

**From:** [Eric Bratton](#)  
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## City of Shoreline

# NEWS

**April 21, 2014**

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### **Next steps in Point Wells Transportation Corridor Study process**

The City held the final Transportation Corridor Study Workshop on April 16. Based on resident comments and feedback from the previous five workshops, the City and the traffic consultants developed preferred alternatives for the street configuration of Richmond Beach Drive and Road and traffic mitigations along these corridors.

Using the community feedback provided at the April 16 workshop, staff will make adjustments to the preferred alternatives and then present a final recommendation to the City Council. City staff will also prepare a set of design principles for Council review that provide direction for the design, implementation, and construction of the street improvements. These will be based on the community input and modeled after the Implementation Strategies that the City Council adopted to guide design and implementation of the City's Aurora Corridor project. Although the timeline for submission of a final mitigation recommendation to the City Council has not been finalized, staff anticipates that this will occur in late June. City staff will hold an Open House to share the final recommendation with the public prior to the recommendation meeting with Council.

If the City Council is supportive of an acceptable traffic analysis and mitigation package, then they will provide direction to the City Manager to submit the TCS outcomes and agreement to Snohomish County, to negotiate a "development agreement" with BSRE, and docket, or schedule for action, appropriate Point Wells subarea plan amendments that will be worked on later this year.

Following Council acceptance, the City will provide the "mitigation package" to Snohomish County to be included as part of the transportation section of the County's Environmental Impact Statement (EIS). The City anticipates Snohomish County adopting the mitigation package and incorporating it into its permit review and analysis, and making it a condition to projects permits. If the City is not able to secure the requirement from the Snohomish County EIS process that the mitigation package will be constructed by BSRE to mitigate the project impacts, the City's Memorandum of Understanding with BSRE states that the City and BSRE will negotiate these mitigations as part of the development agreement.

The City will also work to negotiate the following items into the development agreement with BSRE: 1) a funding mechanism to pay for the required mitigation package; 2) agreement on the ultimate cap on daily vehicle trips to and from Point Wells and how to enforce the cap; 3)

agreement on the sequence of implementation of the mitigation projects; and 4) Point Wells annexation to the City of Shoreline.

***Can We Close the road?***

Over the past several years, residents have repeatedly asked why we can't just close the road to Point Wells. With the recent Supreme Court decision the question is once again being asked. While it seems like an easy answer, in the court case YARROW ETC. v. Town of Clyde Hill, 403 P. 2d 49 - Wash: Supreme Court, 2nd Dept. 1965, a case with similar facts to the Point Wells development, the Supreme Court found that Clyde Hill's vacation (closing) of a road due to anticipated traffic increases from a proposed development was unlawful.

Clyde Hill's City Council was concerned about increased traffic from an apartment complex in neighboring Houghton where the only access was through Clyde Hill. The Council vacated the road and the Supreme Court ruled the action to be unlawful. Below are excerpts from the decision:

*In closing a public street, the "public use" that must be considered is broader and more inclusive than the mere use by abutting property owners. Streets are dedicated to the public use....This implies that streets must be maintained primarily as public ways....This refers not alone to adjacent property owners, nor to the inhabitants of a particular political subdivision, but to the whole people....Every citizen of the state has an equal right to use the streets.*

*Cities are vested only with such powers over the streets as are conferred upon them by the legislature....However, the power to regulate streets is not the power to prohibit their use by nonresidents....Similar consideration must be given to the power of a municipality to vacate a street.*

*...[T]he residents of a particular town possess no proprietary rights to the use of its streets, in priority to or exclusion of the general public. They may not use their power to the detriment of other citizens or municipalities of the state....The fact that a city may have the burden of constructing or maintaining its streets gives it no peculiar privileges insofar as the use of its streets is concerned.*

Closing Richmond Beach Drive near the entrance of Point Wells would open the City up to legal challenges and its actions would most likely be found unlawful under the findings of Yarrow etc. v. Town of Clyde Hill.

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