the right-of-way for the whole mile. Most of the right-of-way in this area is already 110 feet wide. He said that the "takings" in the south averaged about six inches to one foot in width on either side. He said that the property owners would be compensated for these takings when they occur.

Mr. Stewart advised that concerns were raised previously that the process appears to be backwards. Some have suggested that every question about every possible design of every alternative should be answered before the amendment is approved. Mr. Stewart said staff disagrees with that position. He reminded the Commission that the Washington State Office of Community Development has said that the proposed amendment "should assist owners and potential owners of adjacent properties to decide when and where to make their own redevelopment investments." Mr. Stewart further explained that attempting to answer every question about every alternative at this stage of the planning process would cause inaction and preservation of status quo, an outcome that is not consistent with the City of Shoreline's Comprehensive Plan.

Mr. Stewart recalled that questions have also been raised about the National Environmental Protection Act (NEPA) process. He explained that concurrent compliance with NEPA is not required for this Comprehensive Plan amendment since it is not a federal action. However, the NEPA process may be required for future project actions. He further explained that a locally funded project within the future right-of-way would not require a NEPA review, but a federally funded project within the right-of-way would. He pointed out that Highway 99 is a State Highway, but improvements might be undertaken using either federal or non-federal funds.

Next, Mr. Stewart said there were questions raised about economic impact, cumulative impact and logical termini. He explained that as a non-project action, these issues do not apply to the proposed amendments. He noted that these comments were also raised as part of the 145th through 165th Streets section of the Aurora Project, but they were satisfactorily answered in the final State Environmental Impact Statement (EIS) and the pending NEPA Finding of No Significant Impact.

Commissioner McClelland suggested that since economic impacts are a significant concern, perhaps it would be appropriate for the Commission to be reminded of the comments that were provided in the Environmental Impact Statement. Mr. Stewart said the EIS clearly states that no analysis of economic impact is required. However, if the NEPA process were required for a future project action, an analysis of economic impact would be conducted.

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The same would true for cumulative impact and logical termini. He summarized that staff believes these issues have been adequately addressed, and the analysis, for the proposed amendments, is not required. He noted that the EIS process for the first phase of the Aurora Project identified a positive economic impact.

Mr. Stewart said that several questions were raised about Metro's current position on moving buses off Aurora in the central area and onto Midvale Avenue. He explained that during the Central Shoreline process there were substantial discussions between the City and Metro regarding the possibility. However, Metro does not currently support any proposal that would divert buses off Aurora. Staff does not know if this policy will change in the future, and there might be other ways of addressing the issue.

Chair Doennebrink inquired if the potential vacation of the southern portion of Ronald Place and the wedge would end any possibility for diverting the buses to Midvale Avenue. Mr. Stewart replied that the way Note 9 has been crafted, the circulation needs of the public must be met. This would include the potential for any transit service that would serve the public. There would be some potential for land trade associated with the vacation, as well as utilization of some of the access points through the Top Foods parking lot.

Mr. Stewart recalled that numerous questions were raised about how the project would be funded. He said it is important to note that the proposed Comprehensive Plan amendment is not a project. All future projects (Aurora, Interurban Trail, advanced land acquisitions, etc.) would be funded through the City's Capital Improvement Plan, which identifies sources and uses of funds.

Mr. Stewart said another question raised by the public was related to the legal appeal process for the Comprehensive Plan amendment. He explained that the amendment of the Comprehensive Plan is a legislative decision of the City Council. Therefore, no administrative appeals are provided for in the Shoreline Municipal Code. Appeals may be filed with the Central Growth Management Hearings Board.

Mr. Stewart said the question of how an appendix to the Central Area Plan can be adopted before the Central Area Plan is adopted was raised in a letter from Mr. Stephens dated May 22nd. Mr. Stewart explained that the appendix is the Comprehensive Plan amendment and may be adopted independently from the plan.

Mr. Stewart said that contrary to Mr. Stephen's comment, he did not make a statement alleging that the public defined the right-of-way requirements. However, he did state that the public articulated the need to define rights-of-way during the Central Shoreline Planning process. He said there was great confusion during the process as to which side of the road would be taken. There was also concern that if all of the takings occurred on the west side, then land use in the west would be much different than if all the takings took place on the east. They heard over and over again during the Central Shoreline Planning process that the City needed to make a decision on which side of the road would be taken.

Mr. Stewart said that Mr. Stephens alleges that the public has been completely left out of the process of defining the right-of-way needs. However, staff believes that the public has been continually involved in the process. The public hearing last week is evidence of this involvement.

Mr. Stewart said that Mr. Stephens also questioned whether or not the Comprehensive Plan amendment would become a requirement. He answered that the amendment, including all of the detailed notes with all of the qualifiers, would become a requirement unless the plan is amended in the future. He explained that if there is a need to acquire right-of-way on the west side or beyond the lines on the east side, a Comprehensive Plan amendment would be required, and the public would be notified and allowed to participate in a public hearing process.

COMMISSIONER MCCLELLAND MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION OF APPROVAL OF THE AMENDMENT TO THE COMPREHENSIVE PLAN TO INCLUDE THE APPENDIX OF THE RIGHT-OF-WAY MAPS TO THE CITY COUNCIL. COMMISSIONER MACCULLY SECONDED THE MOTION.

Commissioner McClelland said that she is a land use planner by trade, and she trusts the process that was used in this situation. In order to keep the Aurora Project and the Central Shoreline Project moving, it is appropriate to send a recommendation to the City Council to amend the Comprehensive Plan. She said she recognizes that there are still some needs that must be met, one of which is some sense of certainty. In coming to her conclusion, she said she spent Tuesday walking the east side of Aurora Avenue between 175th and 185th Streets, with a map in hand and a list of business and property owners. She said she found a lot of information that she had been unable to learn otherwise.

Commissioner McClelland emphasized that the environment along Aurora Avenue is very complex. She learned, after visiting with the property and business owners in the area, that there are many misconceptions and misunderstandings about what is being proposed. She also learned a lot about the people who would be impacted. The City is on the verge of asking people who have operated businesses in the area for the past 30 to 40 years to move. Some of these businesses might not be able to relocate in Shoreline, such as Les Schwab and Olympic Boat. The proposed plan would result in a huge change, and one of the senses she gets in talking with tenants and business owners, is that once the maps have been revealed, whatever is going to happen, regardless of the timeframe, the mindset will already be engaged and the value of the land will reflect the new right-of-way lines. They will be doing more than just moving property owners to new locations. They could end up eradicating some of these businesses. She said she is extremely troubled by the amount of change that they are about to cause to happen. For that reason, the waiting and not knowing must be diminished, and they need to either move forward with the project or not. People need to know what will happen to their properties and businesses as soon as possible.

Commissioner McClelland emphasized that it is important to keep the economic results of the project in mind. The City will be losing tax revenue from these properties. As aggressive as the City is being with the Central Shoreline Project, they need to be equally aggressive with relocating and keeping business in Shoreline. That should be their number one objective. To that extent, she said she is happy to make the motion to get on with the process and then start doing the work that needs to be done.

Commissioner Piro said that while they are only talking about a piece of the Aurora Corridor Plan at this time, he inquired if the City staff has become involved in helping businesses to relocate and find new viable opportunities within the City.

Mr. Stewart agreed that the major challenge of both the City and the businesses in the area is related to uncertainty. Staff has struggled with a number of private developers along the corridor when they have asked to expand their businesses. The first question that must be answered is where the future right-of-way is located. Once the lines are established, there will be a high degree of certainty, and people will be able to make investments, consolidate property, submit development proposals or relocate and find new opportunities for their businesses.

Mr. Stewart said it is important to keep in mind that the plan will not likely result in a project for at least four years and may be as long as six to seven years away. At this time, there is no construction money identified in the six-year Capital Improvement Plan for the project. This leaves opportunities for additional review.

