



King County

**Ron Sims**

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August 24, 2006

The Honorable Ed Sterner  
Lake Forest Park City Council  
17425 Ballinger Way NE  
Lake Forest Park, WA 98155-5555

Dear Councilmember Sterner:

King County has been working collaboratively with the City of Lake Forest Park staff and the Citizen Advisory Group (CAG) on plans to redevelop portions of the Burke Gilman Trail since November, 2004. The goal of this redevelopment is to meet the projected future use of the Burke Gilman Trail, while respecting the community and City of Lake Forest Park. Both the design process and CAG process have been geared to create a trail for the safety and enjoyment of both residents of Lake Forest Park and King County.

The Burke Gilman Trail is a regional trail that serves two million users who use it for recreation and commuting. The trail is a part of a larger regional trail system that currently is approximately 175 miles.

I appreciate the discussions between my staff and the city on the current draft of proposed Ordinance 951. I have been made aware of the specific points of concern and am attaching a detailed list of many elements of the proposed ordinance, with comments on each element, prepared by my staff, for your consideration.

I am concerned that the proposed Ordinance 951, as written, would make it impracticable for the county to improve the trail to meet current and future demand. The ordinance would impose conditions and nonstandard equipment that would drive the cost of trail improvements to unacceptable levels. It would require the county to install signage and other features that are inconsistent with nationally recognized trail standards as well as current King County regional trail standards, and impose setbacks and other requirements that could make it physically impossible to improve the trail within the county's right of way. In addition, it would condemn public property for private use.



In RCW 36.70A.200, the Growth Management Act prohibits cities and other jurisdictions from imposing conditions that would prevent the construction or improvement of essential public facilities. That prohibition extends to the expansion or improvement of essential public facilities. See *City of Des Moines v. Puget Sound Regional Council*, 108 Wn. App. 836, 988 P.2d 27 (Div. I 1999); *Port of Seattle v. City of Des Moines*, GMHB Case no. 97-3-0014 (1997). Under WAC 365-195-340(a)(i), the Burke-Gilman trail constitutes an essential public facility for GMA purposes. If enacted, Ordinance 951 as currently drafted would violate the Growth Management Act because it would effectively prohibit the county from improving the Burke-Gilman Trail in the city.

King County has a strong commitment to our regional trail system, of which the Burke Gilman is the crown jewel. Use of the trail has increased more than 30 percent over the last 10 years and we expect exponential growth in future use by both Lake Forest Park and King County residents. King County is concerned that Ordinance 951 as currently drafted would violate RCW 36.70A.020(9) and RCW 36.70A.020(12), which require timely enhancement of recreational opportunities; and it would violate various goals, policies, and other provisions of the city's own comprehensive plan, including but not limited to planning goal 12, and Recreational and Open Space Goal RO 2.

The current version of Ordinance 951 would seriously jeopardize the plan to redevelopment the Burke Gilman Trail in Lake Forest Park.

The current King County proposed trail design, as endorsed by a majority of the CAG, has the trail width increasing from 10 feet to 12 feet with soft surface shoulders on either side. The CAG determined the 12' width to be the best width for a multi-use trail of this volume because it allows people to walk in pairs or ride two abreast. This is also the county's Regional Trail standard width. The current design addresses concerns and issues from both property owners and CAG members.

As with any King County Regional Trail project, the proposed Burke Gilman Trail redevelopment will meet all Washington State Administrative Code requirements, Manual on Uniform Traffic Control Devices (MUTCD) guidelines, American Association of State Highway and Transportation Officials (AAHSTO) guidelines and be stamped by a licensed traffic engineer. Minimum standards for trail crossings with driveways, minor roadways and major roadways will all be based on transportation engineering formulas consistent with state code, MUTCD & AASHTO guidelines and the standards established for the balance of King County's 175 mile regional trail system.

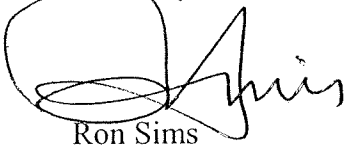
I encourage the city to reevaluate the proposed ordinance and work with the county to address the concerns of the city and its residents through other means. The county stands ready to continue the ongoing and collaborative trail design process that we initiated together with the city through the CAG.

Please feel free to contact Tom Koney, Assistant Director, Parks and Recreation Division, Department of Natural Resources and Parks, at 206-263-6229, if you have any questions regarding my comments.

