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3
4 BEFORE THE CENTRAL PUGET SOUND GROWTH MANAGEMENT
5 HEARINGS BOARD
6 STATE OF WASHINGTON

6 CASCADE BICYCLE CLUB and)
7 KING COUNTY,)

8 Petitioners,)

No. 07-3-0010c

9 vs.)

KING COUNTY'S REPLY BRIEF

10 CITY OF LAKE FOREST PARK,)

11 Respondent.)
12

13 I. INTRODUCTION

14 [T]he GMA requires local governments both to manage change and change to manage.
15 While the GMA recognizes that a community's values and preferences form the core of
16 its comprehensive plan, there are limitations on the exercise of local discretion. The Act
17 prohibits local prerogatives, whether expressed in policy documents or development
18 regulations, from thwarting legitimate regional and state interests. Therefore, when
19 compared to the past, the "change" that the GMA will sometimes require in local plans
20 and development regulations is nothing less than transformational. Children's Alliance
21 and Low Income Housing Inst. v. City of Bellevue, CPSGMHB No. 95-3-0011, FDO at
22 p.3 (1995) (citations omitted) ("Children's Alliance").

23 This concise statement of the GMA's purpose, goal, and effect from Children's Alliance,
together with the Board's decision in that and subsequent cases, establish the framework for
resolving this dispute. Here, the City of Lake Forest Park ("the City") adopted an ordinance in
an attempt to regulate the construction or improvement of an essential public facility—in this
case, interurban multiuse or multi-purpose trails, including King County's Burke-Gilman trail
("the Trail"). However, Ordinance 951 ("the Ordinance") exceeds the permissible scope of

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1 regulation, because it enables the City to deny or preclude such facilities. Consequently, the
2 Ordinance violates the letter as well as the spirit of the GMA.

3 King County's Prehearing Brief, incorporated here by this reference, provides a sufficient
4 rejoinder to most of the arguments in the City's Response. This Reply makes just four points:

- 5 (A) Under the Board's precedents and the plain text of the Ordinance, the County's
6 petition properly and timely challenges all elements of LFPMC 18.54.047, including
7 those originally enacted in 2005, and the Board may review those elements for GMA
8 compliance;
- 9 (B) The record demonstrates that multi-purpose trails like the Burke-Gilman constitute
10 essential public facilities under RCW 36.70A.200(5) because they are public
11 facilities that are typically difficult to site;
- 12 (C) The Ordinance suffers from flaws comparable to those that the Board identified in
13 the development regulations which it struck down in Children's Alliance, above; Port
14 of Seattle v. City of Des Moines, CPSGMHB No. 97-3-0014; King County v.
15 Snohomish County, CPSGMHB No. 03-3-0011; and DOC/DSHS v. City of Tacoma,
16 CPSGMHB No. 00-3-0007;
- 17 (D) The City's later SEPA analysis and its GMA notice to CTED do not pertain to
18 Ordinance 951, because they were completed in connection with a later-adopted
19 ordinance not at issue here; as such they do not cure the City's failure to comply with
20 SEPA and CTED regulations when it adopted Ordinance 951.

21 Taken individually or together, and viewed against the Board's precedents, these points
22 demonstrate clear error and provide a sufficient basis for the Board to rule the Ordinance out of
23 compliance with the GMA. Furthermore, the Board should invalidate Ordinance 951 because
the continued validity of the Ordinance would substantially interfere with the goals of the GMA.

24 II. ARGUMENT

25 A. The Board May Review All Elements of LFPMC 18.54.047

26 This discussion relates to all Legal Issues that the Board identified in the Prehearing
27 Order, except Legal Issues 2, 7, 9, and 10. The City argues that the Board cannot review certain
28 elements of LFPMC 18.54.47 because those elements of that section were adopted in 2005, and
29 the 60-day window for challenging them has closed. City's Response Brief, at pp. 17-18. The

1 City's argument falls short. There are at least three reasons. First, the Board's prior decisions
2 teach that the Board can and will review a previously-enacted development regulation where the
3 Board is considering a timely challenge to a new regulation that incorporates the older one. See,
4 e.g., Combined Order in King County v. Snohomish County, CPSGMHB Nos. 03-3-0011, 03-3-
5 0025, and 03-3-0012 (May 26, 2004) ("King County I-III, Combined Order"), at p.12 (reviewing
6 SCC section 30.42.C.100 and finding it noncompliant even though it was merely incorporated by
7 the ordinance at issue in that case, and not amended by it).

8 Ordinance 951 weaves together several code provisions in a manner virtually identical to
9 Snohomish County's Ordinance 04-019, which the Board ultimately found noncompliant and
10 invalidated in King County I-III. See *id* at 16 (invalidating Snohomish County ordinance 04-
11 019). The City adopted Ordinance 909, which added to the City's code a conditional use permit
12 ("CUP") requirement for multi-use or multi-purpose trails. Ex. 422 at p.2. However, Ordinance
13 909 did not define the term "multi-use or multi-purpose trails." See generally Ex. 422. Nor did
14 any other portion of the City's code. See generally LFPMC Chapters 1, 16, 18. So, while the
15 City may have intended to regulate the Trail through Ordinance 909, nothing in that ordinance or
16 the code expressly did so. Then the City adopted Ordinance 951 to amend LFPMC 18.54.047
17 and to define "multi-use or multi-purpose trails" to include paved paths that connect with or
18 continue with paths in other cities. Ex 418 at p.2.

19 There is only one such path in the City—the County's Burke-Gilman Trail. It and other
20 County-owned trails are regional facilities. See, e.g., RCW 36.70A.210(1) ("The legislature
21 recognizes that counties are regional governments within their boundaries."); see also City of
22 Des Moines v. PSRC, CPSGMHB No. 97-3-0014, FDO at p.11 n.11 (J. Tovar, concurring)
23 (citing same) ("City of Des Moines"). Like Snohomish County ordinance 04-019, Ordinance
951 thus created a GMA compliance issue where there was none before: "[B]y its explicit terms,
[LFPMC 18.54.047] requires regional, state or federal EPFs to a [sic] get a CUP and therefore

1 subjects them to the criteria at [LFPMC 18.54]." King County I-III, Combined Order at p.12
2 (bracketed material added).

3 Second, a separate provision in Ordinance 951 independently reenacts and incorporates
4 the CUP requirement in LFPMC Ch. 18.54. See Ex. 418 at p.3, section 1.D.4 ("Any conditional
5 use for a multi-use trail or multi-purpose trail . . . [s]hall comply with all applicable requirements
6 of this Chapter."); accord, In re LaBelle, 107 Wn.2d 196, 223-24, 728 P.2d 138 (1986)
7 (compulsory waiver statute regarding 14-day involuntary commitments is applicable to 90-day
8 and 180-day commitments because those statutes each incorporate by reference the requirements
9 of RCW 71.05.310); Cf LFPMC 1.01.050 (reference to code or portion thereof includes not only
10 code section, but also all amendments, corrections and additions thereof). Section 1.D.4's
11 separate and independently reenacted CUP requirement would be effective even if the
12 preexisting language in section 1.C. were struck down or deleted. Ex. 418 at p.6, §2 (severability
13 provision; remaining portions of the Ordinance are valid even if other portions are invalidated).
14 As such, the plain text of Ordinance 951 puts the City's CUP requirements squarely before the
15 Board.

16 Third (and assuming for the sake of argument that Ordinance 909 applied to regional
17 trails in its original form), the GMA permits the Board to consider earlier-enacted development
18 regulations under the circumstances present here. In RCW 36.70A.302(4), the GMA specifies:

19 If the ordinance that adopts a plan or development regulation under this chapter includes
20 a savings clause intended to revive prior policies or regulations in the event the new plan
21 or regulations are determined to be invalid, the board shall determine under subsection
22 (1) of this section whether the prior policies or regulations are valid during the period of
23 remand.

24 Under the conditions enumerated in RCW 36.70A.302(4), the Board may even consider and
25 invalidate development regulations that were enacted prior to the GMA. Skagit Surveyors and
26 Engineers, LLC, v. Friends of Skagit County, 135 Wn.2d 542, 560, 958 P.2d 962 (1998). Where
27 the statutory conditions exist, the Board's ability to review pre-GMA development regulations

1 that "spring back" surely permits the Board to review a revived post-GMA regulation that was
2 first adopted only two years ago.

3 In this case, if Ordinance 951 were invalidated, the City's code specifies that Ordinance
4 909 would spring back in its original form. LFPMC section 1.01.100 (if any section, subsection,
5 sentence, clause or phrase of the City's code is for any reason held to be invalid or
6 unconstitutional, such decision shall not affect the validity of the remaining portions of the code,
7 and the original ordinance or ordinances shall be in full force and effect.). The County's petition
8 regarding Ordinance 951 was timely, so under RCW 36.70A.302(4) and Skagit Surveyors and
9 Engineers, and for the other reasons set forth above, the Board may consider the preclusive effect
10 of all elements of LFPMC 18.54.047 as amended by Ordinance 951, including those that may
11 have been originally enacted through Ordinance 909 and reenacted through Ordinance 951.

11 B. Trails Constitute Essential Public Facilities

12 This discussion relates to Legal Issues 1 and 6 as identified in the Board's Prehearing Order.
13 The City questions whether trails constitute essential public facilities (EPFs). City's Response
14 Brief, pp.12-16. It does so to no avail. The City first argues that trails are not listed in the GMA
15 definition at RCW 36.70A.200(1). City's Response Brief, at p.13. But the plain text of that
16 definition is illustrative, not exclusive:

17 The definition of "essential public facilities" is contained in [RCW 36.70A.200], rather
18 than in RCW 36.70A.030. By the terms of subsection (1), "essential public facilities"
19 include those facilities that are typically difficult to site, such as airports, state education
20 facilities and state or regional transportation facilities, state and local correctional
21 facilities, solid waste handling facilities, and in-patient facilities including substance
22 abuse facilities, mental health facilities, and group homes."

23 The word "include" implies that there are other unnamed facilities that are difficult to
site that may qualify as "essential public facilities."

Significantly, essential public facilities may be large or small, many or few, and may be
either capital projects (e.g., airports and prisons) or uses of land and existing structures
(e.g., mental health facilities and group homes). The characteristic they share is that they
are essential to the common good, but their local siting has traditionally been thwarted

1 by exclusionary land use policies, regulations, or practices. For this reason, RCW
2 36.70A.200 has, in effect, pre-empted such behavior.

3 Children's Alliance, FDO at pp. 5-6 (bracketed material, italics, underlining added). The City's
4 first argument fails.

5 The City next resorts to dictionary definitions in an attempt to differentiate trails from
6 "truly" essential facilities. City's Response Brief at p.13. But the City's approach is destructive
7 rather than edifying: Other than correctional facilities and perhaps a few select mental health
8 facilities, virtually all of the facilities expressly designated as EPFs in RCW 36.70A.200(1)—
9 airports, education facilities, waste handling facilities, substance abuse facilities, and even secure
10 community transition facilities—would be stripped from that category under the City's
11 straitjacketed dictionary approach. The GMA properly acknowledges that these facilities are all
12 discretionary government activities that contribute to the well-being of the community as a
13 whole, and are difficult to site because they are "precisely the type of land uses which provoke
14 'NIMBY' (Not in My Backyard) responses." Children's Alliance, FDO at p.13; see also Okeson
15 v. City of Seattle, 150 Wn.2d 540, 550, 78 P.3d 1279 (2005) ("[t]he principal test in
16 distinguishing governmental functions from proprietary functions is whether the act performed is
17 for the common good of all, or whether it is for the special benefit or profit of the corporate
18 entity.").

19 At bottom, the City's reductionist, definitional approach would effectively slash all public
20 facilities from the GMA's textual definition of EPFs, save only those that serve the "core but
21 limited government function to protect lives and property." Weden v. San Juan County, 135
22 Wn.2d 678, 725, 958 P.2d 273 (1998) (citing and quoting Wash. Const. Art I. §1 for the
23 proposition that "[g]overnments . . . are established to protect and maintain individual rights.").
In Children's Alliance, above, and its later decisions, the Board has correctly interpreted the plain
text of the GMA, and rightly discerned that the Legislature had an open-ended and much broader
category of facilities in mind. The City's dictionary argument is incurably flawed.

1 The City's arguments are further diminished by the fact that the text of the GMA is
2 replete with goals, references and requirements for recreational facilities, all of which serve to
3 demonstrate that the Legislature plainly recognized that parks, trails, sports fields, and similar
4 public amenities are of significant concern—indeed, are mandatory—for a growing and
5 increasingly densely housed population.¹ Given that the Legislature has richly embroidered the
6 GMA tapestry with robust public recreation mandates, it seems positively natural that such
7 facilities should constitute EPFs—subject, of course, to the caveat in RCW 36.70A.200(1) that a
8 given class of recreation facilities must also be typically difficult to site.

9 The City makes much of the fact that the County's Parks and Recreation Division is the
10 custodial agency for the Burke-Gilman trail and others like it, rather than the County's
11 Department of Transportation. City's Response Brief, at p.14. The City argues that because the
12 trail is recreational, it is not a transportation facility. See *Id.* The City's arguments falsely and
13 unnecessarily cleave the two functions apart. As an initial example, the City omits the fact that
14 County's Department of Transportation prints and updates the County's bicycle trails map, which
15 integrates bicycle and other paths (including the Trail) with on-road bike lanes and routes.²

16 More broadly, the GMA itself mandates that the transportation element of a
17 comprehensive plan must include (among other required sub-elements) a "pedestrian and bicycle
18 component to include collaborative efforts to identify and designate planned improvements for
19 pedestrian and bicycle facilities and corridors that address and encourage enhanced community

19 ¹ See, e.g., RCW 36.70A.020(9) (stating GMA goal to retain open space, enhance recreational opportunities,
20 conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and
21 recreation facilities); RCW 36.70A.030(12) (defining "public facilities" to include recreational facilities); RCW
22 36.70A.030(14) (defining "recreational lands"); RCW 36.70A.070(1) (mandatory land use element of
23 comprehensive plan must include recreation, open space, and other public facilities); RCW 36.70A.070(3)
(mandatory capital facilities element of comprehensive plan must include park and recreational facilities); RCW
36.70A.070(8) (comprehensive plan must include a park and recreation element that implements and is consistent
with the capital facilities plan element as it relates to park and recreation facilities); RCW 36.70A.150
(comprehensive plans must identify lands useful for public purposes, including recreation); RCW 36.70A.171
(identifying certain playing fields as compliant with the GMA).

² See <http://www.metrokc.gov/kcdot/roads/bike/map.cfm> (visited May 18, 2007). The County will bring an
illustrative copy of the KCDOT Bicycling Guidemap to the hearing on the merits on June 1, 2007.

1 access and promote healthy lifestyles.” RCW 36.70A.070(6)(a)(vii). Mixed-use paths such as
2 the Trail fit within that category.

3 The County has taken that GMA mandate to heart. It has designated the Trail and others
4 as nonmotorized transportation facilities in the County’s transportation plan, see County’s
5 Prehearing Brief at p.7, and integrated that trail system as a critical subelement of the
6 transportation element of the County's comprehensive plan. See generally King County 2004
7 Comprehensive Plan Ch. 6 and Technical Appendix C (both attached hereto as Attachment KC-
8 D). The County's transportation plan element, like the GMA itself, is shot through with bicycle
9 trail-related policies and mandates. Here is just a sampling from Attachment KC-D: pp.6-7,
10 policy T-204 (“[t]he transportation system should include . . . facilities and programs for
11 pedestrians, bicycles, and equestrians); id at p. 6-11, policy T-305 (listing roadway safety
12 improvements as including “pathways”); id at p. 6-13, item C (“[t]rail networks, sidewalks, bike
13 lanes, and other nonmotorized improvements encourage walking and cycling.”); id at policy T-
14 321 (“[u]nused rights-of-way should be considered for development as pedestrian, bicycle,
15 equestrian or accessible connectors”); id at Technical Appendix C, pp. C-16, C.17 (describing
16 “RoadShare,” the county's nonmotorized transportation program, as including the County's
17 regional trails network).³ Furthermore, as the County demonstrated earlier in these proceedings,
18 the Puget Sound Regional Council has also designated the Trail and other trails as core elements
19 of the Metropolitan Transportation System, which is determinative for purposes of state and
20 federal transportation funding and planning statutes. See County’s Prehearing Brief at p.7, and
21 sources cited therein.