Mr. Stewart said there are a number of businesses that, hopefully, the City can help relocate elsewhere in Shoreline. Many of these businesses are located in buildings that have 30-day leases, which is very short term. These businesses, even in the best of situations, would not be able to undertake a great deal of capital investment.

Commissioner McClelland recalled that one of the letters the Commission received from the public suggested that it appears the City is excited about the expansion of Sky Nursery because they have a plan. The City staff also appears to have embraced Mr. Steele because he has a plan. But in between Aurora Rents and Sky Nursery there are people who either don't have a plan or don't know they need a plan. The lease arrangements should not be an issue. If a business has been located on a site for a number of years, they should be considered an established business and the location must be considered viable.

Commissioner Doering said that she visited with the merchants along Aurora Avenue about four years ago as a member of the task force. The same issues and disinterest were voiced by the property and business owners at that time. She agreed that a decision must be made by the City so that the property and business owners can plan for their future. While she enjoys the businesses that are located in this area, it is also important that there be sufficient right-of-way to make the area safe for the public. She said that in addition to talking to the businesses, she also spoke with senior citizens and parents with children who do not feel they can cross the streets safely in this area. They need to have representation as well. Commissioner Doering expressed her opinion that there are certain risks associated with having a business. There are assumptions that are made when business owners choose to locate a business, and they must assume those risks. Growth in the Seattle area is one of them.

Commissioner Doering said that she listened to the tapes from the May 15th public hearing and she would like to respond to a few of the questions raised by the public. The first was related to school funding and restructuring the budget. She suggested that they need to stick with the issues. Aurora Avenue is tired and worn out and needs to be fixed. They can't fix their schools by not fixing Aurora Avenue. The other issue was a comment made by Mr. Mann that if Bill Monroe were present he would be able to tell the Commission that the original Planning Commission was back-doored on the Aurora Avenue Plan. She said that is simply not true. She attended two public hearings as a member of the task force, and the Commissioners were invited to attend their meetings and talk to the task force one-on-one.

They did not take advantage of any of these opportunities. She emphasized that the Planning Commission was fully informed of the plan five years ago, and they chose not to respond.

Commissioner Gabbert said he is in favor of identifying the right-of-lines on the maps and moving forward, but he is also concerned about some of the issues that have been raised by the public. However, even though the Commissioners are concerned, he said he does not think the issue of relocation and restoration is within the purview of the Commission.

Commissioner Gabbert inquired what certainty the landowners would have that land swaps, similar to what was done with Sky Nursery, would be allowed. He suggested that this issue needs to be addressed. He also asked that the staff address the issues surrounding the two changes recommended by staff.

Mr. Stewart reviewed that staff is recommending that Note 9, related to Ronald Place, be added to each of the map grids. They are also recommending that that Grid Map 13 be changed to address issues related to access to Firlands Way. Staff recommends that both of these be included in the adoption of the Comprehensive Plan amendments.

COMMISSIONER MCCLELLAND CLARIFIED THAT HER MOTION TO RECOMMEND APPROVAL OF THE COMPREHENSIVE PLAN AMENDMENT WOULD INCLUDE THE TWO CHANGES RECOMMENDED BY STAFF IN THE MEMORANDUM DATED MAY 21, 2003.

In regard to Commissioner Gabbert's question about certainty of making arrangements to trade land, etc. Mr. Stewart said these issues would be addressed when project actions are proposed in the future. He reminded the Commission that Note 8 states that "Seattle City Light will need to retain 100 feet of right-of-way in the Central Shoreline area. Joint use, reuse or relocation of any part of this right-of-way will require future negotiations and agreement before any project action is implemented." Mr. Stewart clarified that if the City wants to utilize some of Seattle City Light's right-of-way that would require either the relocation of a business or demolition of property, an agreement between the City and Seattle City Light would be required. A joint use to put the trail on the right-of-way would also be subject to agreement, as would any trade or transfer of land or long-term lease of land. He said the reason that Top Foods was so successful south of 175th Street is that the developer reached an agreement with Seattle City Light on the future use of the right-of-way. Staff anticipates that there will be other opportunities for properties north of 175th to do the same. But unless there is an agreement of all parties, there are no guarantees. This plan sets the stage for future negotiations.

Commissioner McClelland pointed out that not only does Seattle City Light own the right-of-way property, they also own some of the buildings. She inquired if Seattle City Light has estimated the impact the proposed amendments could have on their right-of-way stream. Mr. Stewart said that Seattle City Light was engaged in an extensive debate and negotiation during the Central Shoreline Planning process, and these discussions continue. The staff is optimistic that, as the project matures over the next three to five years, they will be able to reach an agreement on the use of the public's right-of-way. He said that whether the right-of-way is owned by the City or by Seattle City Light, the important thing to remember is that it is all owned by the public. As a public entity, the City should use all their efforts to maximize the public benefit of this joint ownership.

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He said it is also very clear that Seattle City Light has a purpose and mission, and any use of the right-of-way must not diminish their commission of moving electricity around.

Commissioner McClelland added that Seattle City Light also has a role as a landlord. Mr. McKinley explained that Seattle City Light's policies and procedures state that they would not allow any building to occur over the right-of-way. If someone wants to build a road in the right-of-way now, they would not allow it to happen. He said that they also have a policy to get buildings out of the right-of-way over time because they create major management hassles for them. It is their policy to be in the management business, not the landlord business.

Chair Doennebrink inquired if Seattle City Light has made any movement towards ending their leases. Mr. McKinley answered that they have not. He added that in the memorandum of understanding between Seattle City Light and Shoreline and in their franchise agreement, they have indicated that they will defer to the City, for the most part, when it comes to deciding what major changes will happen in the right-of-way.

Commissioner Gabbert suggested that similar wording to that was provided for Seattle City Light should also be applied to private landowners who will have land taken from them. Basically, this would allow them to maintain the same amount of land. Mr. Stewart said there is a fundamental difference between two public entities negotiating and one public entity that may need to acquire private property. The government does have the legal authority to condemn private property for a public use and pay the owner just compensation. When it comes to mutual governments, it is more a matter of negotiating an interlocal agreement on the joint use of the property, and the City does not have any ability to condemn the Seattle City Light right-of-way.

Commissioner Sands reiterated the statement he made at the last meeting that he would like the language in the notes to be strengthened to get across the point that the amendment truly represents the maximum future right-of-way. Adding the word maximum was discussed at the last meeting. He said he would like something in the notes to make it clear that the ultimate intent is to institute the Central Shoreline Plan as much as possible in a manner that minimizes the amount of taking necessary, including the possibility of reducing the sidewalk size, etc. He reminded the Commission that the intent of the proposed amendment is to implement the Central Shoreline Plan.

Mr. Stewart clarified that the Central Shoreline Plan is not ready for adoption at this time. There are issues that are premature because they do not know how much land will be available for private redevelopment. Until this issue is resolved, the Central Shoreline Plan is merely a report, which is exactly what happened with the North City Plan. In North City, two plan reports were done prior to the adoption of the sub area plan. When the North City Sub Area Plan matured, they had almost unanimous consent on the vision, roles and issues. Because there is still no consensus on the Central Shoreline Plan, staff is not proposing that it be adopted at this time.

Mr. Stewart suggested that the intent of Note 3 was to make it clear that the right-of-way needs identified on the map are the maximum. He said that perhaps there is some way to strengthen this note to address Commissioner Sand's concern.

He suggested that this note could be changed to state:

"Public property needs for streets, sidewalks, and trails should be coordinated, consolidated and designed to the maximum extent feasible to minimize the acquisition of private property."

