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January 20, 2009

John Galt  
Hearing Examiner  
City of Lake Forest Park  
17425 Ballinger Way, NE  
Lake Forest Park, WA 98155-5556

Re: Condition Use Permit for Burke-Gilman Trail

Dear Mr. Galt:

On behalf of the Cascade Bicycle Club we write to support issuance of the Condition Use Permit for redevelopment of the Burke-Gilman Trail and issuance of a Public Agency Utility Exception, should it be determined to be necessary.

Founded in 1970, the Cascade Bicycle Club is a statewide organization formed to promote bicycling, for transportation, recreation and human health. Cascade Bicycle seeks to accomplish this objective through education, such as classes on bicycle safety, through special events, such as ride-to-work month (the month of May), through involvement in public affairs, such as its work on Ordinance 951 and Seattle's Master Bicycle Plan, and through public information, such as through its newsletter and its website at [www.cascadebicycleclub.org](http://www.cascadebicycleclub.org).

Cascade Bicycle is the largest organization in the state that promotes bicycling and bicycle safety. It presently has over 10,000 active members. Many, in addition to its members, participate in the Club's various activities. For example, the organization's signature event, the Seattle to Portland bicycle ride annually attracts its maximum participation of 9,000 riders, including those beyond its membership.

The Burke-Gilman Trail (BGT), and particularly improving the section through Lake Forest Park, is one of the Club's highest priorities. The BGT, and the connecting Sammamish River Trail, are the most highly utilized trails within King County's trail system. FEIS at 3.6-5. At Lake Forest Park, the BGT is used daily by over 1,000 cyclists on weekdays and by nearly 2,000 cyclists during weekends. *Id.*, at 3.6-1. Cyclists constitute between 75 and 80% of all trail users.

The BGT is not only a park in its own right, but it provides an important link to other trails, including the North Creek Trail and the Sammamish River Trail to the north of Lake Forest Park and to bicycle routes and other parks within the City of Seattle. Since its opening in 1978, the BGT has become an increasingly important route for commuters, who make up about a third of its weekday users. *Id.* at 1.2. The BGT segment within Lake Forest Park provides a link between Seattle and cities to the north and eastside, including Kenmore, Bothell, Redmond, Woodinville, Kirkland, Bellevue and Lake Forest Park itself. *Id.*, Figure 1-2. It also provides a link between the Seattle and Bothell campuses of the University of Washington.

BGT's importance to the network of regional trails cannot be overstated. The Trail is prominently featured in a number of county and city plans, including the 1971 *King County Urban Trails Plan*, the 1975 *King County General Bicycle Plan*, the 1992 *King County Regional Trail Plan*, the 1993 *King County Non-motorized Transportation Plan*, the 1994 *King County Comprehensive Plan*, the 1996 *King County Park, Recreation, and Open Space Plan*, the 1994 *City of Lake Forest Park Comprehensive Parks, Recreation and Open Space Plan*, and the 2005 *City of Lake Forest Park Comprehensive Plan*. *FEIS* at 1-2.

The Trail is also included within *Destination 2030*, the Regional Transportation Plan adopted by the Puget Sound Regional Council at Map 4-4 (May 2003). This final plan has been adopted by the Regional Transportation Planning Organization for the Puget Sound area, designated under Chapter 47.80 RCW and 23 U.S.C. §134. Due to its regional importance, the BGT has been recognized as an Essential Public Facility under the Growth Management Act. See Final Decision and Order at 13 in *Cascade Bicycle Club, et al. v. City of Lake Forest Park*, CPSGMHB Case No. 07-3-0010c (July 23, 2007).

Particularly for a trail of its regional importance, the Lake Forest Park segment of the BGT is in very poor condition. The trail is substantially degraded and substandard; its shoulders are narrow; its paving is riddled with root heaves, and it is crossed by driveways and minor streets with inadequate visibility. *FEIS* at 1-7 The width of paving is too narrow to accommodate the present levels of use and site distances at the intersections are inadequate. The existing pavement width of 10 feet falls far short of the minimum pavement width of 12 – 14 for a shared bicycle/pedestrian trail under the *Washington Department of Transportation Design Guidelines for Bicycle Facilities*. The condition of the trail is unsuitable and unsafe for its present volumes. As the CPSGMHB noted at 13 in its above-referenced decision, "The current level of use of the Trail already exceeds current design standards." The BGT is in substantial need of redevelopment.

The Cascade Bicycle Club fully supports King County's proposed redevelopment of the trail. The proposed configuration of a 12 foot surface with 1 and 3 foot shoulders, proper signage and intersection improvements are necessary to address the Trail's deficiencies, improve its safety, provide adequate separation between cyclists and pedestrians and to accommodate existing volumes. Conversely, repaving the Trail in its present configuration (the so-called "rebuild" alternative) would perpetuate many of the present deficiencies.

The Club remains concerned that the city's proposed drainage condition, to slope the Trail to the west and collect and convey drainage to a ditch system, would make the project infeasible and prevent redevelopment of the trail. From the evidence presented by the county, the proposed condition would appear to alter the present drainage from the Trail by redirecting the flow of drainage, to complicate construction by requiring the raising of the trail and the construction of additional retaining walls, and to render the project financially infeasible by raising construction costs by somewhere between 16 and 27%. On account of these impacts, the proposed drainage condition exceeds the city's authority to condition an essential public facility.

The city's authority to condition approval of the Trail's redevelopment is not unlimited. As noted by the Central Puget Sound Growth Management Hearings Board in Sound Transit v. Tukwila, CPSGMHB No. 99-3-0003, Final Decision and Order at 6 (Sept. 15, 1999):

. . . after the regional decision is made, the city then has a duty to accommodate the essential public facility, and the exercise of its land use powers may only impose reasonable conditions and mitigations that will not effectively preclude the essential public facility by rendering it impracticable.

(emphasis supplied), cited with approval in *Cascade Bicycle Club, supra* at 17. The decision to designate the BGT as a regional facility was made long ago. At this point, Lake Forest Park must accommodate the trail and may not impose conditions that would render the Trail impracticable or infeasible. Based upon the engineering present by the County, the drainage condition would do just that, to render redevelopment of the Trail infeasible. To bring the city's review into line with its authority, we urge the approval of the Trail without the proposed drainage condition.

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Thank you for your consideration of these comments. Please list the Cascade Bicycle Club as a party of record to these proceedings.

Sincerely yours,

Jeffrey M. Eustis