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Victory in Lake Forest Park for Cascade Bicycle Club  
**Ordinance 951 Overturned: Burke-Gilman Trail Declared an “Essential Public Facility”**

Late Monday, July 23, the Central Puget Sound Growth Management Hearings Board overturned the City of Lake Forest Park’s Ordinance 951. The ruling comes in favor of Cascade Bicycle Club’s petition challenging the ordinance, which would have impeded the upgrade of the Burke-Gilman Trail in one of its oldest areas.

In its ruling, the Board found that Cascade Bicycle Club, “did carry their burden of proof to demonstrate that the City was **clearly erroneous in its adoption of Ordinance 951**, and issued an **Order of Invalidity** [...]”

During the Board hearing in June, Cascade Bicycle Club asserted that Ord. 951 violated the state Growth Management Act. Cascade argued that the six Lake Forest Park City Council members who voted in January 2007 for Ord. 951 turned their backs on federal, state and county trail development standards, and disregarded three professional engineering reports that explained how to improve the corridor. In effect, the six council members prioritized a few private driveways over the rights and safety of thousands of public trail users.

“Everyone who uses this Trail will benefit from this decision. There are a lot of people who worked hard to develop the Burke-Gilman Trail a generation ago. It’s our responsibility to protect it for future generations.” Chuck Ayers, Executive Director of Cascade Bicycle Club said.

By successfully overturning Ord. 951, Cascade Bicycle Club’s efforts restored King County’s ability to redevelop the Burke-Gilman Trail through Lake Forest Park and meet recognized safety standards.

As the Growth Management Hearings Board noted in invalidating Ord. 951, Cascade “demonstrated and convinced the Board that the Burke-Gilman Trail is an important regional transportation and recreational facility, serving residents from cities stretching from Seattle to Bothell, and continuing to the Sammamish River Trail, connecting to Kenmore, Woodinville and Redmond. Surveys indicate that the trail is more than a recreation facility, in that it is also an important non-motorized transportation facility for commuters – bicycle commuters in particular.”

The case further states: “**To answer the threshold question – The Burke-Gilman Trail is an essential regional public facility.**”

According to King County Executive Ron Sims Ord. 951 would have made it "impracticable for the County to improve the trail to meet current and future demand." Kevin Brown, Director of King County's Parks and Recreation Division, wrote that

should 951 pass, "King County will need to take a close look at the viability of this project -- i.e. whether to allocate funds elsewhere..."

"The stakes were huge. Today, we closed the door on cities that want to apply unsafe or non-standard conditions to regional trails, thereby impeding the development and maintenance of trails according to accepted, uniform standards," said David Hiller, Cascade Bicycle Club Advocacy Director. "This case sets a precedent for all future trail development and reconstruction."

The Board, in its decision, agreed that Lake Forest Park cannot frustrate the redevelopment of the Burke-Gilman Trail, making it impossible to reconstruct. As with other Essential Public Facilities, cities may put conditions on regional trails. However, under the state Growth Management Act they cannot inhibit their siting or redevelopment. Through Ord. 951, the Lake Forest Park City Council tried to deny King County a permit to redevelop the Trail, which is strictly prohibited by the Act.

### **References**

Central Puget Sound Growth Management Hearings Board  
CPSGMHB Case No. 07-3-0001.