22 Taken together, these authorities illustrate the obvious point that construction, operation,
23 and management of trails (and especially the County's interurban trails like the Burke-Gilman)

³ The Board may take official notice of the County's comprehensive plan, which was adopted by ordinance. WAC 242-02-660(4). See <http://www.metrokc.gov/ddes/compplan/2004/index.htm> (visited May 18, 2007) (listing King County ordinances 15605 through 15607 and 15242 through 15245 as among those adopting the 2004 King County Comprehensive Plan and its 2006 updates). The full text of the County's comprehensive plan and its appendices are available at that website.

1 are core public services that legitimately serve both “transportation” and “recreation” functions.⁴
2 As such a trail can be an EPF, subject—as always—to the caveat in RCW 36.70A.200(1) that a
3 given type of trail must also be typically difficult to site.

4 The City’s last two arguments are that trails are not essential because streets and bicycle
5 lanes can serve the same transportation purpose as stand-alone trails, see City’s Response Brief
6 at pp.15-16; and that the regional nature of the Burke-Gilman and similar trails does not equate
7 to “essential” public facility status. *Id.* Disregarding the patently spurious thesis that streets and
8 bicycle lanes are equivalent to dedicated trails or paths for pedestrians and cyclists—see Ex. 443
9 (AASHTO Guide, 1999) at pp.5-9, attached hereto—these arguments may be disposed of
10 summarily. The existence of alternative sites or facilities (if any) simply is not relevant to the
11 question whether a given facility constitutes an essential public facility. Nor is the existence of
12 alternative sites or facilities relevant when determining whether a given development regulation
13 is preclusive. See, e.g., State v. City of Lakewood, CPSGMHB No. 05-3-0043c, FDO at p.13
14 (2006) (disregarding city’s suggestion that State pursue work release facility in alternative areas;
15 emphasizing that EPF proponent has the authority to determine EPF location; observing that
16 requiring proponent to site an alternative facility somewhere other than existing location would
17 cause delays related to finding and acquiring a site and physically establishing a facility.) The
18 City’s argument amounts to a non sequitur.

19 Likewise, the question whether a facility is “regional” or “local” is not relevant to the
20 question whether it is an essential public facility; local facilities may well be EPFs depending on

21 ⁴ The City argues that trails are not among the limited state or regional transportation facilities defined in RCW
22 47.06.140 and referenced in RCW 36.70A.200(1). City’s Response Brief, pp.13-14. But RCW Ch. 47.06 merely
23 describes transportation facilities and services of statewide significance. RCW 47.06.140. The County does not
argue that its trails have statewide significance (though it reserves the right to make such an argument in another
context). Most of the examples of EPFs in RCW 36.70A.200(1) do not have statewide significance, and many of
them (group homes, in-patient facilities, certain mental health facilities) may not even have regional significance.
The City’s reliance on RCW 47.06.140 to disprove the “essential” character of regional trails is misplaced. Cf
Children’s Alliance, FDO at p.13 (rejecting city’s argument that group homes could not be EPFs because they were
not on state Office of Financial Management’s list of “essential state public facilities”; holding that designated
essential state public facilities were not a determinative list of EPFs, but rather were a subset of EPFs in the then-
existing version of RCW 36.70A.200(2)).

1 their function and purpose, and the level of difficulty in siting them. See County's Prehearing
2 Brief at pp.7-8; see generally RCW 36.70A.200(5). Rather, the inquiry whether a facility is
3 "local" or "regional" is relevant to the question whether a development regulation like Ordinance
4 951 (or Ordinance 909 before it) may legitimately preclude or prohibit that facility. See King
5 County v. Snohomish County, No. 03-3-0011, FDO at p. 11 (2003) ("King County I")("EPFs . . .
6 sited by a regional or state entity are distinct from those that are 'sited by' a local jurisdiction or
7 a private organization or a individual."); see also King County I-III, Combined Order at pp.11-12
8 (analyzing CUP criteria and finding them GMA-compliant as to local EPFs, but GMA-
9 noncompliant as to regional EPFs). As with alternative sites or facilities, above, the City's
discussion of "regional" and "local" trails in the EPF designation context is also a non sequitur.

10 Ultimately, the question whether a given public facility is an EPF turns on two simple
11 factors: (a) whether it falls within "the full range of services to the public provided by
12 government, substantially funded by government, contracted for by government, or provided by
13 private entities subject to public service obligations," WAC 365-195-340(a)(i); and (b) whether it
14 is one of "those facilities that are typically difficult to site." RCW 36.70A.200(1). This Reply
15 Brief has already established that the GMA deems parks, trails, and other recreation facilities to
16 be critical elements of public infrastructure. See discussion, above. The GMA recognizes that
17 trails serve dual recreation and transportation functions. Id. The County's Prehearing Brief
18 demonstrated that trails are difficult to site—and none more so than regional trails like the
19 Burke-Gilman or the East Lake Sammamish Trail. County's Prehearing Brief at p.4 n.3 (citing
20 reported appellate opinions arising from County trail projects and trail projects in other
21 Washington jurisdictions). By way of further example, controversy over the East Lake
22 Sammamish Trail led to a 10-year delay between the date the County purchased it and the date
23 that an interim soft-surface trail was opened for public use. See Attachment KC-E, attached
hereto.⁵ A permanent, paved trail is still years away.⁶ Further to the west of the City, Seattle

⁵ Attachment KC-E is a newspaper article reporting the opening of the interim East Lake Sammamish Trail. The
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1 recently completed a highly contentious trail siting and improvement project—the effort to
2 extend the Burke-Gilman trail through the Seattle neighborhoods of Ballard to Shilshole Bay.
3 See Attachments KC-F through KC-H, attached hereto.⁷

4 At the risk of piling on cumulative evidence, and at the further risk of spiraling into
5 potentially tautological reasoning, the City’s own record demonstrates the challenges and
6 difficulties that the County has encountered in siting trail improvements in the City. Ex. 424;
7 Ex. 448 at p.1; Ex. 511. Local controversy is the prime reason it has taken the County nearly 7
8 years just to develop a plan to upgrade the Trail there. See, e.g., Ex. 424; Ex. 511. The fact that
9 the City has, in recent years, adopted no less than four separate ordinances (ordinance 907,
10 ordinance 909, ordinance 951, and ordinance 958) dealing with trails would, in and of itself,
11 seem to suggest that such facilities are going to be difficult to site in the City, if not elsewhere.

12 In sum, the GMA recognizes that the County’s Trail (and trails in general) are
13 important public facilities. The evidence proves that trails are typically difficult to site or
14 improve. The City’s own record demonstrates that the County has encountered substantial
15 difficulty attempting to plan needed improvements to the Trail. That is all that is required to
16 bring multi-purpose or multi-use trails in general, and the Trail in particular, into the
17 category of essential public facilities.

18 **C. The Ordinance Impermissibly Precludes Regional Trail EPFs**

19 This discussion relates to Legal Issues 1, 3, 4, 5, 6, 8, and 9 as identified in the Board’s
20 Prehearing Order. The City argues that its Ordinance does not preclude trail EPFs. City’s
21 Response Brief, at pp. 16-28. But the Ordinance suffers from the same defects as other
22 development regulations or plans which the Board struck down in four prior cases. And the

23 Board may take official notice of the information in Attachment KC-E. WAC 272-02-670(2) (notorious facts).
⁶ See, e.g., <http://www.metrokc.gov/parks/trails/elst.html> (visited May 18, 2007) (outlining current stage in trail
planning process).
⁷ Attachments KC-F through KC-H are newspaper articles reporting the City of Seattle's consideration of and
adoption of a plan to extend the Burke-Gilman trail through the neighborhood of Ballard. The Board may take
official notice of the facts reported in KC-F through KC-H. WAC 272-02-670(2) (notorious facts).

1 Ordinance has little in common with development regulations that the Board has upheld. As a
2 brief review of these prior decisions will show, Ordinance 951 impermissibly precludes trail
3 EPFs in the City.

4 In its seminal Children's Alliance decision, the Board ruled that a City of Bellevue
5 ordinance impermissibly precluded the siting of group homes. The Board found that the
6 ordinance (a) adversely affected the financial viability of certain group homes, such that they
7 were financially infeasible in the city; (b) effectively thwarted the purpose of group care by
8 forcing group homes into nonresidential areas; and (c) was inconsistent with the City's
9 comprehensive plan because portions of the ordinance were "directly inconsistent" with the
10 plan's direction to integrate special needs housing into the city's neighborhoods. Children's
Alliance, FDO at pp.13, 18.

11 In City of Des Moines, No. 97-3-0014, the Board determined that Des Moines'
12 comprehensive plan provisions were noncompliant with the GMA and invalidated them. The
13 offending elements of the city's comprehensive plan included (a) policies requiring plans,
14 regulations, and review procedures to preserve or protect residential communities from
15 inconsistent and incompatible land uses that threatened their stability and their residential
16 character; (b) findings and strategies that worked in concert to prevent, rather than mitigate,
17 expansion of Seatac International Airport by restricting necessary support activities, such as fill
18 dirt hauling; and (c) strategies directing the City to oppose land use changes and transportation
19 facilities or infrastructure improvements that would increase environmental noise beyond that
20 which existed on a date certain. City of Des Moines, FDO at pp. 6, 8, 9. Reasoning from
21 Children's Alliance, the Board explained that "[i]f the City's Plan has the effect of making the
[airport] expansion incapable of being accomplished by the means at the Port's command, then
the Plan is in violation of the GMA." City of Des Moines, FDO at p.5.

22 In DOC/DSHS v. City of Tacoma, CPSGMHB No. 00-3-0007 (2000) ("City of
23 Tacoma"), the Board ruled that a city ordinance failed to comply with the GMA where the

1 ordinance (a) regulated the internal workings of a state EPF; (b) effectively precluded the siting
2 of work release facilities by prohibiting their expansion (and the siting of new facilities) by
3 limiting such facilities to zones where the availability of sites was problematic; (c) imposed
4 preclusive buffers based on nothing more than "unsubstantiated community fears and
5 generalized community displeasure;" and (d) subjected the state's work-release EPFs to an
6 "unguided and subjective assessment whether the proposed location furthers an equitable
7 distribution of EPFs in the region and in the state."⁸ *Id.* at pp. 5, 7-9. The Board relied on
8 Children's Alliance, City of Des Moines, and an intermediary case, Hapsmith v. City of Auburn,
9 CPSGMHB No. 95-3-0075c (1996), in reaching its conclusions.

10 In King County I, the Board ruled that a county ordinance failed to comply with the
11 GMA and the Board invalidated the ordinance. Relying on Children's Alliance, City of Des
12 Moines, and the Hapsmith decision, the Board identified the following flaws in the county's
13 ordinance: (a) the ordinance not only authorized, but obligated the county to deny regionally
14 sited EPFs when they did not meet the ordinance's decision siting criteria; (b) the county's
15 separate CUP process lacked any definite end to an iterative loop of EPF hearings, appeal
16 hearings and remands; and (c) the county reserved to itself the authority to outright deny CUPs
17 for EPFs. King County I, FDO at pp.11-13. The Board identified this last flaw as facially
18 precluding EPFs contrary to RCW 36.70A.200. *Id.* at p. 12.

19 The Board revisited the King County-Snohomish County EPF siting dispute again when
20 it issued its May 24, 2004, Combined Order in King County I-III, discussed earlier in this Reply
21 Brief. In the Combined Order, the Board ruled that a subsequent county ordinance was not
22 compliant with the GMA, and the Board invalidated that ordinance. The Board ruled that two of
23 the ordinance's twelve EPF siting criteria did not comply with RCW 36.70A.200(5) as applied to
regional EPFs: one of them because it authorized the county's hearing examiner to determine

⁸ The Board also determined that the city failed to comply with the GMA's notice and public participation requirements. *Id.* at p.10.

1 whether an EPF sponsor had provided a meaningful opportunity for public participation in the
2 siting decision; and the other because it mandated that such EPFs "not be materially detrimental
3 to uses or property in the immediate vicinity." King County I-III, FDO at p.12. The Board
4 explained that a jurisdiction may not "second guess" the rationale, justifications, methods or
5 procedures by which a regional EPF sponsor develops the proposal that it submits for the
6 County's permit review. Id. The Board also explained that many regional EPFs, due to their
7 scale and very nature, will inevitably be detrimental to some degree to surrounding uses, such
8 that under RCW 36.70A.200(5) a jurisdiction may not adopt an absolute regulatory requirement
9 that a regional EPF not be materially detrimental to its surroundings. Id.

10 Most recently, in DOC v. City of Lakewood, CPSGMHB No. 05-3-0043c (2006) ("City
11 of Lakewood"), the Board found that a city moratorium on applications for correctional facilities
12 in certain specified districts was non-compliant with RCW 36.70A.200, as well as RCW
13 36.70A.020(7) and (11). The Board invalidated the ordinance that enacted the moratorium.
14 Relying on King County I, the Board determined that the city's existing CUP process was
15 sufficient to address the city's concerns about the proposed EPF. City of Lakewood, FDO at
16 p.12. The Board explained that unpredictable delay in the review of an EPF is tantamount to
17 precluding that EPF. Id. In response to the city's arguments that DOC could site its facilities
18 elsewhere, the Board ruled that EPF sponsors have the authority to determine the location of
19 their EPFs; and where an EPF sponsor already owns and operates a facility where it proposes to
20 locate a new or expanded EPF, then requiring the sponsor to site the EPF in an alternative
21 location "would cause delays related to finding and acquiring a site and physically establishing a
22 facility." Id. at p.13.

23 The City's Ordinance is fatally flawed because it replicates most if not all of the errors
that the Board identified in the plans and regulations at issue in each of the cases summarized
above. In its Prehearing Brief, pp. 10-19, the County explicated the Ordinance's flaws at length.

1 For purposes of this Reply, the County will simply summarize the Ordinance provisions
2 defended in the City's Response Brief, and connect them to the relevant Board precedent.

- 3
- 4 1. Authority to deny CUPs for regional EPFs. The Ordinance authorizes the City to
5 deny CUPs for regional EPFs such as the County's trail. Ex. 418 at p.2 section 1.C.
6 ("A multi-use or multi-purpose trail may be allowed") (underlining added). Under
7 the City's code, the Board's precedents, and Washington case law, the auxiliary verb
8 "may" is permissive rather than mandatory (particularly where the directive auxiliary
9 verb "shall" is also used in the same enactment) and thus carries with it the inherent
10 authority to not take the action contemplated. LFMPC 1.04.010.E; Parkland Light &
11 Water Co. v. Tacoma-Pierce County Bd. of Health, 151 Wn.2d 428, 437, 90 P.3d 37
12 (2004); Cf City of Snoqualmie v. King County, No. 92-3-0004 (1992), FDO at
13 pp.10-11; Children's Alliance, FDO at p.18. Under King County I, FDO at p.12, this
14 provision of the Ordinance is noncompliant with RCW 36.70A.200(5) and provides
15 grounds to invalidate the Ordinance.
- 16 2. Unguided and subjective assessment criteria. The Ordinance gives the City sole
17 discretion to determine whether a trail development plan is "acceptable"; whether
18 that plan is "compatible" with the character and appearance of development in the
19 vicinity; and whether a trail plan's lighting design is "adequate." Ex. 418 at p.4,
20 section D.4.b.i, -v. In City of Tacoma, FDO at p.9, the Board ruled that the city
21 could not rely on an "unguided and subjective assessment whether the proposed
22 location furthers an equitable distribution of EPFs in the region and in the state." The
23 Board should reach the same conclusion here because the City is relying on a
similarly subjective assessment whether to issue a CUP for regional trail EPFs.
Accord, King County I-III, Combined Order at p.12 ("an [o]rdinance that purports to
authorize denial of applications for all EPFs, including those proposed by state and
regional sponsors, facially precludes EPFs in violation of RCW 36.70A.200").
Under King County I-III, these provisions of the Ordinance provide grounds to
invalidate it. Id. at p.15.
3. A requirement of "compatibility" with surrounding uses. The Ordinance requires
that a trail development plan be "compatible" with the character and appearance of
development in the vicinity. Ex. 418 at p.4, section D.4.b.i. Under City of Des
Moines, FDO at pp.6-8, and King County I-III, Combined Order at p.12, policies and
regulations that require regional EPFs not be materially detrimental to their
surroundings do not comply with RCW 36.70A.200(5), and are grounds to invalidate
the Ordinance.
4. Second-guessing a regional EPF siting decision. The Ordinance authorizes the City
to unilaterally realign a trail within its corridor, or to reduce the proposed width of a
trail. Ex. 418 at p.4 section D.4.b.vi.1. King County I, FDO at p.11, King County I-
III, Combined Order at p.12, and City of Lakewood, FDO at p.13, a jurisdiction may
not second-guess an EPF siting or expansion decision made by a state or regional

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1 entity, or interfere with the internal workings of that EPF. To do so is to thwart the
2 purpose of the EPF (see Children's Alliance at p. 13), and thereby preclude the EPF
3 in violation of RCW 36.70A.200. Such an outcome substantially interferes with the
4 goals of that section, requiring that the Ordinance should be invalidated.