The Commission agreed that Mr. Stewart's proposed language for Note 3 would be appropriate. They also agreed that in the legend and in Note 1, the words "worst case" should be replaced with "maximum." Commissioner McClelland said it should be clear that the right-of-way lines identify the maximum that would be needed and that the City will not ever need more. It should also be clear that perhaps not all of the right-of-way would be needed.

Commissioner McClelland inquired what would happen in a situation where most, but not all, of a property is taken for right-of-way. Mr. Stewart answered that in the condemnation proceedings he has been involved in, usually they progress to a series of negotiations regarding the amount of taking and whether there is an economically viable use for the remnant parcel or if the damage is to such a great extent that the entire parcel should be taken.

The Commission referred to the wedge of property along Ronald Place, and noted that as the wedge gets narrower, utilizing the right-of-way would require the taking of most of the adjacent property. But for the property further down, it would depend upon what happens to Ronald Place. Chair Doennebrink noted that Mr. Steel indicated an interest in moving his building to accommodate the right-of-way, and this could happen further north, as well. Mr. Stewart said the concept of Note 9 would allow taking of property along Aurora and potentially the vacation of public right-of-way on the east, which could then be traded or offset so that there would be a fair and equitable transfer of properties. It would cover both north and south Ronald Place, and allow an additional opportunity for using the Seattle City Light right-of-way for other land uses to support redevelopment.

Commissioner Kuboi said that while he does not disagree with the substance of Note 9, he is concerned that because it goes into specific detail about a particular feature of the amendment this could somehow imply that if other specific features have not been outlined, they would not be allowed. He questioned if the concept identified in Note 9 would be precluded if Note 9 is not included. Mr. Stewart said that if Note 9 is not included in the amendment and there was a proposal to vacate Ronald Place as discussed, someone might argue that it would be in violation of the document because the document shows this area as future right-of-way. Note 9 is a permissive note allowing the concept to move forward without defining exactly what the final project will be.

Commissioner Sands inquired if it would be appropriate to include some mention of Ronald Place having possible historical significance. Mr. Stewart clarified that the notes were provided to identify the qualifiers to the overall plan. Commissioner Kuboi said that more generic wording would leave flexibility. If they start to add more modifiers, they will inherently make things more restrictive. Unless there is some reason for tightening the wording, he questioned why they would want to do so.

Commissioner Gabbert noted that the Commission would have the ability to make modifications to the map next year. Mr. Stewart agreed, as long as they conduct a public review process.

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If the proposed amendment goes forward and the maps are adopted as part of the Comprehensive Plan, Commissioner McClelland inquired if it would be possible for the City to anticipate and prepare for situations where they are blamed for decreased property values or failed businesses. Mr. Stewart said there are two issues that must be considered. First is whether or not the person making the claim has any legal basis to recover damages from the City. Second is the City's liability for paying compensation. These are issues that will be very fact specific and probably within the realm of the City Attorney's Office rather than the Planning Department.

Mr. Stewart emphasized that the plan would not remove any vested development rights. A property owner with existing land to build on, even if the land is under the future right-of-way line, could come in and apply for a building permit. The City could choose to move forward with an acquisition, but they could not flat out deny a building permit on property that is privately owned. The City would not take away any rights. The question is how they actually implement the project-based actions. Commissioner McClelland agreed that with regard to a property owner, the City might not be taking away a right because the opportunity to buy and sell is available. But that is only part of the story because the tenants might not have that ability.

Commissioner McClelland referred to Note 9 and said that the word "provide" should be changed to "provided." Also staff's recommended change for Map Grid 13 should indicate "grid" not "gird." The comma between "North" and "to" is not necessary, either. Mr. Stewart said the language related to Map Grid 13 would not be included in the amendment. The language would be directed towards the GIS staff so that the maps can be changed.

Commissioner MacCully said that while he will likely vote in favor of the motion, he is concerned about the property owners in this area. He said some of the larger property owners have a greater ability to influence their future, but the smaller business owners may not have this same ability. Many are not property owners and do not have vested property rights, but he is concerned about how these business owners will be treated. While he is not sure what can be done about this problem, he said he is optimistic that the City (staff, Planning Commission and City Council) does have the interest of the businesses at heart and will do their best to minimize the impacts. He said he is most interested in finding out from staff what kind of actions the City can take in assisting both owners and operators of businesses. He has read of situations where cities in other locations have been able to minimize the impacts by identifying locations and helping business operators to move into new locations.

Commissioner Kuboi inquired as to the accuracy of the right-of-way lines. Mr. McKinley said the accuracy is within one foot or less. Commissioner Kuboi said he assumes that the line has been drawn one foot beyond what they really think the maximum is going to be. Mr. Stewart said the width of the line on the map is greater than the margin of error. He noted that the margin of error on the old parcel lines was in the ten-foot range.

Commissioner Doering recalled that the Aurora Task Group's recommendation included 32 points. She inquired if this document would be attached to the proposed amendment. Mr. McKinley said the 32 points were adopted by the City Council in Resolution 156 on August 23, 1999.

As work proceeds on the Aurora Project, these points are continually used as policies, procedures and guidelines when putting together designs.

Commissioner Kuboi summarized that the Commission appears to be in agreement that, philosophically, the City should do everything possible to ease the transition or any impacts on businesses, and most notably small businesses that are more at the mercy of finances and the market. He questioned if it would be appropriate to include this type of statement in their recommendation to the City Council. This would reiterate the Commission's support in looking out for the businesses as they proceed further into the project. Mr. Stewart said the City Council would receive a copy of the meeting minutes, and he knows that they pay very close attention to the dialogue and debate that occurs amongst the Commissioners to understand their rationale and thinking.

Commissioner McClelland suggested that perhaps it would be appropriate to steer the whole Aurora Corridor Project away from a beautification project and reinforce the economic benefits, instead. Perhaps it should be introduced as a benefit to the commercial and retail businesses, merchants and property owners along Aurora Avenue and to help the City and community refocus on the objectives. For instance, while pedestrian friendliness is a desired result, it should not be the objective. The emphasis should be placed on sustaining, maintain and growing the economic viability of the town.

Commissioner Doering said it is the City Council's responsibility to establish policy, which they did when they adopted the Comprehensive Plan. They identified the Central Shoreline area as a place where they want to have a walkable community with viable businesses that are good for the City's economic future. The Commission is an advisory board on planning. The City Council has asked the Commission to consider future right-of-way needs for Aurora Avenue. If the Commission were to propose specific policies, they might be overstepping the realm of their responsibility.

Commissioner MacCully said that when Commission recommendations are taken forward to the City Council, the chair is present. Chair Doennebrink noted that the staff presents the Commission recommendation, but the chair and/or vice chair are in the audience and are sometimes asked to come forward for additional clarification. Commissioner MacCully said that if the Commission feels strongly on certain key points, they could request that the chair make a statement before the City Council on behalf of the Commission. Chair Doennebrink added that any of the Commissioners have the ability to provide public comments before the City Council. Commissioner McClelland agreed that this would be one way for the Commission to get their message across to the City Council. Commissioner MacCully noted that the Commissioners have been appointed by the City Council, and they can communicate from time to time with the City Council rather than asking staff to carry their comments further. The Commission agreed that the key issues they discussed should be presented to the City Council by the Commission Chair.

THE MOTION CARRIED UNANIMOUSLY.

9. PUBLIC COMMENT

The Commission discussed their policy for future special meeting agendas. They agreed that in the future when special meetings are called, it should be used exclusively for the purpose of discussing the business at hand. The normal agenda items would be suspended.

Wally Crow, 19025 – 9th Place NW, questioned why the important issues that were discussed by Commissioners McClelland, MacCully and Gabbert were not considered years ago. He said that, in his opinion, the success and future of the City depends on the small businesses. So much of what he sees being addressed by the City Council for the Aurora Corridor do not include provisions for small businesses. It is important that the City move ahead to establish where these businesses will be located because they are vital to the City. He said he realizes that the City cannot be all things to all people.