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I very much enjoy working with the City of Lake Forest Park on regional issues. And, I will continue to look forward to opportunities where we can be partners in advancing policies and efforts that benefit the residents of Lake Forest Park and King County.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Sims". The signature is stylized with a large, circular loop at the beginning and a long, sweeping tail that extends to the right.

Ron Sims  
King County Executive

Attachment

cc: The Honorable Dave Hutchinson, Mayor, City of Lake Forest Park  
Burke Gilman Trail Redevelopment Citizen Advisory Group  
Pam Bissonnette, Director, Department of Natural Resources and Parks (DNRP)  
Kevin Brown, Director, Parks and Recreation Division, DNRP  
Deb Browne, Managing Supervisor, Parks Capital Improvement Project, Facility  
Management Division, Department of Executive Services

## **King County Staff Comments Regarding Lake Forest Park, Proposed Ordinance No. 951**

The Lake Forest Park section of the Burke Gilman Trail is the oldest length of the Burke-Gilman Trail under King County's authority. Initial development in the 1970s preceded barrier-free accessibility standards, environmental resource legislation, and federal aid policies for bicycle facilities.

In 1991 the Federal Highway Administration (FHWA) issued a Federal Aid Policy Guide (FAPG 23 CFR 652) that established design and construction criteria for projects receiving Federal funds that aid bicycle and pedestrian projects. The American Association of State Highway and Transportation Officials' "*Guide for the Development of New Bicycle Facilities, 1999*" (known as the AASHTO Guide) or equivalent State or local guides now typically serve as the standard for construction and design of bicycle routes. In addition to the AASHTO Guide and WSDOT Design Manual, redevelopment of the Burke-Gilman Trail will be governed by other federal, state and local requirements. Applicable codes and legislation include Americans with Disabilities Act Guidelines (ADAAG), King County Surface Water Design Manual, Lake Forest Park Municipal Code, State Environmental Policy Act (SEPA), National Environmental Policy Act (NEPA), Washington Department of Fish and Wildlife Hydraulic Project Approval (HPA)

Plans submitted to the City of Lake Forest Park by King County to request a conditional use permit will identify: location of signage, intersection control, design of overhead lights where applicable, design speeds, posted speeds, trail surfaces and rules & regulations for trail users.

As with all of the areas included in the Burke Gilman Trail redevelopment process, prescriptive design requirements may work in some locations and not in others due to cost, topography or right of way availability. Many of King County's issues and concerns in the proposed Lake Forest Park Ordinance 951 are addressed below:

### **Speed Limits**

Section C.3.d of proposed Ordinance 951 mandates a 10 MPH speed limit on the Burke Gilman Trail through Lake Forest Park.

The speed limit has not yet been determined by King County for this stretch of trail. King County has heard recommendations for both 10 MPH and 15 MPH trail speed limit through LFP. Recently, a majority of the CAG voiced concern that 10 MPH speed limit would be too low to serve the community and could be ignored by trail users. This has been consistent with what we've heard during the public process around trail redevelopment. While 15 MPH would be consistent with the balance of the County's and City's regional trail system, we look forward to the outcomes and recommendations of any LFP public process that may consider a lower 10 MPH speed limit.

### **Lighted Intersections**

C.2.d of Ordinance 951 requires a provision overhead lighting for safety at drives and intersections while minimizing light shining into residences.

It is anticipated that new light fixtures will be installed along the trail only at designated crossings. These fixtures will be mounted on low 12-14 foot poles and will be designed to focus the light downward and reduce light pollution into the neighborhoods.

### **Radar Activated Speed Indication Devices & In-Pavement Lighting**

Sections C.1.e of proposed Ordinance 951 asks for identification of the specific location of radar activated speed indication devices with the recommendation that they are located in each direction every one and one-half miles. Section C.2.d of the proposed ordinance requires provision of in-pavement lighting.

We are concerned about the efficacy, installation cost, and maintenance of radar control devices and in-pavement lighting systems. In-pavement lighting devices were recently examined and rejected by the CAG who recommended that such lights only be installed if other safety measures proved to be ineffective. Concern was raised about needed stopping distance and creation of a false sense of safety for both trail and driveway users. These items are not being considered for inclusion in our trail system as they are not proven effective and also would be too costly to install system-wide.

