

Department of Planning and Building
Staff Report – Conditional Use Permit Request
To City of Lake Forest Park Hearing Examiner
Burke-Gilman Trail Redevelopment

SUMMARY INFORMATION

City File No: CU07-01

Hearing Date: January 15, 2009

Requested Action: Request for a Conditional Use Permit to allow for the redevelopment of the Burke-Gilman Trail. Under the property's zoning classification, permitted uses include single-family dwellings, accessory buildings and structures, and day care facilities. In accordance with LFPMC 18.54.047, a multi-use or multipurpose trail facility may be allowed, added to or altered as a conditional use in any land use zone of the City.

Applicant: King County Parks and Recreation Division
201 S. Jackson Street, Suite 700
Seattle, Washington 98104

Site Location & Description: Improvements to the existing Burke Gilman Trail are proposed within the City limits of Lake Forest Park between 145th Street and Log Boom Park along an east facing slope above the western shore of Lake Washington through a primarily a residential setting for approximately 2.3 miles. Tax Parcel No: 1026049016 and 1526049003

Comprehensive Plan Designation: Recreation/Open Spaces

Zoning Classification: RS-7200

TABLE OF CONTENTS

BACKGROUND INFORMATION: 3
CRITERIA ANALYSIS 7
SUMMARY OF CONDITIONS: 22

APPLICABLE CODES AND REGULATIONS FOR CITY OF LAKE FOREST PARK CONDITIONAL USE (This list may not be completely exhaustive.)

Lake Forest Park Municipal Code Sections Directly Applicable to the Proposal:

1. LFPMC 18.54.030-Establishes the decision criteria for a Conditional Use Permit.
2. LFPMC 18.54.047- Establishes that a multi-use or multi purpose trail may be allowed, added to, or altered as a conditional use in any land use zone in the City. States: In granting such conditional use, the hearing examiner is instructed to attach appropriate conditions such as, but not limited to, the following: limitation of size, location on property and screening, and to only issue conditional use permits conditioned with any requirement provided under this chapter.”
3. LFPMC 16.26.030-Establishes the authority of the Hearing Examiner to issue quasi-judicial decisions for Conditional Use Permit applications (Type I application).
4. LFPMC 16.26.110(D)-Establishes the decision of the Hearing Examiner on a Type I application as the final decision of the city.
5. LFPMC 16.26.040(D), .050, .090, and .110(C)-Establish the public notification requirements associated with Type I applications.

RELATED APPROVALS REQUESTED FROM CITY OF LAKE FOREST PARK

- Sensitive Areas Work Permit
- Public Agency Utility Exception
- Shoreline Substantial Development Permit
- Level II Tree Removal Permit
- Land Clearing, Grading, Excavation Permit
- Building Permit may be required for Bridges and Walls

BACKGROUND INFORMATION:

Please see Conditional Use Permit Application (Exhibit 9) dated October 11, 2007 for the applicant provided background information.

Original Trail Development: In 1967, the King County Council adopted Resolution 34571 to seek voter approval for funding for development of park and recreation projects including the Lake Forest Park Section of the Burke Gilman Trail (BGT) the measure was passed by voters. King County purchased the railroad corridor in Lake Forest Park from Burlington Northern in 1974. The following permits and approvals were issued by King County for the original construction of the Trail:

1. A Shoreline Substantial Development Permit was approved on June 30, 1975, pursuant to the Shoreline Management Act of 1971. The permit covered both trail development under the auspices of King County and water main improvements by the Seattle Engineering Department.
2. A Fisheries and Game Hydraulics Project Approval was granted on July 15, 1975 for trail construction and the repair of bridges over McAleer and Lyons Creek.
3. In a letter from City Administrator, M. Herrick dated April 22, 1975 the City of Lake Forest Park granted the County permission to remove railroad ties and tracks along the Ballinger Way NE and NE 170th Street crossings of the proposed trail.
4. The King County Design Commission reviewed and approved initial trail design development plans on February 28, 1975, and reviewed final design plans on July 25, 1975 – the final design implemented mitigating measures from the 1975 Draft EIS. Provisions included in the 1975 design of the BGT, that are will be modified with the current proposal are:
 - The original BGT design “tipped” or sloped the trail to ditches the uphill side (western side of the trail).
 - Jogs were incorporated into the trail at intersections
 - Motorized vehicles were granted right of way where the BGT trail and streets intersected.