Cindy Ryu, 15215 Aurora Ave North, said it is important for the Commission to realize that the recommendations they make will have an impact on the policies that are made by the City Council. She said the Commissioners were appointed by the City Council to represent the public. She asked the Commission to be sure to point out to the City Council, either as individual citizens or as a Commission, that economic impact is important. She said she loves beautification, parks, nice sidewalk, lighting, etc. But she also has to live and work in Shoreline.

Russell McCurdy, 17532 Aurora Ave, said he has two businesses at this address. He emphasized that because of the short distance between 175th and 185th Streets, adopting the proposed right-of-way lines would make it impossible for the City to do anything but buy the businesses out or reduce their value. There is no other alternative for these businesses. He said it would be better to designate smaller rights-of-way and sidewalks rather than forcing the businesses out.

Keith Tufnell, 17526 Aurora Ave North, said that when the design charrette was held, they came up with a wonderful vision and plan. The business owners in his area were interested in getting together to develop the property into the “heart of Shoreline” consisting of small retail shops. But the footprint that remains outside of the proposed right-of-way lines would make it extremely difficult to develop these properties. They would also lose some of their parking opportunities.

Mr. Stewart advised that the design concept that was discussed for the wedge identified that part of their parking would be accommodated within the Seattle City Light right-of-way in the area currently occupied by the boat dealership. This plan is still a possibility, and there is not anything in the amendment that would preclude it from happening. If a private party were to negotiate an agreement with Seattle City Light for lease of that area for parking, the land use and development issues would be resolved so that the concept identified in Note 9 could come to fruition. He said staff supports this idea. He also noted that height limits in the zone are 65 feet.

Randy Ferrell, 17510 Avenue Ave North, said it was his understanding that the Comprehensive Plan could only be amended once a year in January. He questioned why there is a Comprehensive Plan amendment on the table for consideration now. Mr. Ferrell said the right-of-way maps are proposed as amendments to the Central Shoreline study document, yet the lines were never envisioned in any part of

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the charette because the emphasis of the charette was on the development of the wedge. The proposed amendment would stifle the redevelopment of the wedge, although it would not eliminate all possibilities. He concluded that the proposed amendment is totally out of context with the Central Shoreline study document, itself. Also, there has been no public process for discussing the right-of-way alignments that are now being proposed.

Mr. Stewart said the docketing issue is addressed on Pages 26-27 of the Staff Report. The proposed amendments are included as part of the 2002 annual review of the Comprehensive Plan. The January date is identified as the deadline for the public to submit suggested amendments for the next Comprehensive Plan amendment process.

Mr. Stewart referred to his memorandum dated May 22, 2003, which answers Mr. Stephen's question about how the appendix to the draft plan can be adopted if the plan, itself, has not been adopted yet. Mr. Stewart explained that the appendix is the Comprehensive Plan amendment. Once it is adopted, it will become part of the plan and may be adopted independently from the plan.

David Gee, 500 Union Street, Seattle, said he is an independent consultant. He recalled that earlier in the meeting, Mr. Stewart stated that the capitalization of the improvements was on a specific time frame. Mr. Stewart said the earliest that anything could happen in terms of actual construction would be no sooner than three to four years. However, there is no certainty that it would occur in that time frame. It might go out as far as ten years or beyond depending on factors the City has no control of, including funding.

Mr. Gee inquired if this would include the condemnation period. Mr. Stewart said he does not know the answer to this because there is the possibility that there could be an advanced acquisition program developed and adopted in the future. But there is no such program of that nature in place today. Mr. Gee inquired if the notion of friendly taking has ever been part of this discussion. Mr. Stewart said friendly taking would probably be the primary goal of an advanced acquisition program. He said that in other places he has worked, they have established an advanced acquisition pool of capital that can be used to acquire property in a friendly manner when opportunities arise and in advance of construction. The staff has discussed this concept, and it may be an option the City wants to pursue at some point in the future.

Rebecca Howard, 19250 Aurora Ave North, said she lives in a building that likely would be a victim of the proposed amendment eventually. Since the Commission has already decided to recommend approval of the amendment, they have taken the first step towards a change. She encouraged the Commission to convey to the City Council that they are recommending approval because they want to see the businesses treated fairly. It is important for the City Council to understand that location of business is critical.

Larry Steele, 17244 Aurora Ave North, thanked the Commission for listening to the public when they considered the proposed amendment. The proposed amendment is one of the first steps for him being able to save his business. While he realizes that the proposed amendment would not necessarily help everyone, the possibility of taking Ronald Place could move towards the next step of realigning Ronald

Place with Midvale Avenue. This would also allow for the possibility of realigning the bus traffic, which may also result in less taking of Aurora.

Commissioner Gabbert asked what would prevent the landlords in the wedge north of 175th Street from getting together to put together a project that would require the vacation of Ronald Place in exchange for some of the right-of-way along Aurora Avenue. Mr. Stewart answered that any citizen has the right to petition for vacation, but there are certain legal requirements that must be met in terms of making sure that the people using the right-of-way have access. There are also public benefit issues that must be resolved. But the intent of Note 9 is that if the land use and public and private circulation needs can be met, the redevelopment plan for the wedge could move forward. He emphasized that there is also nothing that would preclude a private developer from submitting a proposal under the current development code that would be consistent with the vision of the Central Shoreline Plan.

Commissioner MacCully inquired if a different process would be used if the City were to submit the vacation application versus a single or group of private property owners. Mr. Stewart answered that, as far as he knows, the process would be the same. The Development Code establishes the process for street vacation, and it does not distinguish between proponents.

Commissioner McClelland clarified that if some of the private property owners in the wedge have some ideas for redeveloping once the right-of-way needs have been identified, that would be a good thing. Mr. Stewart agreed that these property owners need not wait. He noted that sub area plans are excluded from the requirement that there be only one annual review of the Comprehensive Plan. If a group of property owners were able to fashion a development proposal consistent with the sub area plan, they would not have to wait for the next annual review. They could come forward with a sub area plan amendment at the same time the development permit applications were being considered.

10. AGENDA FOR NEXT MEETING

Ms. Markle reviewed that the June 5 agenda would include a quasi-judicial public hearing regarding a special use permit to intensify gambling at Parkers Casino. On June 19 a public hearing has been scheduled for the King County Transfer Station Master Plan.

11. ADJOURNMENT

The meeting was adjourned at 9:15 p.m.

Brian Doennebrink
Chair, Planning Commission

Lanie Curry
Clerk, Planning Commission

DRAFT

Shoreline Planning Commission Minutes
May 22, 2003 Page 15

Attachment E



STATE OF WASHINGTON

OFFICE OF COMMUNITY DEVELOPMENT

906 Columbia St. SW • PO Box 48350 • Olympia, Washington 98504-8350 • (360) 725-2800

May 5, 2003

The Honorable Scott Jepson
Mayor of Shoreline
17544 Midvale Avenue North
Shoreline, Washington 98133

Dear Mayor Jepson:

Thank you for sending the Washington State Department of Community, Trade and Economic Development (CTED) the proposed amendments to Shoreline's comprehensive plan regarding right-of-way needs in the Central Subarea of your community. We recognize the substantial investment of time, energy, and resources that this document represents.

We especially like the following:

The proposed amendments to the Land Use and Transportation elements of Shoreline's comprehensive plan, and the attached map, clearly identify where additional right of way is needed on Aurora Avenue to redevelop the Central Subarea Corridor. Providing certainty about the location of future public investment should assist owners and potential owners of adjacent properties to decide when and where to make their own redevelopment investments. The redevelopment of this area should help to provide a better multimodal transportation system consistent with the goals of the Growth Management Act, and the policies of Shoreline's own comprehensive plan.