### **Separate Uses**

C.3.a of proposed Ordinance 951 requires the county “provides for the accommodation of different categories of trail users traveling at different speeds and with different space requirements and minimizes conflicts between them”.

A three-foot shoulder will be built on the east side of the trail and a one foot wide shoulder will be built on the trail’s west side. An additional foot at the outer edge of either shoulder is required to stabilize the trail’s edges. The shoulders will be soft-surface, made of stabilized crushed rock, which will be universally accessible to pedestrians, wheelchair users and strollers. This provides a walking surface and refuge area for pedestrians and other users to move out of the way of cyclists. Trail design will balance accommodation of different categories of users with space required for safe traffic flow and the right of way available for development.

It has not yet been determined if there will be a yellow stripe delineating the center of the trail except at crossing approaches, because centerlines could potentially reduce user efficiency and flexibility, cause confusion, and be inconsistent with system standards.

### **Bollards & Trail Impediments**

C.2.b of proposed Ordinance 951 states the Trail Development Plan “locates access limiting bollards and trail furniture, including but not limited to benches, tables and kiosk”.

For trail safety, crossing visibility, and consistency with the regional trail system, the current design has limited bollards and trail impediments. The majority of the CAG recently weighed in against any trail impediments that might become obstacles for trail users - specifically when they break. The County will consider bollard designs available (as well as their limitations and durability), system-wide trail standards and the CAG recommendation in the final redevelopment plan.

## **Lake Forest Park Character**

C.2.a of proposed Ordinance 951 requires for provision of trail “compatibility with the character and appearance of development in the vicinity and preserving the privacy of adjacent uses by the use of setbacks, screening, landscaping, fencing or grade changes to buffer adjacent properties”. Section E.2 requires that trail facilities be equipped with park-like features and other amenities to create a “friendly environment” for trail users and adjacent properties.

To provide for compatibility with the character and appearance of development in the vicinity, King County is proposing a trail design with “gateway” entrances at either end of Lake Forest Park. In addition, at many public meetings and during the CAG process, King County heard strong requests for areas along the trail that give trail users a place to pull away from trail traffic to safely enjoy Lake Forest Park’s breathtaking views of the lake. Forcing a mandatory minimum requirement for buffers, setbacks, fencing, landscaping and grade changes would prove unacceptably costly or impossible due to steep hillsides south of 151<sup>st</sup>, private drive easements such as Edgewater Lane, using the King County right of way, and a narrowing of the right of way in certain areas. That being said, where right of way and topography will allow, and where financially feasible, King County is committed to the goal of making sure the trail fits with the character and livability of Lake Forest Park.

## **Plantings, Fences & Buffers**

Sections C.2.c and C.2.e of Lake Forest Park proposed Ordinance 951 require minimum setbacks from private property lines to the edge of the trail and includes screening and landscape requirements to create a 12 foot landscaped buffer on either side of the trail. This would require a total width of 24 feet of the, sometimes narrow, County right of way being mandated as privacy screening and buffer. Chapter 18.62 referenced in C.2.c mandates at least 75% of ground being covered in a “screened” area to meet screening density requirements.

Privacy concerns will be taken into consideration when new vegetation is planted. Where consistent with design and where it does not impact safety, vegetative screening is part of the redevelopment plan.

King County understands the intent behind the City's proposed screening and landscaping requirements, but the ordinance's specifications are infeasible because King County's ability to provide a specific width of shoulder/buffer is entirely dependent on the width of the right of way and topography in any given location. Screening, landscaping, and setbacks will be planned based on right of way availability.

King County’s goal is to remove only the vegetation necessary in order to make the trail improvements. Some fences may be replaced in-kind provided there is no conflict with the trail alignment or sight distance triangles. In other places, additional trail width will be achieved by removing fences and vegetation and adding retaining walls where functionally necessary. Plantings and trees will be replaced consistent with county policy which is to landscape with native, drought-tolerant, low-maintenance plants. To widen the trail, some trees may need to be removed. Views will be taken into consideration when new vegetation is planted.

Forcing a mandatory minimum requirement for buffers, setbacks, fencing, landscaping and grade changes would prove unacceptably costly or impossible due to steep hillsides south of 151<sup>st</sup>, private drive easements using the King County right of way, and a narrowing of the right of way in certain areas. In a handful of places between 145<sup>th</sup> and 151<sup>st</sup>, easements reduce the County the right of way to 30' and 35' respectively.