- 5 Impracticable permit conditions. The Ordinance requires that trail plans include
6 fencing and screening without regard to safety considerations set forth in state,
7 federal, and nationally recognized trail design standards. Ex. 418 at p.5 section
8 D.4.b.vi. The Ordinance also imposes mandatory, inflexible intersection signage
9 requirements that directly conflict with the policy direction given in the Manual for
10 Uniform Traffic Control Devices ("MUTCD") and also remove the flexibility of
11 engineering judgment or best practice incorporated in the MUTCD. Ex. 418 at pp.2-
12 3, section D.1.a-c with Ex. 477 §9B.03; see also King County Prehearing Brief, at
13 p.18.

14 The City actually goes so far as to suggest that the County ought to condemn new or
15 additional property in order to accommodate the City's screening and fencing.⁹ City
16 of Lakewood bars that approach. City of Lakewood, FDO at p.13. Under Children's
17 Alliance, FDO at p.13, Hapsmith, FDO at p.31, City of Des Moines, FDO at p.9, City
18 of Tacoma, FDO at pp.5, 7, and City of Lakewood, p.13, a jurisdiction may not
19 preclude an EPF by imposing unreasonable requirements that make it infeasible to
20 perform or accomplish the EPF siting or expansion purpose within available means.
21 The Ordinance's fencing, screening, and signage requirements violate this precept
22 because it imposes requirements that make it infeasible to design and build a trail
23 consistent with state, federal, and nationally recognized safety and signage standards.
Impracticable permit conditions substantially interfere with the goals of RCW
36.70A.200 and are grounds to invalidate the Ordinance.

6. Regulatory requirements based on unsubstantiated fears and generalized community
displeasure. The Ordinance's signage requirements are based on the well-intentioned
but mistaken perception that such signage will reduce trailside homeowners' risk
exposure. County's Prehearing Brief, p.16. The City's Index is devoid of any
substantive, empirical, reliable data on collisions or other incidents involving trail
users and traffic crossing the trail on neighborhood streets in the City. No reports of
accidents were filed with the police from January 2000 through May 2000. Ex. 532
p.19. The only accident report on file concerned a vehicle/pedestrian incident on a
nearby street, not a bicycle-car collision at a trail-driveway intersection. Id.
Anecdotal hearsay evidence suggests that most incidents actually occur outside the
City limits, in the neighboring jurisdiction of Kenmore. Id. To paraphrase the Board
in City of Tacoma, FDO at p.7, perusal of the record reveal no direct evidence on the
question of why trail users should be made to stop at low-traffic driveway
intersections, in a manner contrary to nationally recognized trail design criteria. As

⁹ City's Response Brief, at p.26 ("nothing in Ordinance 951 prevents the County from acquiring additional right-of-way width or removing private encroachments, so that the County could comply with the provisions of Ordinance 951.").

1 the Board noted there, the evidence that the City cites "seems to be based on
2 perception, unsubstantiated fear or community displeasure." Like the work release
3 facility buffer at issue in City of Tacoma, the Ordinance's signage requirements are
4 clearly erroneous, preclude the siting of essential public facilities in the City, and
5 therefore do not comply with RCW 36.70A.200.

6 The City argues that the Ordinance merely enacts a CUP requirement that imposes
7 reasonable mitigation and impact avoidance requirements. See, generally, City's Response Brief,
8 p.17. That is a model which the Board approved in King County I, FDO at p.13, and cited with
9 approval in City of Lakewood, FDO at p. 12. However, the Board's precedents teach that in
10 order for a CUP process to pass muster under RCW 36.70A.200(5) when applied to regional
11 EPFs, the CUP must do no more than impose "reasonable conditions to mitigate the impact of
12 the . . . EPF." City of Lakewood, FDO at p.12 (citing King County I, FDO at p.10, 14). The
13 Board has upheld such regulations where they limited the mitigation requirement to "the
14 maximum amount feasible," or to that which "is appropriate and feasible," or where the required
15 offsetting benefits are linked to previously identified and still-unmitigated adverse impacts of the
16 EPF. See, e.g, Central Puget Sound Regional Transit Authority v. City of Tukwila, CPSGMHB
17 No. 99-3-0003 (1999), FDO at p.3 (listing zoning regulations applicable to Sound Transit light
18 rail EPF siting; upholding same).

19 The Ordinance is distinguishable from the regulations upheld in City of Tukwila. The
20 Ordinance enables the City to deny a permit; the Tukwila regulations did not. Id. at pp.5, 6;
21 compare Ex. 418. The Ordinance allows the City to realign or reduce the size of a proposed trail
22 EPF; the Tukwila regulations did not. Id.; compare Ex. 418. The Tukwila regulations imposed
23 certain conditions only "where appropriate and feasible;" the Ordinance makes no such
allowance. Id.; compare Ex. 418. The Ordinance's substantive requirements exceed the
"reasonable CUP mitigation" model approved in King County I and utilized in City of Lakewood
and City of Tukwila.¹⁰

¹⁰ See also City of Tacoma, Finding Of Compliance (May 22, 2001) (ruling that Tacoma's substitute ordinance no longer precluded the State from siting work release facilities in the City, because the substitute ordinance allowed the facilities in a greater number of zoning areas, capped the number of residents at different levels by zoning area,

1 **D. The City's Post Hoc SEPA and GMA Process Was Not Sufficient**

2 This discussion relates to Legal Issues 7 and 10 as identified by the Board in its
3 Prehearing Order. The City argues that it has mooted the County's SEPA and GMA process
4 issues. City's Response Brief, at pp.46-48. It has not done so because the SEPA process and
5 GMA notice that the City undertook simply do not relate to Ordinance 951; rather they relate to
6 Ordinance 958, which the City adopted in early 2007, to ratify and reenact the provisions of
7 Ordinance 951. See, e.g., Supp Ex. 10; Supp. Ex. 14; see also LFP Ordinance 958 (attached
8 hereto as Attachment KC-I). The City never performed SEPA review on Ordinance 951, and did
9 not timely provide notice to CTED as required under the GMA and its regulations. See County's
10 Prehearing Brief, at pp. 20-21, pp. 24-25. The Board should find that the Ordinance is
11 noncompliant with the GMA and with SEPA, and should invalidate the Ordinance because the
12 City's failure to abide by those procedural requirements substantially interferes with the twin
goals of those statutes.

13 **III. CONCLUSION**

14 The Board may review the full text and effect of LFP Ordinance 951 and LFMPC
15 18.54.47. Multi-purpose trails serve both recreation and transportation functions. In either
16 capacity, trails that are difficult to site (such as regional multi-purpose or multi-user trails)
17 constitute essential public facilities for purposes of RCW 36.70A.200(5). Under the Board's
18 precedents, the Ordinance violates RCW 36.70A.200(5) because it gives the City discretion to
19 deny permits for EPFs, or to impose impracticable permit conditions on them. The Ordinance
20 violates the GMA because it imposes intractable signage requirements that conflict with state,
21 federal, and other standards. It goes beyond mere mitigation and impact avoidance, and
22 impermissibly dithers with the internal workings of regional trail EPFs and siting and expansion
decisions concerning them. The City's after-the-fact attempts to comply with SEPA and GMA

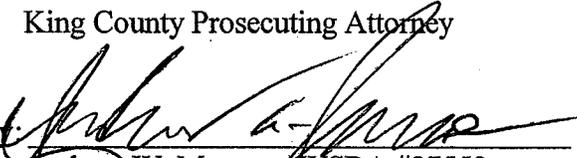
23 and imposed a reduced buffer requirement, all of which allowed the State to identify 40 parcels that could be used
for such facilities.)

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procedural mandates were insufficient to moot the issue whether the City failed to comply with those mandates. For all of the reasons set forth above, and all of the reasons set forth in the County's Prehearing Brief, the Board should find the Ordinance noncompliant with the GMA, should invalidate it for substantially interfering with the GMA's goals, and should provide the other relief requested in the County's Petition.

Respectfully submitted this 21st day of May, 2007.

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CASCADE BICYCLE CLUB v. CITY OF LAKE FOREST PARK
CPSGMHB No. 07-3-0010c

KING COUNTY'S REPLY BRIEF

TABLE OF EXHIBITS AND ATTACHMENTS

| Exhibit Number or Attachment Identifier | Document Name | Location |
|---|--|-----------------------------------|
| Ex. 418 | City of Lake Forest Park Ordinance 951 | Attached to KC's Prehearing Brief |
| Ex. 424 | Jane Hadley, Bicyclists vs. homeowners: Facing off on a trail of fears (Seattle Post-Intelligencer, May 26, 2005) | Attached to KC's Prehearing Brief |
| Ex. 443 | AASHTO Guide for the Development of Bicycle Facilities (1999), Ch. 1 pp.5-7 | Attached |
| Ex. 448 | Evaluation of the Burke-Gilman Trail's Effect on Property Values and Crime pp.1-2 (City of Seattle, 1987) | Attached |
| Ex. 477 | Federal Highway Administration, Manual on Uniform Traffic Control Devices (MUTCD, 2003 Ed.) §9B.03 | Attached to KC's Prehearing Brief |
| Ex. 511 | King County Burke Gilman Trail Redevelopment Project Property Owner Meeting #2 Report (May 23, 2006) | Attached to KC's Prehearing Brief |
| Ex. 532 | Atelier, ps—Draft Burke-Gilman Trail Redevelopment Study and Appendices p.19 (October 2005) | Attached to KC's Prehearing Brief |
| Supp. Ex. 10 | SEPA DNS for amending Lake Forest Park Conditional Use Ordinance (CLFP, January 19, 2007) | Attached to KC's Prehearing Brief |
| Supp. Ex. 14 | E-mail from Steve Bennett to CTED GMU Review Team (December 16, 2006); Acknowledgement of same from CTED (December 20, 2006) | Attached to KC's Prehearing Brief |
| Attachment KC-D | King County 2004 Comprehensive Plan with 2006 Update, Ch. 6 (Transportation) and Technical Appendix C (excerpts) | Attached |
| Attachment KC-E | Sonia Krishnan, East Lake Sammamish Trail finally opening (Seattle Times, March 18, 2006) | Attached |

| | | |
|-----------------|--|----------|
| Attachment KC-F | Susan Gilmore, Hot debate over extending bicycle route (Seattle Times, March 25, 2003) | Attached |
| Attachment KC-G | Bob Young and Susan Gilmore, Trail's 'green line' for cyclists OK'd (Seattle Times, April 15, 2003) | Attached |
| Attachment KC-H | Jessica Blanchard, Burke-Gilman's history celebrated on 30 th anniversary (Seattle Times, September 19, 2004) | Attached |
| Attachment KC-I | City of Lake Forest Park Ordinance 958 | Attached |

EX. 443

Chapter 1 Planning

Bicyclists have the same mobility needs as every other user of the transportation system and use the highway system as their primary means of access to jobs, services and recreational activities. Planning for existing and potential bicycle use should be integrated into the overall transportation planning process.

All highway improvements provide an opportunity to enhance the safety and convenience of bicycle travel and most improvements for bicycle travel also benefit other modes of travel. For example, paved shoulders have many safety, operational and maintenance benefits and may also provide a place for bicyclists to ride. Even minor intersection improvements can incorporate the needs of bicyclists through a few simple measures. The opportunity to improve conditions for bicyclists should be considered during the initial planning and design phases of all new highway projects and highway improvements.

Plans for implementing bicycle projects should be consistent with a community's transportation plan and should reflect overall community goals. Some zoning ordinances and subdivision regulations inhibit bicycle use and may need to be amended to support shared use paths and bicycle-compatible roadway design, bicycle parking and land use policies that keep destinations closer to home and work.

The Bicycle

As Figure 1 shows, bicyclists require at least 1.0 m (40 inches) of essential operating space based solely on their profile. An operating space of 1.2 m (4 feet) is assumed as the minimum width for any facility designed for exclusive or preferential use by bicyclists. Where motor vehicle traffic volumes, motor vehicle or bicyclist speed, and the mix of truck and bus traffic increase, a more comfortable operating space of 1.5 m (5 feet) or more is desirable.

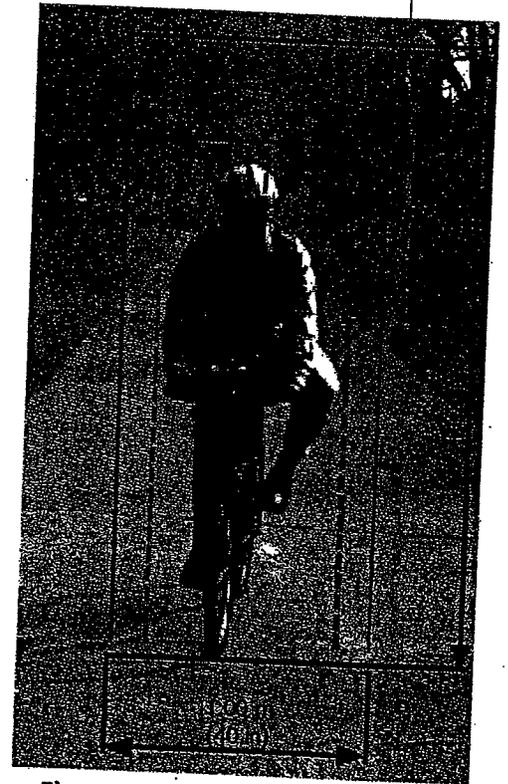


Figure 1. Bicyclist Operating Space

The Bicycle User

Although their physical dimensions may be relatively consistent, the skills, confidence and preferences of bicyclists vary dramatically. Some riders are confident riding anywhere they are legally allowed to operate and can negotiate busy and high speed roads that have few, if any, special accommodations for bicyclists. Most adult riders are less confident and prefer to use roadways with a more comfortable amount of operating space, perhaps with designated space for bicyclists, or shared use paths that are away from motor vehicle traffic. Children may be confident riders and have excellent bike handling skills, but have yet to develop the traffic sense and experience of an everyday adult rider. All categories of



Planning

riders require smooth riding surfaces with bicycle-compatible highway appurtenances, such as bicycle-safe drainage inlet grates.

A 1994 report by the Federal Highway Administration¹¹ used the following general categories of bicycle user types (A, B and C) to assist highway designers in determining the impact of different facility types and roadway conditions on bicyclists:

Advanced or experienced riders are generally using their bicycles as they would a motor vehicle. They are riding for convenience and speed and want direct access to destinations with a minimum of detour or delay. They are typically comfortable riding with motor vehicle traffic; however, they need sufficient operating space on the traveled way or shoulder to eliminate the need for either themselves or a passing motor vehicle to shift position.