At this time we have no concerns with this amendment, and we look forward to reviewing the subarea plan for this corridor. Congratulations to you and your staff for the good work these amendments embody. If you have any questions or concerns about our comments or any other growth management issues, please call me at (360) 725-3064 or Ike Nwankwo at (360) 725-3056. We extend our continued support to the City of Shoreline in achieving the goals of growth management.

Sincerely,

Anne Aurelia Fritzel
Growth Management Planner
Growth Management Services

AAF:lw

cc: Rachel Markel, Planning Manager, City of Shoreline
Stephanie Warden, Director, Regional and Policy Planning, King County
Tom Washington, Transportation Pl: 1 State Department of Transportation
Ike Nwankwo, Manager, Technical : stance Program, CTED



May 14, 2003

To: Shoreline City Council Members
Shoreline/King County Planning Commission

To Committee & Council Members,

As a Shoreline resident and small business entrepreneur, I wish to go on record to voice my concerns about the way our city officials are handling the Aurora Corridor Project and specifically the area between Sears and Sky Nursery, along Aurora.

I am against the plan to widen Aurora with 12 foot sidewalks. I feel this plan is excessive, when 6 to 8 foot sidewalks are more than sufficient along Aurora.

The issue of an easement between N 175th and N 185th that will eliminate several long-time Shoreline businesses is unpardonable. We should be ashamed of ourselves to even think of putting further pressure on our local small businesses who are doing all they can to survive so they can offer local Shoreline residents convenient shopping for various products and services.

As a Shoreline homeowner, I will do all I can to vote down any property tax increases that will result when homeowners are left "holding the bag" after these businesses are forced out of Shoreline and we lose their tax contribution. Plus, I have heard that there may be development of major land around our area that will allow the developers up to 10 years of tax exemption. They can prosper without paying their share of property and/or city tax? Over-development of Aurora corridor is going to leave how many of us homeowners footing another unnecessary expense that we don't want.

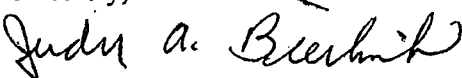
Why not be honest and put these plans out in the open for the community to vote on? Lets get ALL the numbers (expenses) on the table and figure out who will pay the bill BEFORE money gets spent. That's how we do it at our house: first we decide how much we need to spend, then we decide where the money is coming from. Then we decide if we can afford it.

The city is apparently deciding to spend without regard to whether our community can afford it, or who will be responsible to pay it back.

I, for one, would like an up-front accounting and then be allowed to make a vote as to whether I feel it is of value to the citizens. I'm sure my neighbors feel the same.

Thank you for making my remarks part of your meeting records.

Sincerely,



Judy Bierlink
Shoreline Business manager
Shoreline Chamber member
Shoreline Homeowner

2016 NE 177th
Shoreline, WA 98155

EXHIBIT

5/15/03

May 15, 2003

Dear Members of the Planning Commission,

The Central Shoreline right-of-way (ROW) map revisions should not be considered at this time. There has been no public appraisal of this plan, no public meetings with the landowners and no public meetings with the business owners.

No NEPA EIS has been prepared, nor has there been an economic impact statement prepared using real numbers from real businesses. Also, no study has been done on the cumulative impacts of the increased ROW; impacts on business, neighborhoods and our natural environment.

Logical termini of these ROW revisions have not been demonstrated on either the north or south end.

The Aurora ROW requirements should be studied, discussed and decided on in public meetings, and then implemented for the entire three miles of the roadway.

These ROW revisions ignore the Central Shoreline Sub-area Plan. It condemns property owners to no future use of their property and makes them unable to sell their property. These types of revisions should not be made without full and open public process, or without a NEPA EIS.

Implementing these changes in the Comprehensive Plan is counter-productive. We would not be able to make changes or adjustments because the Comprehensive Plan would require this exact ROW width and alignment. Also, all impact studies would be bypassed once this becomes part of the Comprehensive Plan.

Once again, this is a "back-door" approach to force a plan on the citizens. It is a plan that we, the citizens and businesses, don't want. I urge you to recommend that the city return to the drawing board on the ROW requirements for Aurora.

Sincerely,



Rick Stephens, Chairman
Shoreline Merchants Association



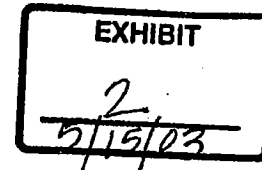
AURORA RENTS, INC.

17244 AURORA AVE NORTH
SHORELINE WA 98133-5317
(206) 542-7506 (800) 600-7501
FAX # (206) 542-1810

HOURS: MON - FRI: 7:00 - 6:00 | SAT: 8:00 - 6:00 | SUN: 9:00 - 5:00



May 15th, 2003
Larry R. Steele
17244 Aurora Ave N.
Shoreline, Wash 98133
206-542-7506



To: Shoreline Planning Commission

Re: Central Plan Report and adoption of future right of way needs. Also the vacation of Ronald Pl. N. South of 175th.

As owner of the parcel of property that houses Aurora Rents Inc. at 175th and Aurora, I am urging you to not adopt the right of way taking as shown in the latest maps. I feel that my property warrants special consideration, for my main goal is to stay in business for many years to come. I am Second Generation, with plans on turning the business over to my Son that will make it Three generations of serving the Shoreline Community. I currently employ 20 people, which would have a great impact on their lives if I were forced out of business.

All along I have been told that the taking of property should not be necessary, because of the Aurora corridor advisory committees recommendation to allow narrow sidewalks to avoid the taking of a building. Also I was assured that the centerline of Aurora had not been determined, and could be moved one way or another to help avoid the taking of property. This has turned out not to be true. I was involved with a great idea to re-align Ronald Pl. with Midvale, which I feel needs more attention, for not only would it allow me to stay at my present location, with the elimination of a turning lane, as well as a bus lane (by re-directing the buses down Midvale) It could save other businesses on the corridor.

Please take the time to reconsider the vacating of Ronald Pl. N. South of 175th, as the first step in saving Aurora Rents, as a viable business in Shoreline. Once that is approved then re-look at the alignment of Ronald Pl. with Midvale. If this is done, there is a good chance that my business can be saved. This is just a short summarization of my feelings and concerns, but I hope I have conveyed the Idea that I need to stay in business, and that I feel I am a viable part of this community

Any comments are welcome.

Thanks

Larry Steele

Aurora Rents Inc.

From: Veronica Loistl
1153 N 165th St
Shoreline Wa 98133



Shoreline Planning Commission

May 15, 2003

Written Comment

It seems to me that Sky Nursery is receiving preferential treatment over several other "central" shoreline businesses. I heard the terms "bend over backwards", "accommodate", "we don't want to lose"...

These terms should also apply to all the corridor businesses equally. I hear what sounds like major discrimination against the smaller central businesses because they have "short term leases (under 50 yrs) and their businesses are older & not very attractive" quote. With the exception of Aurora Rents. What does that say for Key Bank's building? I see nothing more attractive about Sky Nursery's building.

All the subject businesses should be offered equal respect & consideration.

It was also mentioned that there is benefit to assist Sky Nursery in order to move the unsightly -

Please leave this form with the clerk at the end of the meeting

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Shoreline Planning Commission
Written Comment Form

P.S. We are a central Shoreline business & did not receive the proposed map & outline, as a committee member.

or less aesthetically appealing landscape material
away from sight from Aurora Avenue. When does
that leave the residents/homeowners behind Sky
Nursery currently? They get their properties devalued
because of an unsightly view? Have you gotten
concurrency from those homeowners?

The easement central plan map also shows
the businesses on east side of Aurora between 175th
& N. 185th. Having the road run right through
the middle of their buildings. Mr. Jim Stewart
reminded us repeatedly that he stressed this
was "worst case scenario". As compared to what?

