



King County

Parks and Recreation Division

Department of Natural Resources and Parks

King Street Center Building

KSC-NR-0700

201 South Jackson Street

Seattle, WA 98104-3855

206-296-8687

November 8, 2006

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

Dear Councilmember Sterner:

Over the past month, King County staff have worked with staff from the City of Lake Forest Park to review and discuss Ordinance 951, which would amend the city's conditional use ordinance. The goal was to look at how the ordinance would impact future development of the regional Burke Gilman Trail as it extends through the City of Lake Forest Park.

Having the opportunity to work with city staff has given us a better perspective of the goals and objectives that the city hopes to achieve through the revised ordinance. In particular, it was important that we agreed that the elements outlined in Attachment A would be handled better, either through open dialogue between the two jurisdictions or through inclusion in the body of the amended ordinance. Yet, while we appreciated the opportunity to work collaboratively to craft language to ensure that regional trails could be permitted consistent with accepted standards for safety, substantial differences remain on other outstanding issues, and we disagree on whether Ordinance 951 truly allows for the development or improvement of regional multi-use trails within the City of Lake Forest Park.

At this time, King County has remaining concerns that have not been addressed as part of the updated language in Ordinance 951, including the following: 1) The ordinance gives the hearing examiner discretion to deny a permit, contrary to the Growth Management Act (GMA) requirement that essential public facilities like regional trails may be subject to reasonable conditions but cannot be denied; 2) costs for the projects could balloon based on many of the requirements outlined in the ordinance; 3) the ordinance requires specific buffers and setbacks that could render regional trail improvements impracticable, contrary to the GMA; and 4) the ordinance requires trail users to yield the right of way to cross-trail traffic, which is inconsistent with state traffic code as well as trail design best practices, and would have the effect of making regional trail improvements impracticable, contrary to the GMA.

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If Ordinance 951 is adopted as proposed, then King County will need to take a close look at the viability of this project—i.e., whether or not to allocate project funds elsewhere—as well as the County's options under the GMA, the Land Use Petition Act (LUPA), or both. Unfortunately, any of these alternatives will undoubtedly lead to delays in reaching our final goal of improving the Burke Gilman Trail. The County would much prefer to continue working with the City to find practical means to address the City's concerns. At this time, the Parks Division has project funds to plan and permit trail improvements to address safety concerns, improve maintenance levels, and accommodate the tremendous increase in trail usage that has occurred since the trail was built in 1970. I cannot guarantee that those project funds will remain available to the Division over time.

Thank you for your review and consideration of this matter at this time. Should you have additional questions or would like more information, please contact Kevin Brown, Director, Parks and Recreation Division at 206 296-8631. Thank you.

Sincerely,



Kevin R. Brown
Division Director

cc: The Honorable Ron Sims, King County Executive
The Honorable Bob Ferguson, King County Council
The Honorable Dave Hutchinson, Mayor, Lake Forest Park
Pam Bissonnette, Director, Department of Natural Resources and Parks (DNRP)
Bob Burns, Deputy Director, DNRP
Burke Gilman Trail Redevelopment Citizen Advisory Group
Bud Parker, Supervisor, Facility Management Division, Department of
Executive Services