Basic or less confident adult riders may also be using their bicycles for transportation purposes, e.g., to get to the store or to visit friends, but prefer to avoid roads with fast and busy motor vehicle traffic unless there is ample roadway width to allow easy overtaking by faster motor vehicles. Thus, basic riders are comfortable riding on neighborhood streets and shared use paths and prefer designated facilities such as bike lanes or wide shoulder lanes on busier streets.

Children, riding on their own or with their parents, may not travel as fast as their adult counterparts but still require access to key destinations in their community, such as schools, convenience stores and recreational facilities. Residential streets with low motor vehicle speeds, linked with shared use paths and busier streets with well-defined pavement markings between bicycles and motor vehicles, can accommodate children without encouraging them to ride in the travel lane of major arterials.

Choosing the Appropriate Facility Type

These three bicycle user types are a helpful guide to the highway designer. However, no one type of bicycle facility or highway design suits every bicyclist and no designated bicycle facility can overcome a lack of bicycle operator skill. Within any given transportation corridor, bicyclists may be provided with more than one option to meet the travel and access needs of all potential users.

Planners and engineers should recognize that the choice of highway design will affect the level of use, the types of user that can be expected to use any given road, and the level of access and mobility that is afforded bicyclists. For example, a four-lane divided highway with 3.6-m (12-foot) travel lanes, no shoulder and an 85 km/hr (55 mph) speed limit will attract only the most confident of riders. The same road with a 1.5-m (5-foot) shoulder or bike lane might provide sufficient "comfortable operating space" for many more adult riders, but would still not be comfortable for children or less confident adults. This latter group might only be accommodated through an alternative route using neighborhood streets linked by short sections of shared use path. If such an alternative route is provided and the four-lane road has a continuous



paved shoulder, most experienced and many casual adult riders will continue to use the shoulder for the sake of speed and convenience.

Facilities for bicyclists should also be planned to provide continuity and consistency for all users. Children using a path to get to school should not have to cross a major arterial without some intersection controls, and shoulders and bike lanes should not end abruptly and unannounced at a difficult intersection or busy stretch of highway.

Types of Bicycle Facilities

Selection of a bicycle facility type is dependent on many factors, including the ability of the users, specific corridor conditions and facility cost. The descriptions below provide an overview of each facility type and general design.

Shared Roadway (No Bikeway Designation). Most bicycle travel in the United States now occurs on streets and highways without bikeway designations. This probably will be true in the future as well. In some instances, a community's existing street system may be fully adequate for efficient bicycle travel, and signing and striping for bicycle use may be unnecessary. In other cases, some streets and highways may be unsuitable for bicycle travel at present, and it would be inappropriate to encourage bicycle travel by designating the routes as bikeways. Finally, some routes may not be considered high bicycle demand corridors, and it would be inappropriate to designate them as bikeways regardless of roadway conditions (e.g., minor residential streets).

Some rural highways are used by touring bicyclists for intercity and recreational travel. In most cases, such routes should only be designated as bikeways where there is a need for enhanced continuity with other bicycle routes. However, the development and maintenance of 1.2-m (4-foot) paved shoulders with a 100-mm (4-inch) edge stripe can significantly improve the safety and convenience of bicyclists and motorists along such routes.

Signed Shared Roadway. Signed shared roadways are designated by bike route signs, and serve either to:

- a. Provide continuity to other bicycle facilities (usually Bike Lanes); or
- b. Designate preferred routes through high-demand corridors.

As with bike lanes, signing of shared roadways should indicate to bicyclists that particular advantages exist to using these routes compared with alternative routes. This means that responsible agencies have taken actions to assure that these routes are suitable as shared routes and will be maintained in a manner consistent with the needs of bicyclists. Signing also serves to advise vehicle drivers that bicycles are present.

Bike Lane or Bicycle Lane. Bike lanes are established with appropriate pavement markings and signing along streets in corridors where there is significant bicycle demand and where there are distinct needs that can be served by them. The purpose should be to improve conditions for bi-



cyclists on the streets. Bike lanes are intended to delineate the right of way assigned to bicyclists and motorists and to provide for more predictable movements by each. Bike lanes also help to increase the total capacities of highways carrying mixed bicycle and motor vehicle traffic. Another important reason for constructing bike lanes is to better accommodate bicyclists where insufficient space exists for comfortable bicycling on existing streets. This may be accomplished by reducing the width of vehicular lanes or prohibiting parking in order to delineate bike lanes. In addition to lane striping, other measures should be taken to ensure that bicycle lanes are effective facilities. In particular, bicycle-safe drainage inlet grates should be used, pavement surfaces should be smooth, and traffic signals should be responsive to bicyclists. Regular maintenance of bicycle lanes should be a top priority, since bicyclists are unable to use a lane with potholes, debris or broken glass.

If bicycle travel is to be improved, special efforts should be made to assure that a high quality network is provided with these lanes. However, the needs of both the motorist and the bicyclist must be considered in the decision to provide bike lanes.

Shared Use Path. Generally, shared use paths should be used to serve corridors not served by streets and highways or where wide utility or former railroad right-of-way exists, permitting such facilities to be constructed away from the influence of parallel streets. Shared use paths should offer opportunities not provided by the road system. They can provide a recreational opportunity or, in some instances, can serve as direct commute routes if cross flow by motor vehicles and pedestrians is minimized. The most common applications are along rivers, ocean fronts, canals, utility rights-of-way, former or active railroad rights-of-way, within college campuses, or within and between parks. There may also be situations where such facilities can be provided as part of planned developments. Another common application of shared use paths is to close gaps in bicycle travel caused by construction of cul-de-sacs, railroads and freeways or to circumvent natural barriers (rivers, mountains, etc.). While shared use paths should be designed with the bicyclist's safety in mind, other users such as pedestrians, joggers, dog walkers, people pushing baby carriages, persons in wheelchairs, skate boarders, in-line skaters and others are also likely to use such paths.

In selecting the proper facility, an overriding concern is to assure that the proposed facility will not encourage or require bicyclists or motorists to operate in a manner that is inconsistent with the rules of the road. The needs of both motorists and bicyclists must be considered in selecting the appropriate type of facility.

An important consideration in selecting the type of facility is continuity. Alternating segments of shared use paths and bike lanes along a route are generally inappropriate and inconvenient because street crossings by bicyclists may be required when the route changes character. Also, wrong-way bicycle travel with a higher potential for crashes may occur on the street beyond the ends of shared use paths because of the inconvenience of having to cross the street.



Sidewalks generally are not acceptable for bicycling. However, in a few limited situations, such as on long and narrow bridges and where bicyclists are incidental or infrequent users, the sidewalk can serve as an alternate facility, provided any significant difference in height from the roadway is protected by a suitable barrier between the sidewalk and roadway.

Inventory of Existing Conditions

Planning for bicycle facilities begins with observing and gathering data on the existing conditions for bicycle travel. Problems, deficiencies, safety concerns and bicyclists' needs should be identified. The existing bicycling environment should be observed. Bicycle facilities as well as roads not typically used by bicyclists should be examined for their suitability for bicycling. Motor vehicle traffic volume, the percentage and volume of bus and truck traffic, and the speed of traffic should be considered, since they have a significant impact on bicyclists. In addition, obstructions and impediments to bicycle travel should be noted, such as incompatible grates, debris, shoulder rumble strips, narrow lanes, driveways, rough pavements, curbside auto parking, bridge expansion joints, metal grate bridge decks, railroad tracks, poor sight distance and traffic signals that are not responsive to bicycles. Potential corridors for off-road shared use paths should be explored, such as former and active railroads' rights-of-way, stream and river corridors, canal towpaths and utility corridors. Bicycle parking facilities should be examined for adequacy in both number and theft prevention. Barriers such as rivers, railroads and freeways should also be identified and examined for their effects on bicycle traffic.

Bicycle traffic usually is generated where residential areas are close to accessible destinations. Areas near bicycle traffic generators should be reviewed, and existing and potential bicycle users identified. Examples of bicycle traffic generators include major employment centers, schools, parks, shopping centers, neighborhoods, recreational facilities, colleges and military bases. Convenient access and bicycle parking should be provided at transit stations, ferries and other intermodal transfer points.

Bicycle counts can be used to identify locations of high use. However, caution should be exercised when using bicycle counts as a measure of current demand. These numbers can considerably underestimate potential users. Traffic generators along the prospective route should be evaluated as to the potential bicycle traffic they would generate, given better conditions for bicycling. Bicycle crash studies can also be useful in determining locations needing improvement.

Public participation is essential during the inventory of existing conditions. Observations and surveys of existing bicyclists, as well as the non-bicycling public, can be very useful. Additional sources of information include citizen bicycle advisory committees, citizen groups, and individuals responsible for recreation planning.



EX. 448

EVALUATION OF THE

BURKE-GILMAN TRAIL'S

EFFECT ON

PROPERTY VALUES AND CRIME

Executive Summary



SEATTLE ENGINEERING DEPARTMENT

OFFICE FOR PLANNING

MAY 1987

I. EXECUTIVE SUMMARY

PURPOSE

The purpose of this study was to determine what effect, if any, the Burke Gilman Trail has had on property values and crime rates of property owners near and adjacent to the trail. The need for the study became apparent when property owners in a different area of the city expressed concern over the development of a new trail project on the basis that it might reduce their property values, increase crime, and generally reduce the quality of life. These concerns are similar to concerns raised by property owners who bought their homes prior to the construction of the Burke-Gilman Trail.

TRAIL PROFILE

The Burke Gilman Trail is a 12.1 mile (9.85 miles are in Seattle) multi-purpose trail that follows an abandoned railroad right-of-way. Most of the trail passes through residential neighborhoods. In Seattle, there are 152 single-family homes and 607 condominiums immediately adjacent to the trail, and 320 single-family homes within one block of the trail. The trail also passes through an industrial area, several neighborhood commercial areas, the University of Washington, and links six different parks. The trail was constructed in 1978 and has about three quarters of a million users per year.

METHODOLOGY

Data was collected via telephone by interviewing residents near and adjacent to the trail, real estate agents who buy and sell homes near the trail, and police officers who patrol neighborhoods adjacent to the trail. Residents were asked questions regarding: their decision to buy their home; what effect they thought the trail would have on selling their home; what problems, if any, they have had with break-ins and vandalism by trail users; and how the trail has affected their overall quality of life. Real estate agents were asked similar questions on how the trail affects the selling price of homes along the trail. In addition, police officers were asked questions regarding trail users breaking into and vandalizing homes. A bi-weekly survey of newspaper real estate advertisements and real estate magazines was also conducted to determine whether homes were being advertised as being near or on the Burke-Gilman Trail.

An attempt was made to compare the selling prices and assessed values of homes along the trail with homes in comparable neighborhoods. However, due to the many variables that determine the value of a home, it was impossible to isolate the trail as a determinant of increased or decreased home value using this method.

CONCLUSIONS/RECOMMENDATIONS:

Property near but not immediately adjacent to the Burke-Gilman Trail is significantly easier to sell and, according to real estate agents, sells for an

average of six percent more as a result of its proximity to the trail. Property immediately adjacent to the trail, however, is only slightly easier to sell, and sells for zero to 1/2 of one percent more. Residents who bought their homes after the trail was opened are most likely to view the trail as a positive factor that increases the value of their home. Longtime residents who bought their homes prior to the opening of the trail are generally less likely to view the trail as an economic asset. Real estate advertisements that promote properties as being on or near the trail tend to be from the companies that regularly sell homes near the trail. In other words, people who have recently been involved in the real estate market near the trail are more likely to have experienced the economic assets of the trail.

Homes immediately adjacent to the trail did not experience an increase in burglaries and vandalism as a result of the trail. In the eight years the trail has been open, there has been an average of two incidences of vandalism or break-ins per year where a trail user was thought to be involved. This is well below the neighborhood average, which would expect about five incidents per year, given the number of homes along the trail. Police officers interviewed stated that there was not a greater incidence of burglaries and vandalism of homes along the trail. They attributed that fact to the absence of motor vehicles. The police officers said that there would be no significant trail problems as long as parking lots were away from the trail and bollards prevented motor vehicle use.

Not a single resident surveyed felt the trail should be closed. Less than three percent said there were any problems associated with the trail that were serious enough to cause them to consider moving. Almost two-thirds of the residents felt the trail increased the quality of life in the neighborhood. Two of the residents surveyed indicated that they had been leaders in the group opposing the trail, and that they now believe the trail is the best thing that has happened to the neighborhood.

One point of concern regarding the trail must be mentioned. Although not included in the survey, thirteen percent of those surveyed brought up the problem of user conflicts (i.e., speeding bicyclists) on the trail. To some extent it is a problem of success. The trail has twice as many users as had been originally forecasted. Solving this problem may require trail design changes, educating users, and enforcing trail regulations.

KC - D

Chapter Six

Transportation

This chapter is based on the land use element as established in this plan. King County envisions a future transportation system that supports the regional land use strategy, which seeks to focus most growth in urbanized areas. King County's goals are to:

- Connect all modes of transportation to form an integrated, balanced system;
- Strengthen the region's economy by moving people and goods efficiently;
- Give individuals and families a range of affordable transportation options; and
- Minimize transportation's adverse effects on the environment.

This chapter is consistent with and meets the requirements of regional and countywide plans and policies that respond to growth management legislation. The Countywide Planning Policies (CPP) have been used to guide the development of the transportation element and to ensure consistency with plans and programs developed by adjacent jurisdictions.

Regional direction for the transportation element is set by the Metropolitan Transportation Plan, Destination 2030 developed by the Puget Sound Regional Council (PSRC). The Metropolitan Transportation Plan is consistent with the region's urban growth strategy, Vision 2020, also developed by the PSRC.

The framework and direction for the development of comprehensive plans is provided by growth management legislation. The transportation element of the King County Comprehensive Plan is consistent with and meets the requirements of growth management legislation.

Components of the Transportation Element

The Transportation Element of this plan is comprised of five major components. The first is the Transportation chapter, which includes the narrative and policy language. The second is Technical Appendix C of this Plan, which contains the Land Use and Travel Forecast Technical Report, the Arterial Functional Classification Map, and a transportation inventory. The third includes the Transportation Needs Report, which is adopted herein by reference and contains a 20-year financial forecast and a 20-year list of transportation needs, and the Roads Capital Improvement Program, which is also adopted herein by reference. The fourth is the Long-Range Transit Development Plan and the Six-Year Transit Development Plan and Capital Improvement Program, which are also adopted herein by reference. The fifth and last component is the concurrency regulation, which implements the concurrency requirements and is codified at King County Code chapters 14.65 through 14.70.

I. Regional System

A. Countywide Transportation Service Provider

King County provides countywide transit service and builds and maintains arterials of countywide and regional significance within unincorporated King County. King County also provides contract transportation services to a number of King County cities.

The Growth Management Act fundamentally changed the way King County carries out comprehensive planning, placing special emphasis on transportation by making it unlawful to approve development that fails to meet the test of concurrency. Future development is constrained by King County's ability to finance needed transportation facilities or programs. To limit sprawl, create the desired urban form, and provide some measure of predictability, King County will support comprehensive plan policies by focusing resources in the most efficient and cost effective way.

As a countywide transportation service provider, King County will maintain Metro Transit's public transportation services and work with Sound Transit and other transit agencies to provide seamless, multimodal transit services. King County will cooperate with other local governments and the Washington State Department of Transportation to implement the Regional Arterial Network, improve freight mobility and carry out strategies to maintain the efficiency of freeways and arterials in the region.

In the unincorporated Urban Area, King County will complete the roadway network, add sidewalks, bike lanes and transit facilities as appropriate, and maintain the transportation infrastructure to allow denser development to occur. In the Rural Area, King County will emphasize maintenance and safety rather than increased traffic capacity.

King County International Airport/Boeing Field (KCIA) is an essential element of the county and region's multimodal transportation system. The airport is also a significant employment center and supports over 150 aviation-related businesses including the Boeing Company. The airport is a port-of-entry for international flights and serves regional air carriers, national and regional cargo carriers, corporate aviation, and general aviation aircraft. KCIA is a regulated facility under Federal Aviation Regulation Part 139 of the Federal Aviation Administration (FAA) Code of Federal Regulation (CFR).