One modification made by King County since trail construction is the installation of stop signs at several private road crossings believed to be at the direction of a former King County Council member in response to requests from local residents.

Description of the Proposal (Current Application): On October 11, 2007 the King County Parks and Recreation Division submitted an application for a conditional use permit for the widening and resurfacing the 2.3 mile section of the Burke-Gilman Trail (from NE 145th Street to Log Boom Park) from 10 feet wide to 12 feet wide with a 3 foot shoulder on the east side of the trail and a 1 foot shoulder on the west side of the trail (the shoulders would be a soft surface made of stabilized crushed rock). The shoulder would be universally accessible to pedestrians, wheelchair users, and strollers. An additional 1-foot clearance from the top of slope or ditch at the outer edges of either side of the trail’s new shoulders would be provided to stabilize the trail’s edges for a total developed trail width of 18 feet. Traffic controls and signage have been

redesigned where the trail intersects public and private roadways and driveways. Other improvements proposed include removing obstacles and vegetation and fencing (in King County BGT parcels) to improve sight distance at crossings; replacing the pedestrian bridge over Lyon Creek; installing new culverts and/or modifying existing culverts to improve drainage; replacing vegetation; and replacing and installing new trail amenities.

The Final EIS (Exhibit 22) for the proposed redevelopment of the BGT was issued on June 25, 2008. The FEIS indicated that the project was needed to address safety and ease of use issues along the trail. The FEIS indicates this need is driven by five factors: 1) need to address trail surface irregularities, 2) need to meet minimum trail standards, 3) need to create uniformity along the trail, 4) need to accommodate an increasing number of trail users; and 5) need to accommodate the range of users in a safe manner. The FEIS was not appealed. (Project Drawing Exhibit 6)

In addition to the application for a Conditional Use Permit, the applicant has submitted the following applications for the BGT redevelopment proposal:

1. Sensitive Areas Permit - for work proposed in:
 - a. Erosion Hazard Areas
 - b. Steep Slope Hazard Areas
 - c. Landslide Hazard Areas
 - d. Seismic Hazard Areas
 - e. Wetlands
 - f. Streams
2. Shoreline Substantial Development Permit
3. Public Agency and Utility Exception
4. Land Clearing, Grading, Excavation
5. Level II Tree Removal Permit

Scope of Conditions: According to the Central Puget Sound Growth Management Hearings Board, the Burke Gilman Trail is an Essential Public Facility under the Growth Management Act, RCW 36.70A (see Final Decision and Order in CPSGMHB Case No 07-3-0010c, *Cascade Bicycle et al. v. City of Lake Forest Park*; issued July 23, 2007). The Growth Management Hearings Board determined that a conditional use permit may be appropriate for a local jurisdiction's determination of reasonable conditions and mitigation measures, but a permit process cannot be used to deny a permit for a state or regional essential public facility. The Board also determined that Lake Forest Park's development regulations, including its criteria for consideration of conditional use permit applications, comply with Growth Management Act requirements applicable to Essential Public Facilities as interpreted by the Board (see Order of Compliance, CPSGMHB Case No. 07-3-0010c, *Cascade Bicycle et al. v. City of Lake Forest Park*; issued March 10, 2008).

LFPMC 18.54.030 indicates that a conditional use may be authorized by the hearing examiner following a public hearing and procedures established for conditional use permits. A conditional use may be authorized upon a finding that the proposal conforms to specific development criteria established for that use, and that it meets the criteria as outlined in 18.54.030 (A. through J.). LFPMC 18.54.047 specifically authorizes a multi-use trail as a conditional use in any zoning district in the City, and instructs the Hearing Examiner to impose appropriate conditions of approval that include, but are not limited to, limitations on size, location and screening, and to only issue a conditional use permit conditioned with any requirements of Chapter 18.54.

Concerns from the Public Identified: The following information in the next three paragraphs has been taken from the June 2008 FEIS pg 1-9 through 1-10, “There are several areas of controversy associated with the proposed Burke-Gilman Trail Redevelopment Project. Among trail users and local residents, the most common concern has been bicyclists who travel too fast or who travel in “packs” with what has been described as little regard for others. Many cyclists have complained about uncontrolled pets on the trail; children unable to control their bikes; and trailside homeowners using the trail right of way for parking vehicles, installing fences and plantings. Cyclists also complain that inconsistent trail signage presents a safety problem. Other complaints from trail users include the condition of the trail’s surface, lack of enforcement relating to speeding cyclists, lack of lighting, and a perception of inadequate maintenance on the part of King County. Among trailside homeowners, a major concern has been related to the proposed removal of stop and yield signs that are currently posted on the trail at a number of private driveways and minor road crossings. A number of trailside homeowners have expressed concerns about the fate of vegetation and fencing in the right of way that currently provides screening and privacy. A number of trailside homeowners also expressed concerns about drainage and lack of maintenance of the trail on the part of King County. As described below, one of the biggest areas of controversy has been related to signage along the trail.