Does that mean worst case scenario, they lose the
front half of their buildings?
What is "Best case scenario"?

These businesses lose the front $\frac{1}{3}$ of their bldg?
 $\frac{1}{4}$ of the bldg?
What?

Pick one: worst case scenario or best case scenario
still forces these ~~business~~ businesses from their
buildings and, ultimately, Shoreline - or is that the goal?
And, will the homeowners have to carry the extra tax burden?

Some businesses will or may only lose crucial
customer parking. But that's okay, because there
will be room made for ~~the~~ new inter-urban trail user
parking. ~~More than~~

I go on record asking all these businesses to be
considered on equal terms, big or small, foreign
or not. Thank you.

May 22, 2003

RECEIVED

MAY 22 2003

Dear Planning Commissioners,

CITY OF SHORELINE

The Central Shoreline Plan Report that you are being asked to consider as a change to the Comprehensive Plan is wrong on so many levels we hardly know where to begin.

Mr. Tim Stewart stated at the May 15, 2003 Planning Commission meeting that this document was an appendix to the Central Shoreline Sub-area Plan. However, the Central Shoreline Sub-area Plan has not been approved by the city council. Therefore, how can this be an appendix to a document the city council does not recognize?

He also stated that the public defined these right-of-way requirements in the design charette held in October of 2001. This charette created the Central Shoreline Sub-area Plan and it specifically did **not** address Aurora Avenue or the right-of-way needs for Aurora. Everyone in attendance was told that Aurora was not being considered in the charette. In fact, the charette process attempted to find creative ways to **save** the North and South wedge properties. These Central Shoreline ROW maps, with vastly expanded right-of-way requirements, effectively wipe out all businesses located on the North and South wedge.

The public was completely left out of the process of defining the right-of-way needs for the Central Shoreline area. The people of Shoreline have a right to fully review proposed amendments to the Comprehensive Plan and to offer changes and suggestions to the proposal. This is an incorrect method for implementing a massive change to the Comprehensive Plan.

While a SEPA DNS (Determination of Non-significance) has been issued, SEPA does not take into account the impacts on businesses. Some of these businesses own their property and buildings, both of which will be impacted by this plan. Some businesses are on leased property, but they own their buildings. SEPA does nothing for any of these people, and that is wrong. Only NEPA ensures that economic impacts are studied as well as the impacts to the surrounding neighborhoods.

This process is backwards. Before a major change is made, it should have an EIS that studies the social, economic and environmental impacts. Several different right-of-way requirements, and the cumulative impacts of each, must be studied. The city is attempting to by-pass these studies by adding these maps to the Comprehensive Plan.

On a final note, from past experience we know that when additions or changes are made to the Comprehensive Plan, they become **requirements**. We urge you, do not recommend this amendment to the Comprehensive Plan to the City Council.

Respectfully Submitted,


Rick Stephens, Chairman
Shoreline Merchants Association



Memorandum

DATE: May 22, 2003
TO: Planning Commission
FROM: Tim Stewart
RE: Mr. Stephen's May 22, 2003 Letter

I have had an opportunity to quickly review the letter from Mr. Stephens dated May 22, 2003 and offer the following:

How can an Appendix be adopted if the Plan itself is not adopted?

The Appendix is the Comprehensive Plan amendment and may be adopted independently from the plan.

Did I say, "the public defined these right-of-way requirements"?

No. I said that the public articulated the need to define the right-of-way. Staff made the actual delineation of the future right-of-way needs.

Was the public "completely left out" of defining the right-of-way needs?

No. The public has been continually involved in the process. The public hearing last week is merely the latest evidence of that involvement.

Will the Comprehensive Plan amendment become a requirement?

Yes. The amendment, including the detailed notes, will become a "requirement", unless the plan is amended in the future.

The other issues raised by Mr. Stephens, including questions about SEPA/NEPA were addressed in my memo of May 21, 2003.



Memorandum

DATE: May 21, 2003
TO: Shoreline Planning Commission
FROM: Tim Stewart, Director of Planning and Development Services
RE: Comprehensive Plan Amendment Central Shoreline ROW Needs

Following the Planning Commission public hearing on May 15th, the Commission requested that staff respond to the comments, questions and issues that had been raised. Commissioner Kuboi has been kind enough to forward along some additional questions that have also been considered.

Is it possible to add a new note to the Plan regarding the concerns raised by Mr. Steele and Mr. MacCurdy about the future of Midvale?

Yes. Staff proposes that a new note be added as follows:

9. Ronald Place may be vacated in the future, provide that the future land uses of the abutting public and private property are settled and provided further that the access and circulation needs of the abutting property and the public are met.

The proposed restriction of access to Firlands Way is a major unresolved issue; can this proposal be eliminated from this Comprehensive Plan amendment?

Yes. Staff proposes *that Map gird #13 be revised, on the northwest corner of 185th and Aurora Avenue North, to show that the "planned total ROW" to be the same as the current "existing ROW" along Firlands Way North, the west side of Aurora Avenue North and the north side of N185th, west of Aurora.*

A lot of comments were made about sidewalk widths and the configuration of the amenity zone. Does this Comprehensive Plan amendment establish or change the design of the future Aurora project?

No, this amendment does not establish the design detail of any project. It merely sets the worst-case right of way needs for Aurora Avenue North. It is not a project action and does not establish the details of project design. The specific design and

environmental impacts of any improvement project will be determined as part of that project. This plan does require that public property needs for streets, sidewalks, trails and other utilities should be coordinated and consolidated, to the maximum extent feasible, to minimize the acquisition of private property.

Will adoption of this proposal prohibit the future use of any private property and make the property unmarketable?

No. All private property owners will continue to enjoy all of the rights vested in their property. As you know, any government that "takes" property for a public purpose must pay the owner "full and fair" value.

Is the process backward? Shouldn't we answer every question about every possible design of every alternative before we amend the plan?

No. As the State of Washington, Office of Community Development has said, this amendment "should assist owners and potential owners of adjacent properties to decide when and where to make their own redevelopment investments."

Attempting to answer every question about every alternative, at this stage of the planning process, would cause inaction and preservation of the status quo, an outcome that is not consistent with the City of Shoreline's Comprehensive Plan.

What about the NEPA process?

Concurrent compliance with NEPA is not required for this Comprehensive Plan amendment since this is not a federal action. The NEPA process may be required for future project actions.

What about "economic impact", "cumulative impact" and "logical termini"?

As a non-project action these issues do not apply to this proposed amendment. These are issues that have been raised in comments on the 145th-165th section of Aurora construction, and have been satisfactorily answered in the final EIS and the pending NEPA FONSI.

What is Metro's current position on moving buses off Aurora?

During the Central Shoreline process, there were substantial discussions between the city and Metro regarding the possibility of moving buses off Aurora. Metro does not currently support any proposal that would divert buses off Aurora.

How will this project be funded?

It is important to note that the proposed Comprehensive Plan amendment is not a "project". All future "projects" (Aurora, Interurban Trail, advanced land acquisition, etc.) will be funded through the City's Capital Improvement Program (CIP) which identified sources and uses of funds.

What is the legal appeal of this Comprehensive Plan amendment?

The amendment of the Comprehensive Plan is a Legislative Decision of the City Council, therefore no administrative appeal is provided in the Shoreline Municipal Code. Appeals may be filed with the Central Growth Management Hearings Board.

At the Planning Commission meeting this Thursday evening, staff will be available to elaborate or expand on any of these issues. If you have any additional questions before then, please give me a call at 206.546.3227.



