

STREET VACATION FAQ

GENERAL INFORMATION

Who makes the decision whether to grant a Street Vacation?

Street vacation decisions are City Council actions as provided by State statute. There is no right under the zoning code or elsewhere to vacate or to develop public right-of-way. To do so, a discretionary legislative approval must be obtained from the City Council and, under law, the Council may not vacate right-of-way unless it determines that to do so is in the public interest. Part of that determination is to ensure that potential development and use of the vacated right-of-way would be in the public interest. This determination may be guided by established land use policies and standards as called for by the street vacation policies, but the Council is not bound by land use policies and codes in making street vacation decisions and may condition or deny vacations as necessary to protect the public interest.

Seattle Department of Transportation (SDOT) administers the process for the review and analysis of street vacations.

Will Vacations be granted for any purpose?

No. Vacations are not appropriate in all circumstances. Vacations cannot be granted for the sole benefit of the Petitioner or to address purely private concerns. This means that vacations will not be granted for purposes such as privatizing parking, acquiring additional property, or addressing security problems. Vacations are generally not granted in single family zones. Vacations are not granted for temporary uses such as material storage or loading, landscaping or gardening; a street use permit is more appropriate in these situations. Vacations will not be granted for speculative purposes or to facilitate potential future development. The petition must be associated with a current development proposal in order for the City to fully evaluate the impacts of the vacation and the proposed development. SDOT Street Vacation staff will help you to determine whether a vacation is feasible.

What do the Street Vacation Policies require?

In order for a vacation to be approved, the City Council must determine that to do so would be in the public interest. In making this determination, the Council will weigh three components of the public interest as described in the adopted Policies:

First: The City Council will consider the impact of the proposed vacation upon the circulation, access, utilities, light, air, open space and views provided by the right-of-way. These are defined by the policies as the public trust functions of the right-of-way and are given primary importance in evaluating vacation proposals. The policies require mitigation of the adverse effects upon these public trust functions. What constitutes adequate mitigation will be determined by the City Council.

Second: The Council will consider the land use impacts of the proposed vacation. A proposed vacation may be approved only when the increase in development potential that is attributable to the vacation would be consistent with City land use policies for the area in which the right-of-

way is located. The Petitioner must provide specific information about what the vacation contributes to the development potential of the site.

Third: Proposed vacations may be approved only when they provide a long-term benefit to the general public. Vacations will not be approved to achieve short-term public benefits or for the sole benefit of individuals. Mitigation of the adverse effects of a vacation does not in itself constitute a public benefit. The petition must contain a specific proposal for meeting the public benefit requirement.

The City Council will weigh the public trust and land use effects of a vacation, mitigating measures and the public benefit provided by the vacation to determine whether or not the vacation is in the public interest. In balancing these elements of the public interest, the Council will place primary importance upon protecting the public trust functions of the right-of-way.

The Street Vacation process is provided for in State Law (RCW 35.79) and the Seattle Municipal Code (SMC 15.62). The City's Street Vacation policies are contained in [Clerk File 310078](#).

What are the costs for a street vacation?

Initial Filing Fee: - \$450 non-refundable filing fee,

Post Hearing Fee: - \$300 for all property, but \$150 for single family residential zoned property,

Appraisal Fee: - the actual cost of the appraisal; but \$600 is the cost for single family residential zoned property.

Vacation Fee: - the full appraised fair market value is required for streets and alleys that have been a part of the dedicated public right-of-way for 25 years or more.

If real property is conveyed in satisfaction of the vacation fee, the property must be acceptable to the City. The full appraised value of the land will be credited against the vacation fee.

The petitioner also bears the costs of providing any information necessary for the review process such as project drawings, maps, EIS and traffic analysis as well as other costs such as the cost of review by the Design Commission.

How is the vacation fee determined?

The vacation fee is established by an appraisal done by a certified independent appraiser. The fee is the fair market value for streets or alleys that have been a part of the dedicated public right-of-way for 25 years or more (most Seattle streets) and for streets abutting upon bodies of water (vacated in limited circumstances). The fee is ½ the fair market value for streets or alleys that have been part of the public right-of-way for less than 25 years.

When a project is nearing completion, the City contracts with an appraiser for an appraisal summary report. The cost is typically \$5,000 or more and is the responsibility of the Petitioner. The appraiser is provided with relevant project information, including conditions imposed on the vacation. The appraiser will discuss the project with the Petitioner and consider any information such as utility easements or conditions that may affect the land value. It is the responsibility of the Petitioner to provide the appraiser with any information that may have a bearing on the valuation.