One of the most contentious issues of the trail redevelopment project has been the existence of trail stop signs at private driveways and minor road crossings on the trail, directing trail users to stop and/or yield to vehicle traffic crossing the trail. Removal of these signs for trail users is included in the Redevelopment and Rebuild Alternatives. Because trail traffic volume is significantly higher than the motorized vehicle traffic volume at these intersections, cars would be required to stop or yield at all trail crossings, except the signalized intersections of NE 170th and Ballinger Way¹. This is consistent with recommendations included in Burke-Gilman Trail Crossing Plan (The Transpo Group, 2005). This is also consistent with the Manual on Uniform Traffic Control Devices (FHWA, 2003) and Washington State law regarding crossings and crosswalks, which note that in most cases the highest volume of traffic warrants the right of way, and that motorists must yield to crossing non-motorized traffic. The design includes a number of “alerts” for both cyclists and motorists that they are approaching a trail crossing, including signage, pavement markings, distinctive surfacing through the crossing, and tactile warning strips across the trail.

Some trailside homeowners have stated that the current stop/yield signs on the trail are important deterrents to cyclist speeding. Another major concern expressed by trailside homeowners is the issue of liability in the event an accident with a trail user were to occur with the new signage in place.”

¹ A December 1, 2008 letter from King County Parks Division director Kevin Brown to David Cline, City of Lake Forest Park City Administrator indicates that King County is committed to providing stop signs for both trail users and vehicles at NE 165th street near Beach Drive. (Exhibit 38)This commitment is considered part of the project by the City of Lake Forest Park in this Conditional Use Permit staff report.

In response to these concerns, the City requested that the applicant provide additional information (February 19, 2008 Letter from City of Lake Forest Park to Gina Auld, Exhibit 21) based on criteria in the City's Conditional Use Code. The applicant's response has included submittal items:

- Site Maintenance Plan - November 2007
- Law Enforcement Plan – November 2007
- Information for Technical Review – Design Speed, Speed Control Measures, Site Distance Triangles
- Sign Removal Schedule – September 2008
- NE 165th Crossing Design Rationale – September 30, 2008
- Drainage Technical Information Report Addendum - September 30, 2008

Existing Site Characteristics: The subject property is located between N 145th Street and Log Boom Park. The existing trail is a paved 10 feet wide regional trail developed on King County parcel numbers 1026049016 and 1526049003 (formally Burlington Northern railroad right of way). The BGT begins at 11th Avenue NW in Ballard (Seattle) and follows the Washington Ship Canal and north along Lake Washington to Bothell; at Blythe Park in Bothell, the trail becomes the Sammamish River Trail and continues for 11 miles to Marymoor Park.

Environmentally sensitive areas exist within the boundaries of the project area in the City of Lake Forest Park. Erosion, Landslide, Steep slopes, Seismic hazards, Wetlands, and Stream corridors are all present in different parts of the site. These areas are identified on the applicant's drawing sheets Sensitive/Hazard Area, September 2008, Sheets SH1.0 to SH1.9 and Sensitive Areas Exhibits, September 30, 2008, Sheets W1.0 to W4.3. (Exhibit 25 & 32)

The BGT was constructed on a former railroad embankment and is located a short distance from the northwestern shore of Lake Washington. The trail gradient is relatively flat. The existing asphalt surface trail is about 10 feet wide and has discontinuous grass and gravel shoulders on one or both sides of the trail. The width of the old railroad bed ranges from about 11 to 18 feet. A system of drainage ditches is located along the west side of the trail and existing retaining walls are located throughout the trail on both sides (the majority of walls in close proximity are located on the eastern side, there are approximately 13 retaining walls located on the western (uphill) side and 42 along the eastern (downhill) side of the trail). Single-family residential development is located on both sides of the trail along most of the alignment; the Sheridan Beach Club is located immediately east of the BGT where it intersects with NE 165th. The Existing Conditions Plans Sheets K2.0 through K2.9 indicates that some of the single-family residential developments along the BGT have encroached into the King County parcel.