Shoreline Planning Commission

May 22, 2003

Written Comment

Location, Location, Location. Reimbursement of
A business property as its own only worth
IS A MINIMALIZATION OF ITS VALUE. FORCING EVENTUAL
CLOSURE OF THE MANY SMALL BUSINESS LINING
THE EAST SIDE OF AURORA, TAKING OF PART OF THEIR
LOTS RESULTS IN SUCH A MINIMALIZED LOT AS TO
PRECLUDE REBUILDING OR USE, FORCING OUT BUSINESS
OF A NEIGHBORHOOD TYPE.

DO NOT THINK THAT THE BUSINESSES ARE SPARED BY
HAVING A NUMBER OF YEARS TO STEW IN THEIR PROBLEM,
IS NOT HELPFUL. NO MATTER HOW YOU PACIFY YOURSELF
ABOUT HAVING TIME, ONLY PLACES THAT BUSINESS IN A STATE
OF LIMBO, NOT UPGRADING, REPLACING NEEDS WITHIN THE
BUSINESS GOES ON HOLD.

WHETHER THE LINE IS IN THE SAND OR ON YOUR MAP, IT IS
DRAWN AND STAYD, AND DOOMS SMALL LONG-STANDING SMALL BUSINESSES

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Shoreline Planning Commission

May 22, 2003

Written Comment

CINDY RYAN - 15215 Aurora Ave N Shoreline WA
1434 NW 198th PLACE

- ① I AM CONCERNED THAT EVEN THOUGH THIS AMENDMENT IS NOT PROJECT DESIGN, IT DOES AFFECT THE OVERALL AURORA PROJECT DESIGN. SO EVEN IF THE COMMISSION SEEMS TO WANT TO ADOPT IT IN ORDER ~~JUST~~ TO MOVE THIS PROJECT FORWARD & THINKS IT COULD BE REVISED LATER, ONCE IT IS IN WRITING & ADOPTED THE IMPACT WILL BE HUGE INCLUDING:
- (A) "FULL & FAIR" VALUE WILL BE AFFECTED BY THE DOTTED LINES ON MAP
- (B) "TAKING A PORTION" HAS NOT BEEN ADDRESSED ADEQUATELY
- (C) MR. STEWART IS USING THE 145TH TO 165TH SECTION OF AURORA CONSTRUCTION TO "HAVE BEEN" SATISFACTORILY ANSWERED" AS ^{PART OF} THE REASON FOR DISMISSING THE QUESTIONS ABOUT ECONOMIC IMPACT - BUT WE WHO ARE IN THE 1ST MILE ARE NOT SATISFIED - & ONLY SLIVERS ^{OF PRIVATE PROPERTY} ARE BEING TAKEN THERE. I CAN ONLY IMAGINE WHAT THE ECONOMIC IMPACTS ARE WHEN CHUNKS OF BUILDINGS WHERE EXISTING BUSINESSES ARE TAKEN. (PLEASE TURN OVER)

Please leave this form with the clerk at the end of the meeting

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- ② THERE ARE LEGAL WAYS OF TAKING PROPERTY AND THEN THERE ARE ETHICAL QUESTIONS OF TAKING PRIVATE PROPERTY. UNLESS THE CITY IS WILLING TO ALIENATE THE SPECIFIC PROPERTY OWNERS/TENANTS TO THE POINT OF EITHER THEY FIGHT CITY HALL TO ECONOMIC DEATH OR JUST LEAVING THE CITY WITH A VERY BAD TASTE IN THEIR MOUTHS & LEAVING BEHIND THEIR MEANS OF MAKING A LIVING, THE CITY ~~MUST~~ INCLUDING STAFF, THIS COMMISSION, & CITY COUNCIL SHOULD BE SENSITIVE TO THE SOCIOECONOMIC IMPACT THESE DECISIONS ARE HAVING ON SPECIFIC FAMILIES.

- ③ AT THIS TIME NOR IN THE CIP. THERE IS NO MONEY FOR TAKING THESE PROPERTIES - IF FUTURE BONDS ARE PUT TO THE VOTE OF CITIZENS TO FUND THIS, I HOPE THE COMMISSION MEMBERS (IF NOT THE CITY STAFF & CITY COUNCIL) WILL BE BRAVE ENOUGH TO SAY, "WE ARE TAXING YOU TO TAKE PRIVATE PROPERTY" AND NOT DISGUISE THEM FOR NECESSARY ^{& BENIGN} PUBLIC AMENITIES SUCH AS SIDEWALKS, ROAD IMPROVEMENTS, & PARKS, & SURFACE WATER MANAGEMENT.

- ④ PUBLIC PROCESS SHOULD BE INCLUDED & HONORED, ~~NOT~~ INCLUDING IMPACT STUDIES & REALLY LISTENING TO PUBLIC COMMENT, EVEN IF INDIVIDUALS SEEM TO BE DISINTERESTED. CITY EMPLOYEES & CONSULTANTS ARE PAID TO WORK ON THIS WHILE WE WHO WORK ON AURORA MUST TAKE TIME OUT FROM WORK, FAMILY TIME, ETC. TO

Rachael Markle

From: Tim Stewart
Sent: Friday, May 30, 2003 5:02 PM
To: Rachael Markle
Subject: FW: Central Shoreline Subarea Plan or is it Phase II of the Aurora Corridor Project?

pls include this in the project file. Should we also include a copy to Council?

-----Original Message-----

From: Kirk McKinley
Sent: Friday, May 30, 2003 4:43 PM
To: Tim Stewart; Robert Olander; 'tbevan@ch2m.com'
Subject: FW: Central Shoreline Subarea Plan or is it Phase II of the Aurora Corridor Project?

Dan Mathis response to Myron Phillips on Central Subarea..

kirk

-----Original Message-----

From: Paananen, Terry [mailto:Paananen@wsdot.wa.gov]
Sent: Friday, May 30, 2003 3:39 PM
To: Kirk McKinley
Cc: Schuyler, Sam
Subject: FW: Central Shoreline Subarea Plan or is it Phase II of the Aurora Corridor Project?

Kirk, FYI

-----Original Message-----

From: Mathis, Daniel [mailto:Daniel.Mathis@fhwa.dot.gov]
Sent: Friday, May 30, 2003 10:00 AM
To: hubsmtg.gwhub."unclemy@msn.com"
Cc: Healy, Elizabeth; Kathleen Davis (E-mail); Terry Paananen (E-mail); Phil Fordyce (E-mail)
Subject: RE: Central Shoreline Subarea Plan or is it Phase II of the Aurora Corridor Project?

Mr. Phillips,

Thank you for your e-mail correspondence of April 23rd regarding the City of Shoreline's planning and environmental efforts associated with State Route 99 (Aurora Avenue North). On behalf of the Federal Highway Administration (FHWA), I offer the following responses to the questions you have raised.

The Aurora Avenue project is defined in two phases:

- Phase 1 from NE 145th to NE 165th
- Phase 2 from NE 165th to NE 205th

Your e-mail seems to indicate that you perceive the City's project as divided into three phases. In reality, what you are calling phase II (Central Shoreline Subarea Plan), is a land use planning document that is part of the city's master plan. As such, this planning study falls outside of the realm of development of the City's Aurora Avenue project, and outside

of the purview of the National Environmental Policy Act (NEPA). It relates only in that, as a land use plan, it will show the right-of-way of Aurora Avenue as a "land use", just as this plan would show all other "land uses" within the study area. We have been told by the City that the right-of-way

shown in the Central Shoreline Plan is as it may be defined in the ultimate Aurora Avenue project. But

please keep in mind that whatever right-of-way is indicated in the Central Shoreline Subarea Plan will not be used as criteria to determine the preferred alternate for the City's Aurora Avenue project from 165th to 205th.

Design Features of the Proposed Project:

Many factors are used to determine the roadway geometrics such as traffic volumes, roadway type and classification, lane width, curves, sidewalks, etc. during project development. Aurora Avenue North is part of the National Highway System through Shoreline, and this triggers higher design guidelines.