The vacation fee is determined by the appraisal process as required by Code. The fee is not set by the City, and the City has no authority to negotiate the fee. If questions are raised concerning the appraisal, a second appraisal may be requested and an independent review of both appraisals may be required. This cost is the responsibility of the Petitioner.

Appraisals are time-sensitive and will generally be considered valid for a period of 6 months. Any significant delay in the payment of the fee may require an updated appraisal. The street vacation fee must be paid prior to the passage of the final vacation legislation.

If the vacation is approved, how long will the approval last?

The City Council specifies that conceptual approval of a vacation petition will be valid for a five-year time frame from the date of the City Council approval. The Petitioner is expected to complete the development process and meet all of the conditions imposed on the vacation, to the satisfaction of the City, within the five-year time frame. It is generally expected that the development will begin within 18 months of City Council approval.

The Petitioner is required to provide SDOT with quarterly reports detailing the progress on developing the project and meeting the conditions imposed by the City Council.

If the Petitioner cannot complete the vacation process within the five-year time frame, the Petitioner must, in writing, request additional time. The City Council will determine whether an extension of time is appropriate.

May I apply for a Master Use Permit before a decision is made on the Vacation petition?

Yes. Most developers petition for a vacation and begin the Seattle Department of Construction and Inspections (Seattle DCI) review process at the same time because Seattle DCI and SDOT will ask for similar project information for the respective reviews. SDOT must receive a valid vacation petition before Seattle DCI will accept a Master Use Permit (MUP) application. The vacation petition and the MUP may then be under review at the same time. Part of the vacation process includes review by the Design Commission and if the project is also subject to Design Review, Commission staff will coordinate the two design procedures. When SDOT has completed its work and forwards the petition to the City Council, the Council must make a decision on the vacation before Seattle DCI may publish the MUP decision and issue a MUP. If a project is complicated and includes Landmark review, rezone or Major Institution Master Plan; City staff will work to outline the steps in the review process.

What is the order of the Vacation and MUP decisions?

Petition for the vacation: Seattle Department of Construction and Inspections (Seattle DCI) will not accept a MUP application unless a valid vacation petition has been filed with SDOT

1. Apply for the MUP.
2. Both processes may proceed concurrently, including environmental review, traffic analysis, review by the Design Commission and Design Review Board, and other elements.
3. City Council decision on the vacation petition: Seattle DCI may not publish a MUP decision or issue a MUP unless the City Council has acted to grant conditional approval of the vacation petition.
4. MUP issuance: If the vacation petition is granted by the City Council, Seattle DCI may publish the MUP decision and issue the MUP.
5. Project development/meeting conditions: Following conditional approval of the vacation, Seattle DCI and other City departments may issue permits and the petitioner may construct the project and work to satisfy the conditions imposed on the vacation.

1. Final Vacation ordinance: The final vacation ordinance is passed only after the petitioner has satisfied all the conditions imposed on the vacation to the satisfaction of the City and has paid all fees.

How long does the vacation process take?

The vacation process can take 8-10 months depending on the issues identified, the level of environmental review, and the complexity of the project. Environmental review can be one of the most time consuming elements of the process. The level of environmental review required is determined by the Seattle Department of Construction and Inspections. If an Environmental Impact Statement (EIS) is required, the vacation petition cannot proceed to the City Council until the completion of the EIS process.

What are Post-Approval Responsibilities?

If the City Council approves the vacation, the Petitioner is directed to begin development activities in conjunction with fulfilling all conditions required by the approval:

Submittal of Quarterly Reports specifically outlining progress on the development and fulfilling the conditions;

- Coordination with SDOT Street Use Office for use, closures and utility work;
- Resolution of utility concerns, both private and public;
- Negotiation, execution and recording of required easements, agreements, deeds;
- Payment of monies for the public hearing, appraisal and vacation fees; and
- Submitting final documentation on the completed Council Conditions.

Where can I get additional information about Street Vacations?

For specific questions and more information, please call Beverly Barnett at 684-7564, beverly.barnett@seattle.gov, Moira Gray at 684-8272, moira.gray@seattle.gov, or make an appointment to meet us at 700 Fifth Avenue, Suite 2300 Seattle Municipal Tower, Seattle, Washington. The mailing address is Seattle Department of Transportation, P.O Box 34996, Seattle WA 98124-4996.

Where can I get other information?

Street Use Permits may be obtained through the Street Use Section of the Seattle Department of Transportation by calling 684-5253 or on the 23rd Floor of the Seattle Municipal Tower, 700 Fifth Avenue, Seattle, Washington 98104-5043.

For official property and land use records contact King County Department of Records and Elections, Records Division, at 296-1570 or at 311 King County Administration Building, 500 Fourth Avenue, Seattle, Washington 98104.