CRITERIA ANALYSIS

The following criteria for a conditional use permit are established by Lake Forest Park Municipal Code 18.54.030. All of the following criteria must be met before a conditional use permit may be granted. The applicant has the burden of meeting all the criteria for an approval.

- A. *The proposed use is consistent with the policies and goals of the comprehensive plan;*
- B. *The proposed use is not materially detrimental to other property in the neighborhood;*
- C. *The proposed use will supply goods or services that will satisfy a need of the community;*
- D. *The proposed use is designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;*
- E. *The proposed use is designed in a manner that is compatible with the physical characteristics of the subject property;*
- F. *Any requested modifications to the standards of the underlying zoning shall require a variance and be subject to mitigation to minimize or remove any impacts from the modification;*
- G. *The proposed use is not in conflict with the health and safety of the community;*
- H. *The proposed use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood;*
- I. *The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities;*
- J. *The applicant's past performance regarding compliance with permit requirements and conditions of any previously issued land use permit including building permits, conditional uses or variances, shall be considered before approving and new permit.*

The applicant-provided discussion of compliance with the criteria is in the Conditional Use Permit Application submitted to the City on October 11, 2007.

Criterion A. The proposed use is consistent with the policies and goals of the comprehensive plan;

Policy RO 2.1 states that the City should “Promote development and maintenance of safe walking and bicycle paths through and throughout the City.” The Final EIS prepared for the Burke Gilman Trail redevelopment project indicated that the need for the project was to address safety and ease of use issues along the trail; this need is driven by five factors, including: 1) need to address trail surface irregularities, 2) need to meet minimum standards, 3) need to create uniformity along the trail, 4) need to accommodate an increasing number of trail users, and 5) need to accommodate the range of users in a safe manner.

Compliance with Recreation and Open Space Goals and Policies of the Comprehensive Plan is met by the proposal.

The following Transportation goals and Policies are relevant to the proposal:

Goal TR 4 Transportation: Non-motorized Transportation states “Maximize the opportunity for non-motorized travel including encouraging development of some rights-of-way to safely accommodate non-motorized travel and to establish a continuous non-motorized transportation network.

Policy TR 4.2 Develop a non-motorized transportation network based on the following criteria:

- a. Link pedestrian and bicycle facilities such as the Burke-Gilman Trail in King County to Montlake Terrace’s section of the Interurban Trail in Snohomish County
- b. Develop an on-road non-motorized network.
- c. When possible, distinguish between non-motorized commuter travel and recreational travel and consider the differing needs of the two types of travel when planning the non-motorized facility.
- d. Encourage and support development of off-road pedestrian and bicycle facilities.
- e. Coordinate linkages between off-road and on-road pedestrian and bicycle facilities.
- f. Consider impacts on pedestrians and bicycles when designing roadways.
- g. Emphasize continuous pedestrian and bicycle linkages to transit facilities. Improve connections to adjacent cities’ pathways. Fill in the gaps in current pathways.
- h. Develop safe pathways along major transportation corridors, including Ballinger Way and along SR 522 from 39th Avenue NE to NE 145th Street (South city limit). Collaborate with Seattle Public Utilities and the Lake Forest Park Water District to develop safe pathways along the Tolt Pipeline, within the Lake Forest Park Watershed and along McAleer Creek;
- j. In areas proposed for higher density, strongly support transportation infrastructure, including paved shoulders and paved pathways.
- k. Encourage the development of sidewalks and pedestrian walkways along shoulder of road

Policy TR 4.5 Encourage all users of paths and roadways to respect one another’s space. Protect, preserve and enhance steep slope, landslide, and seismic hazard areas.

Land Use Designation – The King County parcels that comprise the Burke Gilman Trail (formerly railroad right-of-way) have been designated as “Recreation/Open Spaces” by the City’s Future Land Use Map as adopted by Ordinance 932. The Recreation/open space category includes areas devoted to public recreational facilities such as parks, pedestrian trails and bicycle trails. This category also includes publicly open space, private and semi-private community clubs and other similar uses. (Page 37, comprehensive Plan.) The proposal is consistent with this designation.

The following selected sensitive area goals and policies apply to the proposal:

Goal EQ 1 – Sensitive Areas: General

Protect, preserve and enhance sensitive areas.