The current average daily traffic (ADT) is approximately 40,000 vehicles per day for this section of the highway. High traffic volumes, combined with the distance a vehicle would need to travel to cross the opposing traffic, creates an unsafe condition. There are a variety of design documents and laws that have helped guide the current design. Specifically, Washington State Department of Transportation's (WSDOT) Design Manual Chapters 410 and 430 describe median designs, and Chapter 910 addresses the use of two way left turn lanes. In addition, the Washington Administrative Code (WAC 468-52-040) defines the access control classification system.

For projects with pedestrian generators, sidewalks are required. The minimum sidewalk width is five feet, but additional width is encouraged if appropriate.

The project has minimized the roadway width by using 11-foot travel lanes instead of 12-foot travel lanes. The seven-foot sidewalk and six-inch curb widths were set to fit the scale of the roadway and the sidewalk width will be reduced to minimum Americans with Disabilities Act (ADA) requirements where there are conflicts with existing buildings.

Aurora Avenue Project from 145th to 165th:

Timothy Stewart, the City of Shoreline's State Environmental Policy Act (SEPA) Responsible Official, approved the SEPA Final Environmental Impact Statement (FEIS) on November 23, 2002 for the project on Aurora Ave North from 145th to 165th. The SEPA process is a state process and outside of FHWA's jurisdiction.

You may be aware that this phase of the work was reviewed under both the SEPA EIS and the Federal National Environmental Policy Act (NEPA), because Federal funding was received. Under NEPA, an environmental assessment (EA) was prepared and approved by Elizabeth Healy of my staff for distribution for public review on July 3, 2002. As part of the development process of the EA, Elizabeth held several meetings to discuss the appropriate project limits. Elizabeth included our legal counsel in the process to define logical termini and independent utility. FHWA legal counsel reviewed the relevant portion of the EA on this topic, and concluded that the information included within the EA supported the decision that the project from 145th to 165th has independent utility and logical termini. Since FHWA established that the project from 145th to 165th has independent utility and logical termini, a full analysis of the direct impacts from the future 165th to 205th project was not required for the EA. It was analyzed as a cumulative future action. We received a FONSI package for review and approval, which was reviewed by both Elizabeth and our legal counsel. Elizabeth submitted comments on the document for revision, and a new FONSI package has been submitted to FHWA for approval, and is currently under review.

In regards to your comments about a lack of public involvement in this phase, the City provided for an extensive community involvement process. This process is described in the EA approved for circulation last June, the Final SEPA EIS, page 4-3, that was approved last November, and is included in the FONSI package currently under review at FHWA.

Both FHWA and the WSDOT will work with the City to ensure the community is involved planning efforts for the future project from 165th to 205th. This section would describe how the proposed transportation alternatives would affect business and residential areas.

Central Shoreline Subarea Plan:

The Central Shoreline Subarea Plan is a land use/comprehensive plan that is under the City of Shoreline's jurisdiction, and FHWA is not involved in this process. However, if the Subarea Plan specifies the corridor for a future NEPA document, we will not be able to accept decisions made through that process since it is not a NEPA process. A reasonable range of alternatives will need to be considered in the future NEPA project. Some of the subarea planning decisions may be evaluated in the NEPA

process when the reviews of the various transportation alternatives are reviewed and analyzed.

Aurora Avenue Project from 165th to 205th:

There is a future planned project on Aurora from 165th to 205th. The NEPA process has not been started. Once this process is started, both FHWA and WSDOT will ensure that the City of Shoreline follows the proper procedures and processes. This oversight will include making sure that the affected business owners will be contacted and will be included in the planning and environmental processes. As of today, no determination has been made as to whether or not a NEPA EIS will be required.

Your e-mail indicates that numerous businesses may be permanently displaced. The area of the possible business displacements is in the future 165th to 205th project. Both FHWA and WSDOT take this issue seriously and would expect that any planning or environmental process the City undertakes would include a section on Environmental Justice. This section would describe how the proposed transportation alternatives would affect business and residential areas. Such a section was included in the FONSI package, Chapter 3-14, for the project from 145th to 165th that is currently in our office for review.

Thank you for taking the time to comment on the proposed project. We appreciate public input as a way to tailor a project to meet the needs of the community as a whole. If you have any questions, please contact Elizabeth Healy of my staff via e-mail or phone at (360)753-9480.

- Dan Mathis

-----Original Message-----

From: undlemv@msn.com
Sent: Wednesday, April 23, 2003 5:05 PM
To: Mathis, Daniel; CarePlus@cmc.net; cbelster@earthlink.net; Chase.Ma@leg.wa.gov; Higharena@aol.com; jacnkatie@msn.com; JohnChangShoreline@hotmail.com; kencott@webtv.net; Larrywgmgoldies@aol.com; mfimia@zipcon.com; Sales@exoticmeats.com
Cc: MyronP6464@aol.com
Subject: Central Shoreline Subarea Plan or is it Phase II of the Aurora Corridor Project?

Dear Mr. Mathis:

My name is Myron Phillips and I am vice-president of a group called The Shoreline Merchants Association. We are located in the City of Shoreline. I believe you have been talking to our attorney, Roberta Farris regarding the Aurora Corridor Plan(SR99) here in Shoreline.

As Roberta has already told you, the city has approved Phase I of this project from 145th-165th which is the southernmost section of the three mile project.

As businesses on Aurora, we have issues with the width of the highway, the width of the sidewalks and the restrictive, raised median. We feel it is harmful towards our businesses and that a proper study was not done. Neither were businesses properly notified or heard. Also, we have a dense population of Asian and other ethnic businesses which believe their Title VI rights may have been overlooked.

Phase II and III constitute the two miles North of Phase I. I am sure Roberta will fill you in on our appeal of Phase I as it goes through the court system. We would ask for your further assistance and guidance for another project that the city wants to start in the middle section of Aurora(SR99). They call this the Central Shoreline Subarea Plan. This, essentially is Phase II, of the Aurora Corridor Plan.

The city has applied through the Washington State Ecology Department for further development of this project. Eventually, they want to make the central area of Aurora their downtown.

They have defined the right-of-way for Aurora in this plan. If it is approved, we feel that they have defined Phase II of the Aurora Corridor Project which has not been approved by your office, nor has there been funding approved from any source. Environmentally, nothing has been done or approved by FHWA. In short, this is "over-laying" one proposed project upon another.

We feel that since Federal Highway Trust Fund dollars have been expended to our city for preliminary design and some ecology issues, that your guidance and approval is needed for the completion of the Aurora Corridor Project. The question I have for you is, can they go ahead with this Sub-Area plan prior to the approval of Phase II of the Aurora Corridor Plan?

Lastly, numerous businesses will be displaced permanently! I asked the head of this project, Mr. Tim Stewart, if these businesses had been notified, if consideration had been given to relocation or even reimbursement for their losses, and he said that he didn't think so! I am, quite frankly, appalled at how the City of Shoreline has treated our respected business community. Our businesses on Aurora contribute greatly to the financial infrastructure of our city. We need your help! The entire corridor project, according to the NEPA Act, should have been considered as the entire project. That is, a NEPA environmental study should have been conducted on the entire project "up front". Then, if so desired, they could segment the construction into Phase I, Phase II, etc.

We would appreciate a response from your department. The latest document, for the subarea plan, has been filed with the Washington Department of Ecology. It's number is: #200302109. The document type is: DNS(Determination of No Significance)

There is a hearing with our city planning office on May 15th. It would be placed on the docket for the Shoreline City Council approval in June. Thank you so much for reading my e-mail. You can call me at my office(206)546-2426 or at my home(425)774-5707. Myron G. Phillips, DVM(Shoreline Merchants Association)