

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Public Hearing for Proposed Street Vacation on Midvale DEPARTMENT: Planning and Development Services PREPARED BY: Miranda Redinger, Associate Planner 206-546-3826</p>
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SUMMARY

In 2007, the City purchased property on the northeast corner of Midvale and 175th for the new city hall/civic center project. Adjacent to the City ownership on the east side of Midvale, there is excess right of way (approximately 15 feet) that is not needed for current or future road improvements. It has been planned to vacate this excess to provide additional space and circulation for the city hall project and landscaping. The City Council made a commitment to Opus Northwest, LLC to convey a specified parcel in the ground lease necessary to construct the civic center according to the design option selected by the City Council. In order to fully convey this parcel, a small portion of Midvale Avenue North needs to be vacated.

The City Council is authorized to initiate a street vacation under Chapter 12.17 of the Shoreline Municipal Code. The first step in the street vacation process was for Council to pass a resolution fixing the time for a public hearing on the street vacation in front of the Planning Commission. That occurred on Monday, January 14th, through City resolution 268 (See Attachment 1). Street vacations are considered a "Type C- Quasi-Judicial Action". Accordingly, the Planning Commission is the body that conducts the open-record public hearing and formulates a recommendation on the proposal. This recommendation will be considered by the City Council as they take final action on the request.

FINANCIAL IMPACT

A street vacation initiated by the City Council has no financial impact.

ENVIRONMENTAL REVIEW

Right-of-way vacations are categorically exempt from the Washington State Environmental Protection Act (SEPA). Though exempt, the potential impacts of the right-of-way vacation were considered in conjunction with an environmental review of the East Boeing Creek – Phase II CIP surface water drainage system upgrades. A threshold Determination of Non-Significance was issued on January 11, 2008. This project includes replacement/realignment of a piped stream segment in Midvale Avenue right-of-way. The realignment will result in excess right-of-way along the east side of Midvale.

BACKGROUND

The existing right-of-way for Midvale Avenue is 60 feet. In addition to the 60 feet of dedicated right-of-way, the westerly 20 feet of improved Midvale Avenue in the vicinity of the proposed vacation is located within an easement granted by Seattle City Light. Portions of the improvements include the Interurban Trail and other amenities.

The CIP for East Boeing Creek – Phase II will result in approximately 15 feet of excess right-of-way. The City Council has chosen to consider vacation of this excess. A street vacation is the mechanism by which the City may, by legislative action, remove right-of-way from a public street or alley, or portions thereof. The decision to vacate is based on the following criteria from SMC Title 12.17:

1. The vacation will benefit the public interest.

As it currently exists, the right-of-way to be vacated is unplanned and unused. The road re-alignment of the intersection at Midvale and 175th negates the need for this portion of the right-of-way.

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

Determination of excess right-of-way is based on the street classification and the proposed redesign of the intersection of Midvale and 175th associated with the renovation of Aurora Avenue. After vacation, adequate right-of-way will remain to provide a roadway that meets the minimum standard for a “local access street”.

3. The proposed vacation area is not part of a long range circulation plan or pedestrian/bicycle plan.

Its proximity to the Interurban Trail links it to that plan for pedestrian/bicycle circulation and the remaining right-of-way also provides sufficient area for sidewalks and amenity areas for landscaping and utilities.

4. The subject vacation is consistent with the adopted Comprehensive Plan and adopted street standards.

The adopted Transportation Master Plan identifies this portion of Midvale Avenue as a “local access street”. The proposed geometry and configuration would provide the appropriate width and turning radii for a local access street as defined in the Transportation Master Plan and Engineering Development Guide with a roadway section that will provide 36-foot paved surface and a 6 to 8-foot sidewalks and 4-foot amenity strip. A minimum 24-foot pavement width is required for a local access street.

ANALYSIS

In authorizing the City Manager to enter into a development agreement and a ground lease with Opus Northwest, LLC, the City Council made a commitment to Opus to design and construct the civic center on a development site that includes a small portion of Midvale Avenue North. In order to convey the full parcel for construction, this small portion of Midvale Avenue N. between N. 175th and N. 178th must be vacated.