Cost and long term maintenance requirements also must guide the scale, scope and type of plantings and fencing which will be installed along the trail right of way to ensure the design remains financially feasible for both construction and ongoing operation.

### **Yield Signs & Intersection Alerts**

Section C.1.b of proposed Ordinance 951 suggests signs to provide primary right of way of ingress and egress to residents, which, in some instances, is contrary to the current trail redevelopment plan and recommendation of two traffic engineers, federal guidelines and traffic engineering standards. C.1 also mandates specific minimum standards for trail crossings and related signage directed at trail users.

As with any King County Trail project, trail redevelopment will meet all Washington State Administrative Code requirements, Manual on Uniform Traffic Control Devices (MUTCD) guidelines, American Association of State Highway and Transportation Officials (AAHSTO) guidelines and be stamped by a licensed traffic engineer. Minimum standards for trail crossings with driveways, minor roadways and major roadways will all be based on transportation engineering formulas consistent with State code, MUTCD & AASHTO guidelines and the standards established for the balance of King County's 175 mile regional trail system.

The best practice traffic engineering standards state that the right of way is assigned to the direction of travel or leg of the intersection with the most traffic volume. In the City, the trail has the preponderance of traffic volume. Both the Phase 1 and Phase 2 transportation engineers under contract with King County have recommended that trail stop signs at driveways be removed. Again, this is consistent with best practice traffic engineering standards and King County is following these standards to ensure the trail is redeveloped in the safest possible way.

Cars will be required to yield at all trail crossings, except the intersections of 170th and Ballinger Way. This is consistent with state law regarding intersections, crossings and crosswalks. However, the trail design includes a number of "alerts" for both motorists and cyclists approaching a trail crossing, including signage, pavement markings, distinctive surfacing through the crossing, and tactile warning strips across the trail. Cyclists will be notified of the driveways with special pavement markings and signage similar to the newest section of the Burke Gilman Trail (owned by Seattle) in Ballard.

At the trail crossing near the Sheridan Beach Club, we understand a high volume of children crossing the trail during the summer months necessitates a marked crosswalk and signage designating that bicycle traffic must yield to crossing pedestrians.

### **Level of Maintenance**

Section C.4 of proposed Ordinance 951 designates the establishment of a Trail Maintenance Plan and establishes responsibility for maintenance along the trail right-of-way (and required posting of maintenance schedules) including landscaping, inspections, replacement of broken or defaced trail furniture & signage, drainage ditches, lighting, trail furniture, and trail surface.

Section D and attachment A of proposed Ordinance 951 would create a maintenance enforcement policy and compensation plan from the County to the City for the County lack of maintenance or inability to meet the conditions of the Conditional Use Permit.

Plans submitted by King County will identify and communicate a proposed maintenance plan for the improvement. All King County Parks maintenance plans are identified on an annual basis and are a direct result of funding allocated to Parks. While King County can not commit to a specific level of funding for maintenance, you should know that trails are and will continue to be a priority for King County. As a regional trail provider, King County must keep appropriate perspective. This particular section of trail represents less than three miles of a 175 mile system and 25,000 acres which King County Parks is responsible for maintaining.

In May of 2003, voters in King County passed a four-year levy to fund park operations at the basic current level. The levy allows for system growth in new open space acreage and trails but is not able to cover costs associated with any development of new recreational facilities or related infrastructure. As with all County Parks facilities, we will continue to ensure that investments like the one we are making in Lake Forest Park for the Burke Gilman Trail is as cost effective to maintain as possible.

### **Access**

The County's policy is to provide new private access across its trails via special use permits (SUPs). Many adjacent property owners already have SUPs, or access easements that predate the County's purchase of the right of way. However, Section E.1 of the proposed legislation would appear to require both existing and new private access without regard to the County's permit process or easements terms and conditions. In effect, the legislation would unilaterally take or condemn access over the County's right of way for perpetual use by private citizens. Public property cannot be condemned for private use.

The County is prepared to work with adjacent property owners to ensure that their reasonable access needs are met through the SUP process or through existing easements. As a property owner in its own right, the County has a legitimate expectation that it can control access to and use of its trail corridor for the good of the public, and to require that private use of the corridor not contravene public safety.