Policy EQ 1.1 The following shall be considered environmentally sensitive areas and regulated through the Lake Forest Park Municipal code: flood hazard areas, potential landslide hazard areas, potential steep slope hazard areas, erosion hazard areas, seismic hazard areas, wetlands and streams.

Goal EQ 3 – Sensitive Areas: Wetlands

Policy EQ 3.3 Wetlands should not be altered except where no other alternative exists or for approved mitigation projects.

Policy EQ 3.4 When development may affect wetlands, the following hierarchy shall be followed in determining the appropriate course of action: avoid any impact to the wetlands; minimize impacts to the wetlands; restore the wetland if the impacts are of a short-term or temporary nature; and recreate the wetland at a ratio which will assure its functions and values. Development activities shall not decrease the net acreage, values and functions of existing wetlands.

Goal EQ 4 – Sensitive Areas: Streams

Protect, preserve and enhance streams throughout Lake Forest Park.

Policy EQ 4.2 Maintain and provide setbacks and buffers along all streams and shorelines to retain and enhance the natural vegetation for infiltration, wildlife habitat maintenance and to mitigate runoff and erosion.

Goal EQ 7 – Sensitive Areas: Steep Slope, Landslide, and Seismic Hazard Areas

Protect, preserve and enhance steep slope, landslide, and seismic hazard areas.

Policy EQ 7.1 Development and alteration of steep slope, landslide and geologic hazard areas shall be discouraged and closely regulated. Land uses on steep slopes should be designed to prevent property damage and environmental degradation. As slope increases, development intensity, site coverage and vegetation removal should decrease to mitigate problems of erosion, drainage, siltation and landslides.

Goal EQ 8 – Fish and Wildlife Habitat

Protect, preserve and enhance fish and wildlife habitat. To improve biodiversity by implementing environmentally sustainable strategies.

Policy EQ 8.3 Provide riparian habitat protection by adopting and implementing appropriate buffers around wetlands, lakes, creeks and streams to protect native vegetation, water quality, fish and wildlife habitat and hydrologic function.

Goal EQ 11 – 11 Air Quality

Work cooperatively to improve air quality through effective land use decisions, public facility siting, clean energy sources and efficient transportation solutions and participation in federal, state and regional air quality programs.

Policy EQ 11.3 Support alternatives to the dependence on individual vehicles such as expanded mass transit, cycling, walking and other forms of non-motorized transportation in the City.

Subject to conditions proposed in this permit, compliance with Sensitive areas Goals and Policies of the Comprehensive Plan are met by the proposal.

This criterion is met.

Criterion B. The proposed use is not materially detrimental to other property in the neighborhood;

Property owners adjacent to the trail have expressed concern that the redevelopment of the BGT would adversely affect their properties' access and property value, and have undue noise and drainage impacts. In order to determine whether the proposed redevelopment would be materially detrimental to adjacent properties, these issues are discussed below.

Access: Approximately 30 residential properties, primarily adjacent to the south end of the trail, use the BGT parcel for vehicular access and parking. The FEIS Section 2.2.2 states that, "Over a period of years the railroad issued indefinite term leases to private property owners along the railroad right of way for various undertakings, such as building driveways, creating parking spaces, and planting gardens within the right of way. When the right of way changed hands from the railroad to King County, those leases became obsolete and had to be negotiated with the County. Pursuant to King County Code 14.30 and consistent with its management of the regional trails system; King County maintains a Special Use Permit system to authorize private use of County-owned property. These permits are issued on a renewable basis for a 5-year duration, but can be issued for a 10-year duration under limited circumstances. Although several homeowners obtained these permits in the past, most have expired. It is the intent of King County to work with current property owners to secure permits for these non-permitted uses. However, the County reserves the right to require removal of any structures should they adversely impact trail redevelopment."

The proposed trail design will maintain access to the residential properties that currently use the BGT parcel for vehicular and pedestrian access. There is no evidence that the trail improvement project will increase impacts to access in a significant degree above the impacts resulting from the existing trail.

Staff Recommended condition of approval: Trail redevelopment shall maintain vehicular and pedestrian access to adjacent properties at levels similar to current access.

Property Values: The impact the redevelopment of the BGT would have on adjacent properties' value is discussed in the June 2008 Final EIS in Section 3.12. The Final EIS states that "Some buyers may consider the trail an intrusion of privacy, while others may be attracted by the proximity to the trail for recreational and transportation uses. No effect on property values is expected since the redevelopment alternative involves redeveloping an existing trail within the existing King County right of way [parcel]."