The street vacation resolution method outlined in SMC Chapter 12.7 authorizes the City Council to propose a street vacation by resolution of intent to vacate. Under this street vacation resolution method, the City Council sets a public hearing before the Planning Commission. The public hearing must be held no sooner than 20 days but no later than 60 days after the Council resolution is passed. Public notice of the hearing is posted in three conspicuous public places and mailed to each owner of the property within 500 feet of the proposed vacation.

At the conclusion of the public hearing on proposals to vacate right-of-way the Planning Commission makes a recommendation to the City Council. The City Council then holds a closed record hearing to determine whether to approve the street vacation.

Council's decision on the street vacation will not take place until the Commission has forwarded their recommendation and the Council holds its closed record hearing.

TIMING & SCHEDULE

The proposed schedule for the street vacation is as follows:

- January 14, 2008: City Council took action on Resolution No. 268 initiating the street vacation process and fixing the time for a public hearing on vacation of a portion of Midvale Avenue N between N. 175th and N. 178th streets.
- Section 12.17.020 (C) of the Shoreline Municipal Code details the noticing requirements for street vacations. Public notice must be provided at least 20 days before the hearing. Notice was provided on January 18th, 2008 by posting at the City Hall, the City Hall Annex, and the Shoreline public library, placement of signs in proximity of the vacation, and a mailing to property owners within 500 feet.
- February 7, 2008: Planning Commission public hearing and recommendation on proposed street vacation.
- After the Planning Commission action, the City Council conducts a closed record hearing and either approves or denies the street vacation.

NEXT STEPS

The Commission can choose to recommend approval or denial of the recommendation based on the criteria listed above. The Commission's recommendation will be forwarded to the City Council for a closed record hearing and final decision.

If you have questions about the street vacation proposal, please contact Miranda Redinger at mredinger@ci.shoreline.wa.us or 206-546-3826.

ATTACHMENTS

Attachment 1: Resolution No. 268- A resolution of the City of Shoreline, Washington, initiating review of a street vacation for a small portion of Midvale Ave. N. right-of-way between N. 175th Street and N. 178th Street; and fixing a public hearing date for the vacation.

Attachment 2: Map of the proposed street vacation.

RESOLUTION NO. 268

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, INITIATING REVIEW OF A STREET VACATION FOR A SMALL PORTION OF MIDVALE AVE. N. RIGHT-OF-WAY BETWEEN N. 175TH STREET and N. 178TH STREET; AND FIXING A PUBLIC HEARING DATE FOR THE VACATION

WHEREAS, the City Council may initiate a street vacation review by a resolution of intent under SMC 12.17.040 in lieu of a petition from two-thirds of abutting owners; and

WHEREAS, the City has identified a need to vacate this portion of Midvale Avenue N. to fulfill the City's commitment to convey the parcel in the ground lease necessary for Opus Northwest, LLC to construct the Civic Center; and

WHEREAS, the Council finds that a public hearing prior to consideration of final action should be placed on the agenda of the Planning Commission for February 7, 2008; NOW, THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:

Section 1. Vacation Proposed. The City Council declares its intent to consider the vacation of a portion of Midvale Avenue N. north between N. 175th Street and N. 178th Street following notice to the public and abutting owners as required by law and a public hearing.

Section 2. Hearing Date. A public hearing to take public comment on the vacation described in Section 1 is hereby set before the Shoreline Planning Commission for February 7, 2008, to commence at 7:00 p.m. or as soon thereafter as the hearing may be held, in the Rainer Room, 18560 1st Avenue NE, Shoreline, WA 98133. Following the public hearing, the City Council shall consider the hearing record and the recommendation of the Planning Commission at a closed record hearing and take such action in regard to the vacation as may be deemed appropriate.

Section 3. Notice of Hearing. The City Clerk shall cause to be posted a notice containing a statement that the vacation has been initiated by the City Council describing the right-of-way proposed to be vacated, and the time and place of the hearing to consider the vacation at the times and locations set forth in SMC 12.17.020. The Notice shall further state that if 50 percent of the abutting property owners file written objection to the proposed vacation with the City Clerk prior to the Planning Commission hearing, the vacation proceeding will terminate.