- T-101** As a countywide transportation service provider, King County establishes policy for transit and for the unincorporated area road system. General and long-range policy shall be established for the road system in the King County Comprehensive Plan and for transit in the Transit Long-Range Policy Framework. The Six-Year Transit Development Plan and the six-year capital improvement program for roads shall also be prepared consistent with these primary policy documents.
- T-102** In addition to involving the general public, transportation plans including any update to the Roads Strategic Plan shall be completed with timely input from the unincorporated area councils and the subarea transportation forums, among other bodies.
- T-103** King County should identify improvements and strategies needed to carry out the land use vision and meet the level-of-service requirements for transportation. Road improvements should be guided by the Roads Strategic

Plan and prioritized in the Transportation Needs Report and Roads Capital Improvement Program. Public transportation projects should be identified in the improvement program of the Transit Capital Budget and the Six-Year Transit Development Plan, and the Long-Range Policy Framework for Public Transportation.

- T-104 King County International Airport shall plan, design, and implement services, programs, and facilities in compliance with Federal Aviation Administration regulatory requirements to support a safe, secure, and efficient global aerospace system.**
- T-105 King County should develop a long-range financial component that generally evaluates and describes funding sources and strategies to carry out the transportation element. An annual six-year financial plan should be prepared that considers transportation priorities and is used in developing the Capital Improvement Program.**

B. Public Transportation

King County Metro Transit provides bus and van service, ridesharing, paratransit, employer programs and other custom services in cities and unincorporated areas. One of King County's missions is to increase transit ridership by providing the best possible public transportation service, thereby improving regional mobility and the quality of life in King County. To achieve this mission, King County works with other local governments and communities, including Sound Transit, to provide an integrated network of public transportation services.

A major redesign of the King County Metro Transit system was successfully implemented between 1996 and 1999. As a result, Metro Transit now offers more connections between employment centers and suburban activity centers. New partnerships with employers have also led to greater use of transit, carpools and vanpools to ease congestion during commute hours.

The Six-Year Transit Development Plan, 2002-2007, guides Metro Transit operations and capital investments. The plan focuses on the development of public transit service and facilities consistent with land use goals of this comprehensive plan, the Growth Management Act and the King County Countywide Planning Policies. Important issues for the Six-Year Transit Development Plan include: the coordination of transit and roadway improvements along arterials that cross more than one jurisdiction to improve traffic flow throughout the county; the coordination of regional transit services in the three-county area served by Sound Transit and its partner transit systems; and the improvement of intermodal connections.

1. Regional Coordination

Bus, rail, and ferry transit services cross county boundaries, providing the critical transportation links on which our regional economy depends. In addition, all of our transit services depend on convenient connections to our roadway, highway, and nonmotorized systems.

As the region continues to grow, transit routes and schedules must be coordinated between agencies and modes so transit will be a viable and convenient option for our citizens and visitors. It is also imperative that King County seek input from a broad spectrum of county residents to ensure that services meet citizen needs.

- T-106 King County should work collaboratively with governments and communities to implement a locally based, regionally linked network of public transportation services and facilities addressing regional, inter-community, and local service needs. King County should actively develop, implement,**

and promote nonconventional public transportation options as a part of that system.

T-107 Functional transportation plans should be coordinated with other related transportation plans and programs of other jurisdictions and may include coordinated funding arrangements to maximize the effectiveness of available resources.

T-108 King County should work with the Washington State Department of Transportation and Kitsap County to ensure that service and capital plans for ferries are consistent with transit service plans and goals. King County should encourage additional passenger-only ferry services to enhance the county's multimodal transportation network for both commute and recreational trips.

2. Transit Infrastructure

King County's transit infrastructure and service investments are developed to meet regional, inter-community, and local travel needs throughout the county. The policy framework used to make these investments must balance comprehensive plan requirements, regional cooperation, funding constraints, and community needs.

T-109 In areas where transit services and ridership demand warrant, the county should invest in transit supportive facilities consistent with the capital and service strategies in the Six-Year Transit Development Plan.

3. Linking Transit and Land Use

To support transit ridership throughout the county, King County encourages land use policies that link denser development with transit service. It costs more to provide transit service in low-density, single-use communities. In denser, mixed-use communities like downtown Seattle, Belltown, downtown Bellevue and Renton, transit routes have high ridership and recover a high percentage of their operating costs, allowing for more frequent service. Transit-oriented development (TOD) and transit centers in transit corridors can provide similar benefits.

T-110 King County and local cities should adopt transit supportive road design standards, site access guidelines and land use regulations to promote transit use, high-density development, mixed uses and reduced parking in the Urban Growth Area. Site design should stress connectivity with adjacent neighborhoods and other land uses via transit, pedestrian and other nonmotorized facilities.

T-111 Transit centers and park-and-ride lots should include safe and convenient access for buses, high-occupancy vehicles, pedestrians and bicycles to minimize conflicts with other traffic. Mixed land uses should be encouraged at transit centers and park-and-ride lots to meet passenger and commuter needs and reduce vehicle trips. Park-and-ride facilities should be designed with consideration of the most efficient use of land.

T-112 King County supports transit-oriented development in transit corridors. King County shall encourage public/private partnerships to propose opportunities for joint transit-oriented development. Such developments should provide priority access for transit, pedestrians, bicyclists, car and van pools and other alternatives to single-occupant vehicles.

C. Regional and Freight Mobility

King County's transportation system relies heavily on freeways and arterials to move people and goods. As federal and state highways become more congested, efficient operation of the regional arterials has become more important. The management of this arterial system is now a central part of King County's efforts to sustain the region's livability and economic health. King County uses advanced information processing, communications, sensing, and control technologies to facilitate management of the arterial system.

Freight mobility is critical to King County's economy and western Washington's role as a major national and international trading region. King County should support efforts to plan and create a fast, reliable freight transportation system in the region. To maintain the region's competitive edge, our transportation infrastructure must provide for the efficient movement of goods and freight to and from our port and industrial areas balanced with the needs of general purpose and high occupancy vehicle traffic.

The freeway and arterial system that is most crucial to the movement of people and goods is included in the Metropolitan Transportation System (MTS) and Regional Arterial Network (RAN). The MTS is the system for the four-county region and is documented in PSRC's Destination 2030. RAN is an integrated system of roadways that are critical for the movement of people and goods in King County. The RAN approach encompasses growth management and capital investment strategies for improved mobility between urban centers. Since many RAN corridors pass through multiple jurisdictions, RAN stresses a regional, multimodal approach to coordinate improvements such as transit enhancements, additional capacity, traffic signals timed for maximum mobility, and high-occupancy-vehicle lanes for buses and carpools. Together the MTS and RAN comprise a very important, high capacity system for moving people and goods.

- T-113. King County shall be a regional proponent for freight planning and mobility projects and actions that result in a reliable and efficient freight transportation system. The county should identify opportunities to create financial partnerships to achieve these goals.**
- T-114. King County should identify and develop major transportation projects, including traffic operations and safety related projects, which improve freight mobility. This work shall be coordinated with local jurisdictions, other counties or regional agencies, the state, ports, and the private sector.**

D. Transportation Demand Management

To sustain and enhance regional mobility, King County should be a leader in implementing programs and land use measures that encourage people and businesses to reduce single occupant vehicle trips. Transportation Demand Management (TDM) covers a broad range of efforts to reduce single-occupant vehicle travel including telecommuting, congestion pricing, parking management, nonmotorized travel, site design standards, public information, ridesharing, public transportation, joint use of parking facilities, and park and ride and other intermodal transfer facilities. Transportation demand management contributes to successful implementation of new private and public development, concurrency, the regional arterial network, and other transit and road investments such as High Occupancy Toll (HOT) lanes, High Occupancy Vehicle (HOV) lanes, and Intelligent Traffic Systems (ITS).

- T-115. Transportation Demand Management (TDM) strategies should be used to promote travel efficiency and energy conservation and reduce the adverse environmental impacts of the transportation system. These strategies should include commute trip reduction, demand management and system management. TDM measures may include telecommuting, congestion pricing, parking management, nonmotorized travel, site design standards,**

public information, ridesharing, public transportation, joint use of parking facilities, and park and ride and other intermodal transfer facilities.

- T-116** Transportation demand and system management strategies beyond those adopted as county regulation may be considered as one of a menu of measures to mitigate for traffic impacts of proposed development. Transportation demand and system management strategies, as well as other mitigation requirements may be imposed on new development as mandatory mitigation measures as necessary to meet the requirements for mitigation of impacts pursuant to the State Environmental Policy Act and the State Subdivision Act.
- T-117** Management of employee parking, such as the provision of preferred parking for high-occupancy vehicles and bicycle parking, should be used to support alternatives to commuting by single-occupant vehicles. Employers should consider the accessibility to adequate public transportation and high-occupancy vehicle facilities and services when developing site and parking plans.
- T-118** King County should participate financially in efforts to implement Transportation Demand Management strategies, including policies developed through regional consensus and adopted by the county. To this end, the county shall identify funds to implement transportation demand management strategies, public education/information, research and planning.
- T-119** King County should work with the Washington State Department of Transportation, Puget Sound Regional Council, and cities to develop and implement a regional policy on appropriate applications of transportation pricing strategies that reflect the higher cost of peak hour automobile usage.
- T-120** King County should work with the cities and other affected agencies to develop a regional parking strategy. This strategy should be consistent with regional and local transportation plans. King County should encourage shared parking facilities in areas where high-density, mixed-use development is planned and where walking is convenient for short trips. This strategy should include establishing minimum and maximum parking ratios.

II. Linking Transportation Infrastructure and Services with Growth

A. Land Use

The transportation element is based on adopted targets for household and employment growth to the year 2022. These growth targets have been developed with consensus of the cities and are based on a countywide growth strategy that encourages growth in the urban areas where public facilities exist or can be provided efficiently. The new demands for travel created by such growth could be accommodated consistent with level-of-service standards, revenue forecasts and the overall King County land use development strategy and vision.

The growth targets are the basis of the transportation element and consistent with land capacity and density estimates used to calculate travel demand in the county. Travel demand was used to project the needs for transportation system improvements. The population targets for each area should be considered as minimum growth amounts that may be exceeded under unexpected scenarios of growth and development. The expected growth in housing units includes development proposals that are already in the permitting process and are termed pipeline development.

King County's transportation system should improve the mobility of residents providing greater access to housing, jobs, goods and services, shopping and recreation, all of which are characteristic of a high quality of life. The transportation component of this plan establishes a vital link between land use and the transportation facilities and services needed to support growth. The land use vision established in this plan has been used to develop the transportation policies, needs, financing, and strategies.

- T-201** **The transportation system should provide mobility choices for county residents, visitors and businesses in support of Destination 2030, the regional transportation strategy; Vision 2020, the region's urban growth strategy; and the county's land use and development vision, goals and policies.**
- T-202** **Travel modes should be interconnected to form an integrated, coordinated and balanced multimodal transportation system that serves the travel needs of the county both effectively and efficiently.**
- T-203** **In addition to encouraging transit, and nonmotorized mobility choices including pedestrian and bicycle travel, the transportation system should address the needs of persons with disabilities. King County should evaluate and implement, when appropriate, innovative ways to address these needs in the design and operation of transportation infrastructure, facilities, and services.**
- T-204** **The transportation system should include:**
- a. Freeways, arterial streets and local/neighborhood streets;**
 - b. Local and express bus transit and paratransit services, including Americans with Disabilities Act (ADA) service programs;**
 - c. High-capacity transit;**
 - d. High-occupancy-vehicle lanes and ridesharing facilities;**
 - e. Demand and system management programs;**
 - f. Facilities and programs for pedestrians, bicycles and equestrians;**

- g. Facilities to accommodate freight and goods delivery, including railroads, intermodal yards and distribution centers;
- h. Airports; and
- i. Marine transportation facilities and navigable waterways.

T-205 The transportation system in the Urban Growth Area should be consistent with urban development policies and growth targets. System improvements should implement the Urban Land Use Chapter and be prioritized according to the capital and services strategies in the Six-Year Transit Development Plan and the goals, strategies, and actions in the Roads Strategic Plan and should be reflected in the Transportation Needs Report.

T-206 The transportation system in the Rural Area and Natural Resource Lands should be consistent with their rural/resource character. Projects will be prioritized to address safety, operations, and capacity improvements that correct existing deficiencies or serve development that is already in the permitting process. All projects should emphasize safety, maintenance, and environmental quality.

T-207 King County shall not construct and shall oppose the construction by other agencies of any new arterials or freeways or any additional arterial or freeway capacity in the Rural Area or Natural Resource Lands except for segments of certain arterials that pass through rural lands to serve the needs of urban areas. Any capacity increases to these urban connector arterials shall be designed to serve mobility and safety needs of the urban population while discouraging development in the surrounding Rural Area or Natural Resource lands.

T-208 King County recognizes the impact to rural area mobility caused by urban connector arterials that traverse the rural area, and should work with state and federal agencies to mitigate these impacts when consistent with adopted transportation policy.

T-208a Any segment of a county roadway that forms the boundary between the urban growth area and the rural area shall be designed and constructed to urban roadway standards on both sides of such roadway segment.

B. Travel Forecasts

Travel forecasts provide one of the important steps in linking land use and transportation. The land use vision and growth targets for planning areas have been allocated to the county's transportation zone system. This provides the level of detail needed to develop travel forecasts to analyze future transportation system performance and to identify system improvement needs. Travel forecasts are based on the regionally adopted household and job growth targets for 2022 for the Urban and Rural Areas. The travel forecasting process is based on the Puget Sound Regional Council's modeling and forecasting techniques.

T-209 The travel forecasts used to identify transportation improvements/needs shall be prepared consistent with state law and on a schedule that coincides with a major comprehensive plan update as outlined in King County Code.

C. Level of Service Standards

The Growth Management Act (GMA) requires level of service (LOS) standards for all arterials and transit routes to judge performance of the transportation system. The GMA also calls for

specific actions and requirements for bringing into compliance facilities or services that are not meeting the adopted LOS standard. King County's LOS standards comply with growth management policies of encouraging growth in the urban area while restricting growth in the rural area.

Level of service is a qualitative measure that describes traffic flow and is often represented by a system using the letters A through F. Level of service A is the highest quality of service and level of service F is the lowest. Level of service B is indicative of stable traffic flow. However, unlike level of service A, operating speed is beginning to be restricted by other traffic. At level of service E, operation is unstable, and speeds are reduced but will fluctuate widely from point to point. There is little independence of speed selection and maneuverability at level of service E. Level of service F is indicative of forced flow of traffic with extremely low speeds and long delays at intersections.

King County uses two sets of measures to determine whether a proposed development meets the LOS standards. They are an averaging of traffic congestion on roadways in the area and a measure of traffic congestion in an individual corridor. Area wide averaging is used to judge performance of the road system as measured against the adopted LOS standards. An individual corridor measure is used to judge performance of monitored corridors as measured against the adopted LOS standards.

- T-210** **The level of service (LOS) standard for the Urban Area and designated Rural Towns shall be E except as provided in Policy T-212. The LOS standard for the Rural Area shall be B except as provided in Policy T-212. These standards shall be used in concurrency testing.**

- T-211** **In Potential Annexation Areas where King County has a preannexation agreement with the annexing city, the county will apply the annexing city's adopted level of service (LOS) standard within that Potential Annexation Area.**

- T-212** **The LOS standard for certain minor residential and minor commercial developments, along with certain public and educational facilities, shall be LOS F. This standard shall be used in concurrency testing.**

- T-213** **Level of service guidelines for allocating transit service should be developed to be consistent with the Six-Year Transit Development Plan's policy objectives. The land use criteria that are used to determine where future transit service is allocated are established in the Six-Year Transit Development Plan's service strategies. These Service Strategies provide the framework for identifying the level of service that each community can plan for as the Six-Year Transit Development Plan is implemented.**

D. Concurrency

The Growth Management Act (GMA) requires local jurisdictions to adopt and enforce ordinances that prohibit development approval if the development causes the level of service (LOS) on identified county arterials or certain state roads to decline below the adopted LOS standards. King County's Transportation Concurrency Management (TCM) program was developed to address the GMA's concurrency requirement. The TCM program requires that transportation facilities must be available to carry the traffic of a proposed development at county LOS standards, or else the proposed development cannot be approved. The requirements of King County's TCM program do not apply to transportation facilities designated by the Washington State Department of Transportation (WSDOT) as "highways of statewide significance."