Plat maps may be obtained from Seattle Public Utility, Engineering Services Records Vault, Seattle Municipal Tower, 700 Fifth Avenue, Suite 4798, 684-5132.

Design Commission information may be obtained from Valerie Kinast at 233-7911. Please call 3-4 weeks in advance of the desired presentation date. Staff can help answer any questions about the Commission and set up a preparatory meeting to discuss project details.

Seattle Department of Construction and Inspections information may be obtained at 684-8600 or on the 20th floor of Seattle Municipal Tower, 700 Fifth Avenue, Seattle, Washington 98104-5043.

Geographic Information System (GIS) mapping services are available at 684-0965 or on the 20th floor of Seattle Municipal Tower, 700 Fifth Avenue, Seattle, Washington.

COMMUNITY NOTIFICATION

The Petitioner is required to provide information regarding the proposed vacation and project to appropriate groups in order satisfactorily identify pertinent issues. The main opportunities of community notification are:

Pre-petition notification by Petitioner
Notice of Petition in the Seattle Department of Construction and Inspections (Seattle DCI) newsletter
SDOT circulation of Petition information and comment solicitation
Design Commission meetings
Transportation Committee public hearing

What is the petition process?

Pre-Petition – Potential Petitioners meet with Street Vacation staff for an initial review of the proposed vacation to determine if the proposal is congruent with adopted City vacation policies.

Petition - A Street Vacation is initiated by a petition to the City Council. The petition must include signatures of owners of more than two-thirds of the property abutting the street proposed to be vacated. SDOT will prepare the petition form upon written request. SDOT provides the staffing for the review and analysis of petitions.

Upon receipt of a signed petition, together with a \$450 filing fee and all required supporting documents describing the project, the petition is checked for valid signatures. If the petition contains the necessary signatures, it is filed in the City Clerk's Office and referred to the City Council.

Review and Issue Identification – Project information including site maps, project information, environmental analysis and other supporting information is circulated to various departments, public agencies and community groups for their review and comment on the proposed vacation.

Comments solicited include the following offices:

Community Groups
Neighborhood Organizations
Area Business Associations
Seattle Police and Fire Departments
Seattle Department of Neighborhoods
Seattle City Light
Seattle Public Utilities
Seattle Department of Parks & Recreation
Seattle Design Commission
Seattle Department of Construction and Inspections
King County/Metro
Washington State Department of Transportation
Sound Transit
Qwest Communications
Puget Sound Energy
Seattle Steam Corporation
Union Pacific Railroad
Burlington Northern Santa Fe Railroad

This first level of review is intended to identify issues related to a proposed vacation and subsequent development. This includes technical issues such as utility or transportation impacts, as well as urban design issues, and land use impacts. Broader policy issues such as community concerns and compliance with Comprehensive Plan or Neighborhood Plan goals and other City policies and goals are also analyzed. This phase of the review should result in a clear picture of the proposed development, any issues or policy questions, and should produce a clear description of the public benefit provided by the proposal. During this phase of review, the petition will generally be reviewed by the Seattle Design Commission. Responding to issues and refining the public benefit proposal may involve significant design changes or revisions by the Petitioner.

SDOT Recommendation - After receiving all the comments on the potential vacation, all environmental documents, and other required information, and after completion of the review by the Design Commission and other reviewers, SDOT will review the proposal for compliance with the Vacation Policies and other applicable policies. SDOT will prepare an analysis for the City Council including a recommendation whether the vacation should be granted or denied, recommended conditions, mitigation measures, and the specific public benefits of the proposal.

Public Hearing - The Transportation Committee of the City Council holds a public hearing on the proposed vacation. Owners and residents of properties within a 300-foot radius of the vacation area are notified of the hearing no less than 20 days in advance. The property is also posted, the notice is included in the City's general mail release, and notices are displayed in three of the most public places in the City. Following the public hearing the Committee will consider the public comments, the SDOT recommendation and other relevant information and vote on the proposed vacation. The Committee may accept or alter the SDOT recommendation, including altering or adding conditions or mitigation measures or refining the public benefit proposal. The Committee then forwards its findings to the full Council for consideration and final action.

Final Ordinance – The vacation approval process is in two parts. If the Council grants the vacation, the Petitioner receives conditional approval and may proceed to develop the project and work on meeting all the conditions imposed on the project. When all fees have been paid, any easements recorded and conveyed, and all conditions are satisfied, as determined by the City, the City Council will pass an ordinance formally vacating the right-of-way. If real property is conveyed, all appraisals, deed conveyance, title work, and environmental assessments must be completed prior to the passage of the ordinance. The ordinance is signed by the Mayor and recorded in the King County Records for public record. A signed copy of the ordinance is then sent to the Petitioner.