Redevelopment will be an enlargement of an existing use; but staff has not identified a substantial change in property value impacts as a result of the project. There is no evidence that the trail improvement project will increase impacts to property values in a significant degree above the impacts resulting from the existing trail.

Staff Recommended condition of approval: None.

Noise: The Final EIS Section 3.9.1.2 identifies noises associated with the use of the BGT as: bicycles traveling on pavement, occasional bicycle warning device sounds (e.g. bells), foot traffic on pavement, and un-amplified human voices. Trail maintenance has involved occasional vehicular use of the trail (at slow speeds) and vegetative management (e.g. mowing and trimming); these occasional maintenance activities generate noise audible at nearby locations similar to existing neighborhood yard maintenance noise that occurs along the majority of the trail. The FEIS text indicates that it is unlikely that the noise generated by permitted trail uses would approach or exceed any of the City of Lake Forest Park noise criteria because such uses do not generate much noise. As a result, overall trail use is likely to be a minor source of noise in the overall acoustic environment. There is no evidence that the trail improvement project will increase impacts to access in a significant degree above the impacts resulting from the existing trail.

Staff Recommended condition of approval: None.

Drainage

The existing trail surface currently slopes towards ditches on the west side of the trail for 78% of its area. Under the preferred trail redevelopment alternative, described in the FEIS (on which the application is based), drainage patterns downstream of the trail differ from the existing condition in that drainage from the trail section is proposed to be discharged, as sheet flow towards the lake side of the trail. Drainage patterns upstream of the trail generally stay the same as the existing condition, with ditches and pipes conveying flow to existing culverts, wetlands, and streams prior to crossing under the trail towards Lake Washington.

The applicant's *Technical Information Report 100% Submittal*, September 30, 2008 (Exhibit 31) (in the unlabeled Table on page 2 of 7) quantifies the effects of the changes to drainage that result from the proposed condition of the trail where the entire trail is cross-sloped towards the lake. Page 3.2-12 of the FEIS for the BGT Redevelopment provides general discussion stating the following: "Approximately 11,600 square feet [this approximation is an error in the FEIS; the FEIS correctly approximates the square footage on page 3.4-11 as being 46,460 square feet] or 1.07 acres of total new impervious surface would be created along the corridor as a result of trail widening. The trail would be sloped to the east and stormwater generated would sheet flow to the east and toward Lake Washington, and not west toward the ditches; therefore, direct runoff from the trail is not expected to measurably increase stream velocities..... In addition, potential effects on or from downstream rockeries, steep slopes, and private property will also be

evaluated during final design, and a geotechnical opinion on dispersion feasibility will be included. The basic dispersion approach offers important benefits, including natural attenuation and treatment of runoff through soil and vegetation, a decrease in dependence on the existing stormwater infrastructure, as well as the opportunity to grade the proposed trail so as to minimize the need for retaining walls and impacts to existing screening along the lake side of the trail.”

Neighbors downstream of the trail have expressed concern about the proposal to increase sheet flow towards the lake. The following specific problem areas were identified in the EIS and are documented on page 12 of 40 of the August 27, 2007 *Technical Information Report*:

- Landslide hazard issues west of the trail near 15208 38th Place NE
- Inadequate drainage between 15550 and 15524 Beach Drive NE
- Concerns about drainage at 16835 Beach Drive NE
- Drainage problems at 17729 Beach Drive NE
- Drainage from trail damages road, even during summer and groundwater drains under trail causing property damage at 17753 Beach Drive NE

The City of Lake Forest Park Development Review Engineer (Hammond Collier Wade Livingstone) has reviewed the applicant’s stormwater drainage plans. The results of the review are demonstrated within the Hammond Collier Wade Livingstone Memorandum, November 6, 2008 - updated December 17 in response to December 12 submittal to City. (Exhibit 40)

As of December 18, 2008 the City of Lake Forest Park Development Review Engineer has determined that, in order to meet the intent of the King County Surface Water Design Manual and City Code, the following conditions should be placed on approval of the applicant’s drainage plans received to date.

1. Recommended Condition The trail’s cross slope shall be changed to slope to the west and collected and conveyed in the ditch system from station 0+00 to station 11+50, and 19+50 to 33+00.