- T-214** King County's transportation concurrency test shall be a two-part test, involving area-wide averaging of roadway congestion and measuring of congestion in specific roadway corridors.
- T-215** A Certificate of Transportation Concurrency confirms that adopted level of service (LOS) standards are met by a proposed nonresidential development or a residential concurrency zone. A certificate of transportation concurrency will be issued only if a proposed development or residential concurrency zone passes both parts of the two-part transportation concurrency test.
- T-216** To ensure that adopted LOS standards are met, transportation improvements needed to serve new development must be currently in place, or construction for needed improvements must be funded in the adopted Six-Year Capital Improvement Program.

E. Mode Split

"Mode split" means the share of total vehicle traffic by mode – bus, nonmotorized vehicle, carpool, single occupant vehicle, etc. - during a particular time period. Mode split varies by time of day, weekdays vs. weekend, and location. A higher mode split for non-single occupant vehicles, usually during weekday peak periods, means fewer vehicles are needed to carry a given number of people. Mode split is used as a measure of the efficiency of the transportation system.

Countywide Planning Policy T-10 calls for local jurisdictions to develop mode split goals to established employment centers. Unincorporated King County does not have any established employment centers although cities within King County served by Metro Transit do. As part of the Six-Year Transit Development Plan development, King County coordinates the establishment of mode split goals for cities within the county.

The Metropolitan Transportation Plan provides policy guidance for determining mode split goals. This chapter is based on the mode split policy guidance provided by that plan.

- T-217** The county should pursue mode split goals through the implementation of policies that support transportation demand management, transit service improvements, and expansion of high-occupancy vehicle programs. The county should recognize and support efforts locally, regionally, and statewide to advance Transportation Demand Management technologies.

III. Transportation System Planning and Design

A. Arterials and Streets

King County designs, builds, operates and maintains roads, bridges and pathways in unincorporated areas of King County. The goal is to make the county's transportation system safe and efficient for all uses and modes of travel. King County's arterial system represents a broad range of mobility options. In the past, the arterial system has been characterized as the system for moving cars and other vehicles. The arterial system should be viewed as a resource for moving people and goods by many modes of transportation, including autos, carpools, buses, bicycles, pedestrians, and trucks.

- T-301** The most cost-effective improvement should be considered first to solve existing and future deficiencies before higher-cost, capital-intensive projects are considered. Efficiency improvements supporting high-occupancy-vehicles (HOV) and transit operations on existing roads should be a higher priority than general capacity improvements enhancing single-occupant-vehicle (SOV) travel.
- T-302** Transportation improvements should be designed, built, and operated to minimize air, water and noise pollution and the disruption of natural surface water drainage in compliance with provisions and requirements of applicable federal, state and local environmental regulations. Natural and historic resource protection should also be considered. Particular care should be taken to minimize impacts where the location of such facilities could increase the pressure for development in sensitive areas or rural or resource lands.
- T-303** Needed rights-of-way, strategies to reduce demand and off-site improvements should be identified and required as conditions of development approval to the extent that such conditions are directly related to impact mitigation and will benefit the development.
- T-304** King County's road design and construction standards shall promote safe, cost-effective roads that encourage multimodal use, reflect the different needs and service levels for the Urban Growth Area and Rural Area, responding to the different needs for areawide mobility and access to abutting properties.
- T-305** Roadway safety improvements increase the safety of the traveling public by reducing the number and severity of accidents, providing refuge for pedestrians and bicyclists, providing positive traffic control, minimizing driver decisions, reducing hazardous roadway conditions, and reducing unexpected situations. Improvements of this type include, but are not limited to, pathways, traffic signals, turn and merge lanes, provisions for sight lines, removal of roadside obstacles, and improvements to lessen the likelihood and impacts of localized flooding.
- T-306** Appropriate neighborhood traffic control measures, land use, zoning, design and road standards and development conditions should be used to improve safety, transit access and nonmotorized travel in residential neighborhoods.

- T-307** King County should encourage the development of highly connective, grid-based arterial and nonarterial road networks in new developments and areas of in-fill development. To this end, the county should:
- a. Make specific determinative findings to establish nonarterial grid system routes needed for public and emergency access in in-fill developments at the time of land-use permit review.
 - b. Encourage new commercial, multifamily, and single-family residential developments to develop highly connective street networks to promote better accessibility by all modes. The use of cul-de-sacs should be discouraged, but where they are used, they should include pedestrian pathways to connect with nearby streets.
- T-308** Development proposals should extend the public road system through dedication when the extension is in the public interest and is reasonably necessary as a result of the impacts of the development. The impacts that may warrant such an extension include, but are not limited to, impacts on neighborhood circulation, increases in the use of arterials for local vehicular trips, the reductions in traffic safety through uncoordinated and/or inadequately spaced street access to the arterials, and restrictions on the availability of alternative emergency access routes.
- T-309** The county should limit the placement of facilities or physical barriers and improvements, such as buildings, utilities, and surface water management facilities within specific areas of a development in order to allow for the future construction of roads to facilitate the establishment of a safe and efficient traffic circulation network, or to retain the availability of access to an adjacent property.
- T-310** As a condition of the approval of new development, the county should require the improvement of existing offsite roadways and undeveloped road rights-of-way, and/or other strategies to reduce demand on roads when the improvement or strategy is reasonably necessary as a result of the impacts of the development. The impacts that may warrant such improvements include, but are not limited to, those that create safety concerns, raise road operational issues or increase the number of residences served by a single access route.
- T-311** Arterial Functional Classification should be implemented through the King County Road Design and Construction Standards. The comprehensive plan's Urban Growth Area boundary should provide the distinction between urban and rural arterials.

B. Public Transportation Strategies

King County's transit infrastructure and service investments are consistent with the capital and services strategies in the Six-Year Transit Development Plan and balance policy requirements, regional cooperation, funding constraints, and community needs.

- T-312** King County should plan, design, and implement a system of services and facilities that supports integration of regional and local services and that facilitates access to the system for pedestrian, bicyclists, transit collection/distribution services, and persons with disabilities, thereby providing a viable and interconnected network that is an alternative to auto usage.

- T-313** King County should support local and regional growth management plans and policies. King County should work with other jurisdictions to focus new and existing services and facilities to support targeted land use concentrations identified in local comprehensive and regional plans and within the Urban Growth Area of King County.
- T-314** King County should adopt transit supportive policies assigning highest priority to serving urban centers and manufacturing centers with transit service, including transit priorities on arterial streets jointly designated for transit priority by the county, cities, and the Washington State Department of Transportation.
- T-315** King County should use a community-based planning process when working with cities and unincorporated area communities to develop effective transit services including consideration of local circulation needs, feeder bus service, fixed and nonfixed routes, and various coach sizes appropriate to the neighborhood scale and market.
- T-316** High-Capacity Transit facilities and services which are consistent with, and supportive of, the comprehensive plan should be supported and implemented.

C. Nonmotorized Transportation

The nonmotorized program is an essential element of King County's multimodal transportation system. Nonmotorized transportation users include pedestrians, bicyclists and (in certain areas of the county) equestrians. While each group has different needs, they all rely on King County's road system for safe access. Trail networks, sidewalks, bike lanes, and other nonmotorized improvements encourage walking and cycling. They also improve access to transit stops, resulting in increased transit ridership and improving the quality of life in their communities.

- T-317** Efforts should be made to improve nonmotorized transportation countywide to increase safety, public health, mobility and convenience for nonmotorized modes of travel. These efforts should emphasize the ability of nonmotorized modes to extend the efficiency of regional transit, promote personal mobility in a range of land use areas and expand the transportation alternatives available to the public to form a complete or connected network.
- T-318** King County should evaluate and implement, where appropriate, nonmotorized transportation when general transportation improvements are made, including road construction, reconstruction, subdivision development and development of new transit systems.
- T-319** New land use plans, subdivisions, and urban planned development proposals should include enhancements to nonmotorized mobility and access to surrounding areas.
- T-320** King County design standards should allow flexibility in selecting, and the authority to require design features that benefit nonmotorized safety and accessibility.
- T-321** Unused rights-of-way should be considered for development as pedestrian, bicycle, equestrian or accessible connectors.

- T-322** King County should seek to improve pedestrian safety both within residential areas and at arterials near pedestrian activity centers such as schools, retail centers, concentrations of housing, transit facilities and trails. Within residential areas, King County shall offer a comprehensive package of neighborhood traffic services to unincorporated area residents and, on a contract basis, to local jurisdictions. Pedestrian safety improvements should include adequate signage, markings and signalization where warranted. To foster safe walking conditions for students, King County should continue the School Pathways Program.

D. Air Quality

The Washington State Clean Air Conformity Act establishes guidelines and directives for implementing the federal Clean Air Act Amendments. The Washington Act specifically links air quality conformity to growth management planning efforts at the local and regional level.

The Washington Administrative Code states that local transportation plans shall include, "... policies and provisions that promote the reduction of criteria pollutants that exceed national ambient air quality standards." (WAC 173-420-080)

Global climate change continues to be a focus of local concern. It is clear that greenhouse gas emissions from transportation sources are a significant contributing factor to global climate change. Reducing greenhouse gas emissions from transportation sources is an important goal for King County.

The following policies have been developed to be consistent with and support the policies in Chapter 4, Section 1B of this Plan, "Air Quality and Forest/Tree Cover."

- T-323** The transportation system should conform to the federal and state Clean Air Acts by maintaining its conformity with the Metropolitan Transportation Plan of the Puget Sound Regional Council and by following the requirements of Chapter 173-420 of the Washington Administrative Code.
- T-324** King County should work with the Puget Sound Regional Council, the State Department of Transportation, transit agencies and other jurisdictions in the development of Transportation Demand Management measures and other transportation and air quality programs where warranted. This work would address the requirements of the federal Clean Air Act as amended, the air quality provisions of the federal Transportation Equity Act for the 21st Century and the Washington State Clean Air Conformity Act and should include measures to address greenhouse gas emissions.
- T-325** King County should consider the following Transportation Demand Management strategies to reduce criteria pollutants and greenhouse gas emissions including, but not limited to: trip reduction strategies, transportation pricing controls, employer transportation management programs, work schedule changes, ridesharing programs, dedicated facilities for high-occupancy-vehicles, traffic flow improvements, parking management, bicycle and pedestrian programs, mixed use development, and car sharing programs.

IV. Finance

King County's transportation vision depends on adequate funding for transportation needs. The Growth Management Act requires that the county include an analysis of funding capabilities, a multiyear financing plan based on needs and a discussion of how to raise additional funds or reassess growth and level-of-service standards to resolve a potential funding shortfall for at least a ten-year period. This section provides such information and discusses the extent to which the transportation facilities can be funded within a reasonable revenue forecast and expenditure schedule.

A. Funding Capabilities: Road-Related Sources

Financial viability to support transportation capital needs is tested at two levels. Initially, a 20-year plan is identified to meet transportation improvements needed to support the plan vision. The 20-year plan provides for an assessment of revenues from currently available resources and identifies reasonable options for securing additional revenues over the life of the plan. Secondly, the annual capital improvement program preparation provides a six-year window review that examines the specifics of how to implement the financing plan.

King County receives road revenues from a variety of sources, including unincorporated King County property tax, federal and state grants, state gas tax, local taxes and road mitigation payments from private developments. A full description of transportation financing can be found in the Roads Strategic Plan.

B. Revenue Shortfall

Comparing the plan's future transportation needs with projections of revenue from current sources shows the total revenue shortfall over the 20-year planning horizon. Different strategies or actions can be identified to address this shortfall. As an example, priority for funding may be given to only projects directly related to achieving the level-of-service standard, to projects that are related to providing capacity or to noncapacity projects.

The intent of this plan is not to demonstrate a dollar by dollar accounting of transportation needs and revenues. Rather, it is to demonstrate the reasonableness of the plan and its implementation and to show that the goals of growth management can be met. Other sections of this chapter describe how the transportation element addresses growth management goals for transportation and adequate facilities/services. The reasonableness of the plan's transportation element focuses on the shortfall and the potential for funding future needs.

Strategies to address the shortfall can range from reconsideration of the transportation needs to new revenue options to changes in levels-of-service to revisions of the land use policies. Decisions on what to do should be made based on monitoring implementation of this plan. The following actions can be used to balance the funding shortfall of the plan:

1. Reduce transportation funding needs:
 - Reevaluate the need for projects;
 - Promote transportation demand management actions to reduce vehicle trips; and
 - Rescope project needs and downsize where possible.
2. Develop new revenue options:
 - Increase revenues by using existing sources;
 - Participate in regional funding strategy development;

- Seek new or expanded revenue sources; and
 - Public/private participation.
3. Change level-of-service:
 - Adjust the level-of-service standard to allow more growth;
 - Adjust the level-of-service standard to allow more growth in selected areas only; and
 - Adjust the level-of-service standard to discourage more growth.
 4. Change land use:
 - Revise the land use plan to encourage/discourage growth in selective areas;
 - Adjust the target forecast; and
 - Delay development until facilities are adequate.

T-401 Financial resources available for transportation improvements should support a program of capital facilities needed for a multimodal transportation system. The Transportation Priority Process should give priority to critical capacity projects needed to achieve level-of-service standards in the Urban Area.

T-402 The essential maintenance, preservation, safety and operations costs of the transportation system should be funded prior to other costs for capital improvements so that existing investment is protected and current mobility is not degraded.

T-403 During annual review of the Comprehensive Plan, King County should consider and address any potential shortfalls that may occur between expected revenues and needed improvement costs. Such resolution could include a reassessment of land use, growth targets, level-of-service standards and revenue availability.

C. Urban Unincorporated Area Road Financing

Each area of urban unincorporated King County is unique in terms of its character, the issues that its residents care most about, and its specific road-related needs. By targeting road capital funds toward each area's most pressing needs, the county can provide the greatest overall benefit for each public dollar spent. This prioritization process is particularly important since current funding is inadequate to meet all needs and since road infrastructure is often an issue in annexation discussions.

Road improvements essentially fall into three areas:

1. **Operational and safety improvements** such as signals, turn lanes, lighting, and crosswalks improve system efficiency and safety. These improvements are needed throughout the urban unincorporated area.
2. **Urban retrofit improvements** reconstruct existing street systems to current urban road design standards (curb, gutter and sidewalk, enclosed drainage, and adequate surface water detention facilities) without adding more than a modest amount of additional capacity. Urban retrofit improvements are especially needed in the West Hill and North Highline communities, where most neighborhoods were developed before current urban road design standards were established.
3. **Capacity improvements** build new roads or add two or more lanes to existing roads. These projects generally are needed in areas with significant congestion or that have greater potential for new development.

Continuation of funding for transportation projects that alleviate existing deficiencies is a high priority since all areas have existing capacity, operational, and safety deficiencies at one level or another.

- T-404** King County's urban road investments shall address the unique needs of each unincorporated area and shall target the road deficiencies in each area that act as barriers to Infill, redevelopment, annexation, and the achievement of growth targets.
- T-405** Projects addressing existing capacity, operational, and safety deficiencies shall have a high priority throughout the urban unincorporated area.
- T-406** When funding transportation projects in areas where annexations or incorporations are expected, the Department of Transportation should seek interlocal agreements with the affected cities and other service providers to provide opportunities for joint grant applications and cooperative funding of improvements.

V. Coordination

This chapter has been prepared in coordination with adjacent cities and counties to assess potential impacts on their jurisdictions. Citizen participation and coordination was also used to assist in the planning process and to reconcile any conflicts. The following activities have supported the coordination process:

- Review by the transportation subarea boards;
- Review by the Unincorporated Area Councils;
- Development of the Regional Arterial Network;
- The update of the Six-Year Transit Development Plan;
- The statewide and countywide grant application process;
- The Capital Improvement Program (CIP) coordination process; and
- Participation in the Puget Sound Regional Council, enabling King County to coordinate its transportation planning activities with other local and regional agencies' for the four central Puget Sound counties.