Item 8.1 - Attachment 1

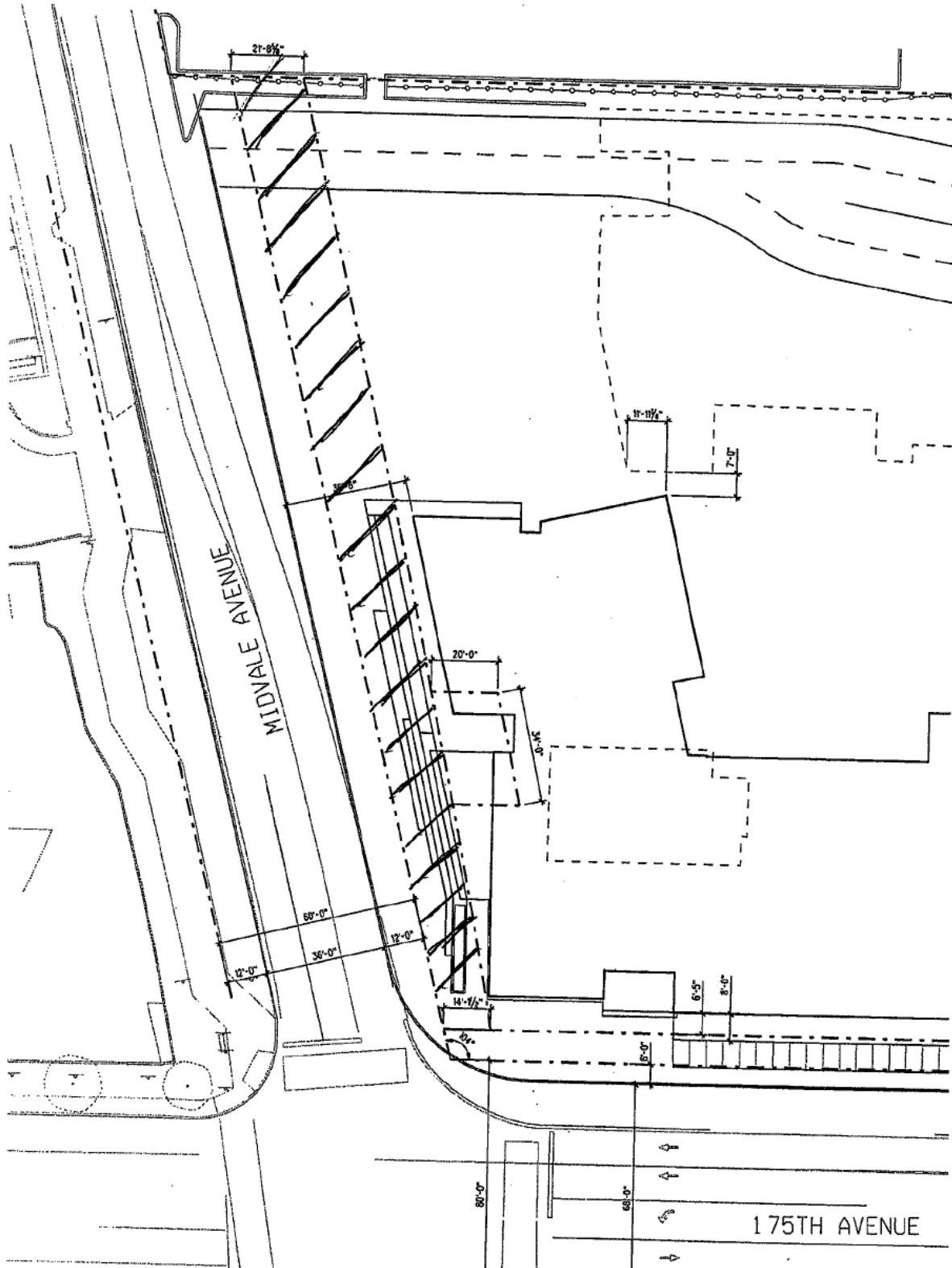
PASSED BY THE CITY COUNCIL ON JANUARY 14, 2008.

Cindy Ryu, Mayor

ATTEST:

Scott Passey, CMC
City Clerk

Site Plan Item 8.1 - Attachment 2 (NE Corner of Midvale Ave N and N 175th St)



To see the aerial map, go to NWmaps.net/shoreline, click on 'Search from Map', and enter the address or parcel no.