The reason for this condition is that, to address the City’s concern that the drainage patterns are changing and possibly affecting downstream properties the applicant is proposing to utilize sheet flow dispersion from the trail. The manual indicates that when sheet flow dispersion is utilized, it requires a minimum of 10 feet of sheet flow through vegetation. However the plans do not show this 10 feet minimum flow path length for much of the area of concern. In general station 0+00 to station 11+50 and station 19+50 to 33+00 do not provide the full 10 feet or are too steep to allow dispersion to be effective before being concentrated via a wall, driveway or other structure or improvement.

The change in flow patterns and non-compliance with manual requirements due to altering the trail’s slope from its existing condition (sloping away from the lake) in the areas identified above justifies requiring mitigation of the increase in flows. Where there is insufficient room for the required 10-foot vegetative buffer on the trail right-of-way, the trail should continue to slope away from the lake regardless of the direct discharge exemption. The areas identified above are sections where the trail right-of-way abuts private property and not another public right-of-way. Many of these properties have existing drainage issues with groundwater seepage and surface runoff; adding the water from the trail will exacerbate the problems. Rarely does the

surface flow stay in a sheet flow condition to the lake, as it is usually concentrated by driveways and retaining walls shortly after leaving the trail surface.

2. Recommended Condition: Drainage from intersections with roads and driveways shall be handled with trench drains on the west side of the trail to collect and convey surface water to the existing conveyance systems; no berms may be used to direct sheet flow.

Trail widening and reconstruction of the intersections will remove existing trench drains and asphalt berms that collect and direct surface runoff from the roadway to the conveyance systems. The current plans do not show sufficient detail as to how surface water is collected and conveyed after redevelopment of the trail. Berms will not be allowed to direct sheet flow.

3. Recommended Condition: The downstream analysis shall be updated to reflect sheet flow from the trail and changes from adding flow to the existing ditches. The current downstream analysis does not address the sheet flow from the trail. The proposed redevelopment will allow the runoff to sheet flow to the east from the entire length of the trail. Some of this sheet flow may be collected and conveyed in existing systems that were addressed in the downstream analysis. However, much of the runoff will not be collected and conveyed in these existing systems, but flows to other systems including rockeries, steep slopes, private systems installed by property owners, or downslope roadway conveyance system - these are the systems that may become overtaxed by the changing of the drainage patterns on the trail and must be identified and addressed in the downstream analysis. Sheet flow dispersion and exemption from flow control does not permit the applicant to disregard the downstream analysis from the trail. If the downstream drainage path is not changed from the existing condition, then the existing analysis is sufficient.

Subject to conditions of approval, this Criterion is met.

Criterion C. The proposed use will supply goods or services that will satisfy a need of the community;

The Final Environmental Impact Statement (FEIS), issued June 25, 2008 Section 1.1.1.2, describes the need to expand the trail:

“Regional population growth has significantly increased trail use since its construction 30 years ago, especially by cyclists for both commuting and recreation. The continuing increase in population has put pressure on the region’s existing trails. While cyclists make up approximately 75 percent of trail users in the County, in the Lake Forest Park portion of the trail that number is closer to 80 percent according to a recent survey (the Transpo Group, 2005). The trail is expected to continue to increase in popularity as regional growth continues and as commuters continue to seek non-motorized forms of transportation. Encouraging non-motorized transportation is supported by King County, City of Seattle, and other public, private, and non-profit entity policies and initiatives (e.g. Washington State Commute Trip Reduction [CTR] law and programs, King County Commute Bonus Plus, King County Vehicle Miles Traveled [VMT], Bicycle Alliance and King County Bike Buddy Program, and Commute Challenge programs).

In 2004, King County released the new *Regional Trail Inventory and Implementation Guidelines* (Exhibit 1). This document includes guidelines for providing a connected system of trails serving a wide variety of users. It also addresses shared-use policies, appropriate trail surfaces, access control measures, street and driveway crossings, maintenance, and accessibility compliance. The guidelines recommend a paved surface at least as wide as that recommended in the current American Association of State Highway and Transportation Officials (AASHTO) Guidelines 1999 for shared use trails as well as recommending a separated soft surface pedestrian facility to the greatest extent possible along the length of the trail.”

In the application for the CUP, the applicant has stated, that “The proposed use would provide the residents of Lake Forest Park and surrounding communities with expanded recreational opportunities along the shoreline of Lake Washington. The City has a limited amount of park and open space and the expansion of an existing facility will be beneficial to all residents. Because the Lake Washington shoreline through Lake Forest Park is made up of primarily single-family development, the City has a limited amount of shoreline access points along the lake. Therefore, the Burke-Gilman Trail provides upland residents with some of the only shoreline opportunities in the city”.