T-501 All elements of the transportation system should be planned and operated in coordination with the cities in and abutting King County, the adjoining counties, the Washington State Department of Transportation, the Port of Seattle, the transit agencies that provide service in and to the County, and the Puget Sound Regional Council. Prioritization of countywide facility improvements should be coordinated among jurisdictions to implement the countywide land use vision.

T-502 King County should work with the Puget Sound Regional Council and its members to ensure that any regional projected aviation capacity problems, and the air transportation needs of the region's residents and economy are addressed in a timely manner.

T-503 King County should support the completion of the designated freeway HOV lane and limited access highway system. Access to this HOV lane system should also be supported.

VI. Implementation and Monitoring

The balance between land use, transportation services and funding is critical. The Transportation Chapter will be implemented through the funding of planned transportation improvements and strategies from available resources and by the management and monitoring of the system to ensure there are adequate facilities to support growth. Roads needs will be prioritized through updates to the Roads Strategic Plan and the Transportation Needs Report. High-priority projects will be programmed for funding in the Capital Improvement Program. Transit projects will be implemented as the needed revenues become available and in coordination with other related improvements and service development needs as described in transit planning and budget documents.

The annual Capital Improvement Program and Financial Plan will be consistent with the comprehensive plan and will consider the current performance of the transportation system, concurrency needs of planned developments, priority projects, phased implementation of improvements and other related factors. Revenues from all sources including Mitigation Payment System fees will be programmed to appropriate projects.

Concurrency will be maintained through the development and use of the Transportation Concurrency Management Program to help manage development and achievement of the level-of-service standards adopted in the comprehensive plan.

System performance will be monitored through periodic traffic counts, speed and delay studies, travel time observations for autos and buses and by computer simulation of travel network characteristics. Information on system performance will be shared with other transportation agencies in the county and with the Washington State Department of Transportation. If performance deteriorates below adopted standards, then the comprehensive plan will be amended to include improvements needed to restore level-of-service standards, or a reassessment of standards, funding and growth will be considered.

- T-601 King County should maintain an inventory of its transportation facilities and services to support its management of the system and to monitor system performance.**
- T-602 King County shall periodically evaluate transportation components of the comprehensive plan and shall recommend actions that ensure implementation of the comprehensive plan vision.**
- T-603 King County shall monitor and establish benchmarks to assess regional transportation system performance and implementation of the comprehensive plan. To accomplish this task King County should develop travel forecasts and maintain a Geographic Information System and databases. The data shall include existing and forecast regional population, employment, development and transportation information. The county, in cooperation with other jurisdictions, should produce reports on traffic and transportation activities. Such reports should highlight performance characteristics and identify the deficiencies, problems of safety and operations and areas not in compliance with level-of-service standards.**

VII. Transportation Element: Requirements and Components

Specific requirements for the transportation element are found at RCW 36.70A.070(6)(a). The following sections describe how the transportation element of the King County Comprehensive Plan meets those requirements.

A. Land Use Assumptions

The transportation element uses the same growth targets as the entire comprehensive plan. These targets are provided in Chapter Two of the Plan.

These regionally adopted growth targets have been used in developing the travel demand forecasts for the comprehensive plan and in the development of the Transportation Needs Report. The Six-Year Roads Capital Improvement Program is derived from the Transportation Needs Report. This links the transportation plan with growth targets for households and employment.

B. Estimated Traffic Impacts to State-Owned Facilities

Both the King County Comprehensive Plan and the analysis conducted for the Transportation Concurrency Management program include state facilities. Both use standard transportation analysis techniques.

C. An Inventory of Transportation Facilities and Services

The inventory is provided in Appendix C. As required by growth management legislation, it includes air, water, and ground transportation facilities and services as well as transit alignments and general aviation airport facilities. It includes both county-owned and state-owned transportation facilities within the county's boundaries.

D. Level of Service Standards Including Standards for State Routes

King County has adopted urban and rural area level of service standards for its Transportation Concurrency Management Program. The standards consist of Transportation Adequacy Measure (TAM) and Travel Time measures to determine if proposed nonresidential developments and concurrency zones for proposed residential developments meet these standards. The TAM is used to judge the performance of the county's road system. Travel time is used to judge the performance of monitored corridors and critical road segments within the monitored corridors.

State routes, except for highways of statewide significance and state routes with HOV lanes, are included in the TAM calculation. Portions of six state routes that are regionally significant state highways are included in the county's list of monitored corridors

E. Actions to Bring Facilities into Compliance

King County's traffic impact analyses and other planning processes have identified needed projects. These projects are listed in the Transportation Needs Report that is adopted by reference along with the KCCP. The Roads Strategic Plan and the six-year Capital Improvement Program identify specific projects, strategies, and actions to address transportation needs.

F. Traffic Forecasts for at Least Ten Years

Travel forecasts were developed for the year 2022. See Section II and Appendix C for more information on forecasts.

G. State and Local Transportation Needs to Meet Current and Future Demands

King County will be in compliance with this new GMA requirement by the December 31, 2000, deadline. The Transportation Needs Report six-year roads and transit development plans and capital improvement programs are the elements of the King County Comprehensive Plan that address the GMA requirement of identifying state and local system needs to meet current and future demand.

H. Analysis of Funding Capability

A financial analysis is included in the Transportation Needs Report which is adopted as an element of the plan. More information on the financial analysis is provided in Section IV of this chapter of the KCCP.

I. Intergovernmental Coordination

See Section V for a discussion of coordination.

J. Concurrency

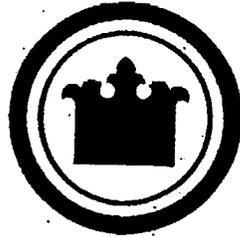
The concurrency program is described in Section II E of this plan.

K. Consistency of Plans

The comprehensive plan is consistent with the Metropolitan Transportation Plan, the regional transportation plan for the four-county region. The Puget Sound Regional Council reviews the plan for consistency and has previously certified the King County Comprehensive Plan and also its amendments. In addition the comprehensive plan policies have been reviewed by other jurisdictions within King County.

The comprehensive plan provides policy direction for the development of the county's 6-year functional plans.

Attachment D
2004-114



King County

**KING COUNTY
COMPREHENSIVE PLAN 2004**

**Technical Appendix C
Transportation**

**Adopted
September 27, 2004**

King County Department of Development and Environmental Services

900 Oakesdale Avenue Southwest

Renton, WA 98055-1219

<http://www.metrokc.gov/dds/complan>

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Technical Appendix C

Transportation

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- III. King County Travel Demand Forecasting Model
 - A. Network Development
 - B. 2022 Committed Network Projects
 - C. Land Use Data Development Process
 - D. Y2000 and Y2022 Households and Jobs by KC Model Zone
 - E. Productions and Attractions by Trip Type, by Model Zone
 - F. 2022 PM Peak Hour Volumes, King County Arterials
 - G. 2022 PM Peak Hour Volumes, State Facilities

- Commute trip reduction goals for vehicle miles traveled per employee are 10 percent in the first two years, 20 and 25 percent, respectively for the fourth and sixth years, and 35 percent by the final measurement year (2005, or the 12th year after implementation)
- Measurements are gauged against levels in surrounding CTR zones or against base values for the worksite at the choice of the employer
- Designation of a transportation coordinator, distribution of commute option information, filing of annual reports and biannual surveying, and implementation of measures designed to achieve goals
- CTR programs for cities and counties having large employers, whether or not the jurisdiction has more than 100 employees
- A review of parking ordinances
- An appeals process to resolve disputes about major employer programs

A state task force with 28 members is charged with establishing guidelines to effect implementation of the law, make recommendations for changes to the law, and report progress to the legislature. Considerable effort has been put into coordination of the CTR ordinance implementation and policies across the state and among jurisdictions as required by law. The Executive and the Council have placed a high importance on CTR programs, recognizing that such programs will positively affect the County's ability to improve roadway level of service standards without expensive capital projects and to reduce air pollution while lowering energy cost for its citizens.

King County Metro Transit's Market Development group has made several strides towards integrating and customizing CTR and other TDM programs. New approaches including new facilities such as bike lockers, car share programs like FlexCar, and adapting their employer-based TDM strategies to the community or neighborhoods themselves.

Sources:

<http://transit.metrokc.gov/prog/employer/empcommute.html>
<http://www.metrokc.gov/kcdot/alts/employer/index.htm>
<http://www.bikestation.org/seattle/index.asp>
<http://www.flexcar.com/>

Between 2003 and 2006, a Smart Card system is being deployed in the four-county, Puget Sound Region. This electronic debit card will allow users of buses, ferries, and trains in any jurisdiction or service district to permit "customers to use one fare card on multiple systems throughout the four county Central Puget Sound area." This initiative is truly regional and its implications will affect urban and rural King County's mobility and TDM programs in the future.

Sources:

<http://transit.metrokc.gov/prog/smartcard/smartcard.html>

F. Nonmotorized Transportation

King County's Nonmotorized transportation programs operate under the title RoadShare. RoadShare considers both the recreational and alternative travel values of a comprehensive nonmotorized network. RoadShare was created in 1987 to promote nonmotorized transportation elements of the overall County transportation system. The program is

responsible for planning, coordination, outreach, and public participation activities related to this mission.

1. Planning

RoadShare is responsible for the development of the King County Nonmotorized Transportation Functional Plan, which replaced and expanded upon the 1974 King County General Bicycle Plan. This functional plan established service and facility standards, program recommendations, and research areas relating to the specific needs of bicyclists, pedestrians, and equestrians on the County road system.

RoadShare is also involved in the annual review of projects contained in the annual Transportation Needs Report (TNR). Currently, approximately one half of TNR proposed projects contain some nonmotorized element.

RoadShare annually participates in the review of candidate projects for the Department of Transportation Maintenance Section's annual Overlay Paving Candidate List. This review identifies nonmotorized transportation system deficiencies correctable through regular road maintenance procedures.

Other planning activities include the following:

- Plans, studies and project review
- CIP project and development review
- Zoning Code and other relevant ordinance changes/review

2. Public Information

Realizing that public information is an important element of RoadShare's overall success, King County places a heavy emphasis on outreach programs such as the Seattle Bike Expo and the Annual Pedestrian Safety conference.

3. King County Bicycling Guide Map

This document serves two purposes. First, it provides data on road conditions relevant to bicyclists in an easy to understand manner on a network, which includes all of the municipalities of the County, as well as the regional trails network. Second, the network represented on the map serves as the basis for bicycle facility planning and project priority decisions within the Nonmotorized Transportation Functional Plan. The Bicycling Guidemap can be found on the Department of Transportation's website at <http://www.metrokc.gov/kcdo/tp/bike/bikemap.htm>

G. Washington State Highways

Information on the State Highway system can be found on the WEB page for the WSDOT Planning and Programming Service Center, Transportation Data Office (TDO) at <http://www.wsdot.wa.gov/mapsdata/tdo/>

The TDO is responsible for collecting, processing, analyzing, and disseminating transportation data pertaining to the Washington State highway system, including: traffic collision data, traffic counts, travel analysis and traffic forecasting support, an online highway data system, and a database of 80,000 miles of Washington State public roads.

KC - E

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Information in this article, originally published March 18, 2006, was corrected March 21, 2006. A previous version of this story incorrectly said that opponents of the trail dropped their legal fight last spring after losing a lawsuit to King County. The county was not part of the lawsuit. The Friends of the East Lake Sammamish Trail and the Cascade Land Conservancy were plaintiffs in the case.

East Lake Sammamish Trail trail finally opening

By Sonia Krishnan

Seattle Times Eastside bureau

The long-awaited, long-fought opening of the East Lake Sammamish Trail has finally arrived.

◀ [PREV](#) 1 of 4 [NEXT](#) ▶

After nearly a decade of litigation, 11 miles of an abandoned railroad bed open Tuesday as a public trail. It connects Redmond to Issaquah and provides a critical link in a 40-mile trail system that stretches from Ballard to the northern tip of Lake Washington and south to Interstate 90.

At 1 p.m. Tuesday, a ribbon-cutting ceremony featuring King County Executive Ron Sims and Sammamish Mayor Michele Petitti will mark the official opening, though the trail is available for use now.

"This is a treasure," Sims said. "Years from now, no one will remember the fight."

The region's trail system could expand even more in the coming years. King County is in negotiations with BNSF Railway to potentially buy a 47-mile rail corridor that stretches from Renton to the city of Snohomish.

That corridor would tie into Snohomish County's Centennial Trail, which now runs from Snohomish to Arlington, and the Sammamish River Trail, which goes from Marymoor Park in Redmond to Bothell, where it links with the Burke-Gilman.

Ultimately, there could be uninterrupted routes from Renton in the south to Skagit County in the north, Seattle and Puget Sound in the west and Redmond and Issaquah in the east.

The East Lake Sammamish Trail also will be a link to the John Wayne Pioneer Trail that goes over the Cascades to the Idaho border.

The new East Lake Sammamish gravel trail will initially be open to walkers and cyclists riding bikes with thicker tires, such as mountain bikes or hybrids. No horses will be allowed.

East Lake Sammamish Trail timeline

1971: The King County Urban Trails Plan identifies the stretch of rail bed between Redmond and Issaquah as a critical future trail link for the region.

1976: The federal Rails to Trails Act is passed. Expanded in 1983, it allows railroads to sell, lease or donate the rights of way on routes to private organizations or local governments for use as trails. Routes can be converted back to mass-transportation use, but it rarely happens.

1990: The U.S. Supreme Court upholds the law, leading to rails-to-trails projects across the country.

1996: The Burlington Northern Santa Fe Railroad quits using the section of line along East Lake Sammamish, and King County looks into acquiring it.

1998: King County buys the property. In the first of several delayed starts, county officials announce an interim gravel trail will open within a year.

2000: Opponents file suit in King County Superior Court, accusing the county of illegally laying the gravel. A judge rules the county work was warranted.

2001: The Metropolitan King County Council agrees to build a temporary trail on the rail bed while the county studies options for the alignment of a permanent trail.

The path, which cost the county \$1.6 million to build, will serve as an interim trail until the county can pave it with asphalt to make it more amenable to cyclists, strollers and skateboarders. No parking will be added.

Eventually, it will be a 12-foot-wide paved trail with gravel shoulders, said Robert Nunnenkamp, property agent for King County.

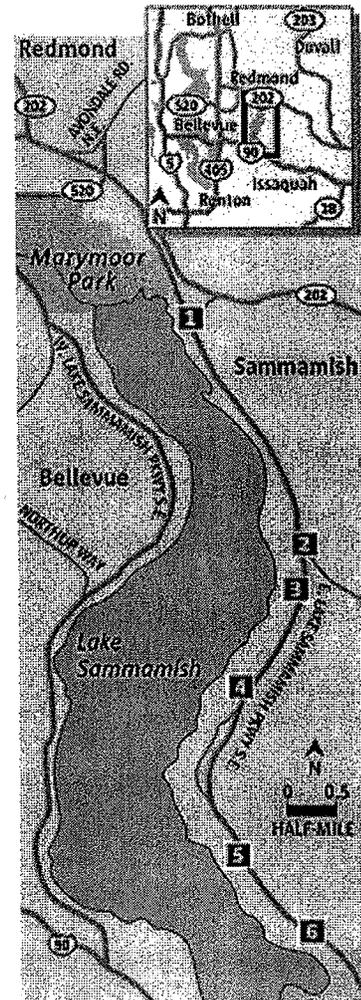
Along the portion near Southeast 33rd Street, stretches of fencing separate the trail from waterfront homes. The county has posted several signs telling trail users that "areas outside the former railbed are closed to the public." Still, some property owners have taken the extra step of posting "No Trespassing" warnings on their lots.

Homeowners who battled the trail for years say that despite their ambivalence, they're ready to make the best of it.

"What else can you do?" said Colleen Buck, who has lived with her husband along the lake since 1982. "We've just come to the point

Access points to the trail

- 1 187th Ave. N.E.
- 2 Inglewood Hill Road (Pedestrian only)
- 3 N.E. Seventh Court
- 4 S.E. Eighth Street
- 5 S.E. 33rd Street
- 6 212th Way S.E. (Pedestrian only)



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Homeowners begin building fences, digging ditches and planting flower beds on the trail right of way in protest.

2002: The city of Sammamish issues the county a critical environmental permit, but homeowners oppose it, saying alternative routes would have less impact on sensitive areas.

2003: Sammamish Hearing Examiner John Galt decides Sammamish did not consider all practical alternative routes when it approved an environmental permit. A judge orders Galt to reconsider. Opponents file a federal lawsuit over the trail.

2004: King County opens two small sections of the trail — a total of 3 ½ miles — in Redmond and Issaquah. The middle chunk, through Sammamish, remains closed.

2005: The Sammamish hearing examiner allows the trail to cross sensitive wetlands areas. In a separate case, a federal judge rules that the former rail bed is appropriate for trail use. King County later obtains its final permit, for clearing and grading, and learns that opponents haven't appealed a shoreline permit by the deadline.

2006: The Sammamish section of the trail is set to open Tuesday, completing the 11-mile trail from Redmond to Issaquah.

where we accept it. We're trying to be really positive about it. The trail will be handy for us to use."

Controversy arose in 1998 after the county bought the abandoned rail corridor for \$2.9 million through a federal program known as Rails to Trails, which allows railroads to sell, lease or donate the rights of way on routes they no longer operate to private organizations or local governments for trails.

The 11-mile project became entangled in courtroom battles after more than 20 lawsuits were filed by people whose high-value homes sit near Lake Sammamish. They spent millions arguing against the seven-mile midsection of the trail, saying it would invade their privacy and attract crime. Meanwhile, in 2004 the county opened two small sections of the trail — a total of 3 ½ miles — in Redmond and Issaquah.

Last spring, the opponents pulled out of the fight after losing a lawsuit in U.S. District Court to the Cascade Land Conservancy and a citizens' group called Friends of East Lake Sammamish Trail. The county then received its remaining permits to move forward and began construction on the seven-mile link last summer. It was supposed to open in January, but rain led to delays.

"When the lawsuits got dropped, that was the cake," Sims said. "The frosting will be Tuesday, when one can walk on it unimpeded."

Reid Brockway, a lakeside resident who took part in the legal appeals, said he had mixed feelings about the trail opening. He said he was pleasantly surprised that county officials listened to the residents and installed heavy fencing along the route, and he will use the trail just like everyone else.

But he's still worried that the trail will bring added crime to the neighborhood, from burglaries to trespassing. And he said he isn't happy that county officials will celebrate the opening even after

ignoring the neighbors' concerns during the legal fight.

But he also realizes only time will tell.

"I'd characterize the whole thing as a bit of an experiment," Brockway said. "Until the experiment has a chance to run a while, it will be hard to know what to think."

Seattle Times Eastside bureau reporters Ashley Bach and Karen Gaudette contributed to this report. Sonia Krishnan: 206-515-5546 or skrishnan@seattletimes.com

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Hot debate over extending bicycle route

By Susan Gilmore

Seattle Times staff reporter

Like families at a wedding, they sat on opposite sides of the Whitman Middle School auditorium in Crown Hill, the bikers in neon spandex and the workers from the Ballard industrial area in baseball caps.

One by one, they took turns at the microphone yesterday evening, telling the City Council's Transportation Committee why the Burke-Gilman Trail should or should not be extended along Shilshole Avenue Northwest.

The nearly 600 in attendance waved signs — "Go Green" or "No Green."

For months, the route of the 1.5-mile "missing link" has been contentious, with bicyclists favoring the "green route" along Shilshole Boulevard and several Ballard business owners complaining that bikes and heavy equipment don't mix.

Under a modified version of the green route sent by Mayor Greg Nickels to the City Council, the trail would follow Shilshole Avenue to 17th Avenue Northwest, where it would connect to Ballard Avenue Northwest. Bikers would share the roads with cars.

The trail would reconnect with Shilshole Avenue at Northwest Vernon Place and detour to a sidewalk on Northwest Market Street between 24th and 28th avenues Northwest before returning to Shilshole Avenue near the Ballard Locks.

The detours would remove the trail from the most contentious sections, the areas near the Ballard Terminal Railroad and Ballard Oil, whose owner, Warren Aakervik, opposes the green route.

Deputy Mayor Tim Ceis said the entire Burke-Gilman Trail in Ballard eventually will follow the Shilshole Avenue route supported by bikers, but that could be 15 years away.

Last night dozens of people argued that the green route is unsafe.

"Bikers don't belong along a railroad track," said Andy Pishue, who works for Salmon Bay Sand and Gravel. "It's like putting chocolate sauce on a hot dog — the two don't go together."

But Barbara Culp, executive director of the Bicycle Alliance, said this route has long been the community vision. "Build it and they will come," she said.

The interim trail is expected to cost about \$6.7 million. The final cost for the entire green route could be as much as \$15 million.

The green route is one of three options. It is the shortest and the only one with a dedicated bike trail. While it's the route favored by bikers, industries in Ballard say it's dangerous to mix bikes with trucks crossing Shilshole Avenue.

"The railroad has a five-year accident-free record," said James Forgette, who manages the Ballard Terminal Railroad. "We are all scared. Build it and they *will* come."

Opponents say the route crosses more than 50 industrial driveways and many of the truck drivers can't see the bikers. They also argue that the route is inconsistent with land-use policies that require the city to preserve land for industrial activity and protect marine and rail-related industries.

But bicyclist Doug Brusig said, "There's not been one inch of trail that's not protested by residents. It took three years to put the trail through Bothell."

Many business owners favor the so-called "blue route," which would follow Northwest 57th Street. But bikers say that's too far north, and bicyclists already ride the Shilshole route.

The council's Transportation Committee is expected to vote on Nickels' proposal next Tuesday.

Susan Gilmore: 206-464-2054

KC - G

Tuesday, April 15, 2003, 12:00 a.m. Pacific

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Trail's 'green line' for cyclists OK'd

By Bob Young and Susan Gilmore

Seattle Times staff reporters

Green may have won, but many Ballard business owners are seeing red.

The Seattle City Council yesterday approved the "green line" route for extending the Burke-Gilman bicycle trail through Ballard.

The vote ended months of arguments between bicyclists, who favor the green line, and industrial concerns, who say the route along Shilshole Avenue Northwest will be too dangerous and disruptive to their businesses.

The fight could end up in court.

Byron Cole, who runs Ballard Terminal Railroad and opposes the green line, said a lawsuit "is not out of the realm of possibility. When your back is against the wall you fight pretty hard."

The lopsided 7-2 vote was little surprise. The council's Transportation Committee earlier this month voted for the green line, and chairman Richard Conlin, a green-line supporter, said he believed he had the votes to get it through the council.

But the debate was acrimonious, and amendments were narrowly defeated. One would have moved more of the trail onto Ballard Avenue Northwest; another would have delayed the vote to consider a new alternative proposed by businesses.

Much of the 1.5-mile trail, which links 11th Avenue Northwest in Ballard to the Ballard Locks, will follow Shilshole Avenue, where business owners say it's dangerous to mix bikes with the trucks that cross the road daily.

Under the proposed route sent to the council by Mayor Greg Nickels, the trail detours around the most contentious sections, areas near Cole's railroad and near Ballard Oil, whose owner, Warren Aakervik, also opposes the green line.

Under the plan approved yesterday by the council, the trail would follow Shilshole Avenue to 17th Avenue Northwest. There it would shift to Ballard Avenue Northwest, and bikers would share the roads with cars. The trail would reconnect with Shilshole at Northwest Vernon Place and detour to a sidewalk on Northwest Market Street between 24th and 28th avenues northwest before returning to Shilshole Avenue near the Ballard Locks.

Despite the vote, there is no money available to build what's called the "missing link." City officials say it may cost \$7.5 million to build the trail, but less than \$2 million would be needed for the bicycle and pedestrian improvements. The bulk would go to freight and rail improvements.

Council President Peter Steinbrueck, who won amendments that would monitor bicycle and pedestrian traffic for two years to see if the route is safe, said he voted for the green line with trepidation.

"I would not and will not let my children on this route," he said. "It's not safe enough, and there are too many accidents waiting to happen."

Council members Richard McIver and Margaret Pageler voted against the green line. Calling the route, "fatally flawed," Pageler said, "It's one thing to yuppify a worn-out neighborhood; it's another to gentrify a strong industrial area. "These industries are location-specific. Bikes can go anywhere."

Dave Gering, with the Manufacturing Industrial Council, said he was surprised that the council acknowledged the safety issues yet still voted for the green line. "Our members have been here 80 to 90 years," he said. "To be jeopardized by a recreational activity is very disturbing."

"This (green line) is imperfect, like all compromises," said City Councilman Jim Compton. "We have made enough people unhappy, so it must be pretty good."

Susan Gilmore: 206-464-2054.

KC - H

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Burke-Gilman Trail's history celebrated on 30th anniversary

By Jessica Blanchard

Seattle Times staff reporter

Nearly 150 people turned out to celebrate the 30th anniversary of the Burke-Gilman Trail yesterday by breaking ground for one of the trail's final segments along Shilshole Bay.

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The roughly 12-mile-long bike and pedestrian pathway now runs from Ballard to Kenmore and is the most heavily used trail in Seattle.

Planners hope to eventually connect the new trail segment to the current trail end near 11th Avenue Northwest in Ballard, and to extend it north to Golden Gardens in Seattle's Sunset Hill neighborhood.

As a cold drizzle fell, a crowd of bicyclists, politicians and community activists huddled around a white tent set up on a patch of land between the railroad tracks and Seaview Avenue Northwest to hear speakers discuss the challenges they faced, the triumph of finally being able to break ground for the new segment, and their plans.

Jim Todd, one of the original Burke-Gilman Trail committee members who attended the groundbreaking, said the group has often met with resistance, usually from residents who don't want the trail coming through their neighborhoods.

"Everything you're seeing today, we had to fight for," he said. "This did not come easy."

City Councilman Richard Conlin, who rode to the event on his bike, noted that it took a lot of political pressure to finally get approval for the latest trail section.

"The real story today is the persistence of people who have been working to get this trail built," he said, adding that the trail promotes a healthy, active lifestyle, and the additional bike and pedestrian traffic through the area could boost local businesses.

Advocates say the Burke-Gilman is a key part of a network of trails around the region, has the potential to help alleviate some of the city's traffic congestion and ought to be expanded.

The new segment of the trail will likely take about eight months to complete once construction is started, said project manager Stuart Goldsmith. He said the city is meeting with contractors, and work is tentatively scheduled to begin in November.

Project planners estimate the trail segment will cost nearly \$3.5 million, with the bulk of the money coming from the city's general fund.

Down the line, supporters hope to complete the "missing link," which would connect the current trail end at 11th Avenue Northwest with the beginning of this latest segment, about one block east of 32nd Avenue Northwest.

The aim is to have the trail follow Shilshole Avenue Northwest, but planners say they've met with resistance from several Ballard industrial companies, which raised concerns about safety and the potential for increased crime if the trail were to pass through their area.

Davidya Kasperzyk, an architect who designed a plan for the trail called the Missing Link Study, said the real issue is sharing the land. "It's kind of a sandbox thing," he said.

Barbara Culp, the director of the Bicycle Alliance of Washington, agreed.

"The important thing to think about is to provide access to this great corridor for all users," she said. "This trail is a treasure."

Jessica Blanchard: 206-464-3896 or jblanchard@seattletimes.com

KC - I

ORDINANCE NO. 958

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK; RELATING TO CONDITIONAL USE PERMITS FOR MULTI-USE AND MULTI-PURPOSE TRAILS; APPROVING, RATIFYING, CONFIRMING, READOPTING AND REENACTING ORDINANCE NO. 951, AMENDING SECTION 18.54.047 OF THE LAKE FOREST PARK MUNICIPAL CODE.

Whereas, the City has authority to regulate multi-use and multi-purpose trails as conditional uses within the City; and

Whereas, LFPMC 18.54.047, first enacted by Ordinance No. 909, contains criteria for the regulation of multi-use and multi-purpose trails as conditional uses within the City; and

Whereas, the City determined that it will serve the public interest to develop and adopt more specific criteria for the granting and conditioning of conditional use permits for multi-use and multi-purpose trails; and

Whereas, the City Council held public hearings on proposed Ordinance No. 951, amending LFPMC 18.54.047 to add more specific criteria for the granting and conditioning of conditional use permits for multi-use and multi-purpose trails; and

Whereas, on November 9, 2006, after considering the comments submitted by the public and other agencies on Ordinance No. 951, the City Council adopted Ordinance No. 951; and

Whereas, certain parties alleged that the City's adoption of Ordinance No. 951 violates procedural requirements of the State Environmental Policy Act, Chapter 43.21C, and that Ordinance No. 951 is invalid because the City did not provide notice of intent to adopt the Ordinance to the state Department of Community, Trade and Economic Development sixty days prior to enacting the Ordinance pursuant to RCW 36.70A.106; and

Whereas, on January 3 and January 22, 2007, petitions for review were filed with the Central Puget Sound Growth Management Hearings Board, asserting the allegations described above; and

Whereas, without conceding that the two allegations described above have merit, in order to avoid any dispute regarding those claims, the City has (1) provided notice of its intent to adopt the provisions in Ordinance No. 951 to the state Department of Community, Trade and Economic Development, and (2) issued a determination of nonsignificance for the Ordinance; and

Whereas, more than sixty days have elapsed since the City provided notice of its intent to adopt the provisions of Ordinance No. 951 to the Department, and the Department has not submitted any comments to the City; and

Whereas, the time period for filing an administrative appeal of the determination of nonsignificance issued for Ordinance No. 951 has expired, and no such appeals have been filed; and

Whereas, the City Council desires to approve, ratify, confirm, reenact and readopt all of the provisions of Ordinance No. 951; now, therefore

THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Approval, Ratification, Confirmation, Readoption, and Reenactment. City of Lake Forest Park Ordinance No. 951, relating to the City's conditional use ordinance and amending LFPMP 18.54.047, which is attached as Exhibit A and incorporated by reference as if set forth in full, is hereby approved, ratified, confirmed, readopted, and reenacted in its entirety.

Section 2. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not effect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall take effect after publication and posting as provided by law.

PASSED BY A MAJORITY VOTE of the members of the City of Lake Forest Park City Council this 8th day of March 2007.

APPROVED:

David R. Hutchinson, Mayor

Attest:

Susan Stine, City Clerk

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BEFORE THE CENTRAL PUGET SOUND GROWTH MANAGEMENT
HEARINGS BOARD
STATE OF WASHINGTON

KING COUNTY,

Petitioner,

vs.

CITY OF LAKE FOREST PARK,

Respondent.

No. 07-3-0010c

CERTIFICATE OF SERVICE

I, Teresa Potter, certify that on May 21, 2007, I caused to be served via ABC Legal Messenger, the original and four copies of King County's Reply Brief, and a copy of this Certificate of Service to:

Ms. Linda Kerr Stores
Central Puget Sound Growth Management Hearings Board
800 5th Avenue, Suite 2356
Seattle, WA 98104

I further certify that on May 21, 2007, I caused to be served via ABC Legal Messenger, one copy of King County's Reply Brief, and a copy of this Certificate of Service to:

Ms. Rosemary Larson
Inslee, Best, Doezie, & Ryder, P.S.
Symetra Financial Center, Suite 1900
777 108th Avenue N.E.

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P.O. Box 90016
Bellevue, WA 98009-9016

Mr. Jeff Eustis
J. Richard Aramburu
Attorneys at Law
505 Madison Street, Suite 209
Seattle, WA 98104

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 21st day of May, 2007.

NORM MALENG
King County Prosecuting Attorney

By: 
Teresa Potter, Paralegal to
ANDREW MARCUSE, WSBA #27552
Senior Deputy Prosecuting Attorney
Attorney for Petitioner, King County