The FEIS indicates that the BGT redevelopment project is needed to address safety and ease of use issues along the trail. The need is driven by five factors: 1) need to address trail surface irregularities; 2) need to meet minimum trail standards; 3) need to create uniformity along the trail; 4) need to accommodate an increasing number of trail users; and 5) need to accommodate the range of users in a safe manner.

This criterion is met.

Criterion D. The proposed use is designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;

The following discussion is organized under the topics of: physical improvements, and the landscape and fencing plans. Subject to compliance with recommended conditions, the design of the BGT redevelopment is compatible with the character and appearance of existing or proposed development on abutting properties.

Physical Improvements: The Burke Gilman Trail redevelopment involves widening the trail from 10 feet to 12 feet with a 3 foot shoulder on the east side of the trail and a 1 foot shoulder on the west side of the trail. Existing and proposed development in the vicinity consists of single-family residential structures and their accessory uses. Given the overall width of the parcel on which the trail is located, the fact that the trail has existed in its current location for over thirty years, similar multi-use trails are located in other residential neighborhoods in the Puget Sound region, and the fact the trail was formerly occupied by a railroad, the proposed physical improvements (trail widening and shoulder additions) are compatible with the appearance and character of existing and proposed development in the vicinity of the subject property.

Review of Landscaping and Fencing “Buffer” Plans: The redevelopment of the BGT will result in the removal of vegetation (native vegetation, weeds, residential gardens, and landscaping) and/or structures (fences/retaining wall) in the County owned trail parcel. The FEIS indicated that where vegetation or fencing is removed to accommodate the wider trail, new vegetation or fencing would be installed near the outer edge of the widened trail. Vegetation will be replanted as depicted in the Trail Planting Plan, BGT Redevelopment Project, October 5, 2007 Permit Set, Sheets L3.0 through L3.10 (Exhibit 6) and Sensitive Area Exhibits, Permit Submittal, September 30, 2008 (Exhibit 32). Depending on location, plants are to be replanted according to a “low screening,” or “medium screening,” as described in Section 3.4.3.4 of the Final EIS. Lower screening would be placed near intersections with roadways or driveways, or other locations that need improved sight distances. Medium screening would be placed further back from the trail outside of sight distance triangles, in locations where tall hedges or other vegetation was removed to accommodate the widened trail or improve site distances.

The June 2008 FEIS indicates that the applicant will conduct regular vegetation maintenance to preserve sight distance triangles. The applicant has submitted a Site Maintenance Plan for 2007 that demonstrates previous maintenance operations. (See criterion 6 for a discussion of maintenance).

The applicant’s landscape plans show plantings of trees, shrubs, and restoration seeding along the east side of the trail. The proposed plantings, along with the existing vegetation to remain, provide landscape screening of the trail. The size and spacing of the plants may make the buffer appear sparse upon planting; however more dense coverage will be achieved once plants reach maturity.

The plans show limited landscaping on the west side of the trail. This landscaping is primarily restoration seeding, with a few additional trees, and buffer or wetland mitigation. The proposed re-vegetation does not meet the requirements above, however existing vegetation and topography provide screening from adjacent properties. It appears that no fences are proposed to be used as screening.

Per the applicant’s plans, fences to be demolished are to be replaced with like fences. It appears from the TESC plans that existing vegetation is to be preserved wherever possible; however the demolition plans do not accurately reflect the limits of disturbance, vegetation removal, and vegetation to be retained. In addition to the comments above, the applicant’s landscape plans do not address LFPMP Section 16.14.080 - Tree Replacement, which states the following.

A. Replacement Required. Except for trees relocated in compliance with this chapter, each significant tree removed pursuant to a Level II tree removal permit shall be replaced by one new tree.

B. Replacement Trees – Standards. Replacement trees shall:

- 1. Equal or exceed one and one-half inch caliper for deciduous trees, or six to eight feet in height for evergreen trees;*
- 2. Meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock;*
- 3. Be planted to reestablish tree clusters where they previously existed, or to enhance protected tree clusters;*
- 4. Be planted in locations appropriate to the species' growth habit and horticultural requirements;*
- 5. Be located away from areas where damage is likely; and*
- 6. Be selected with consideration of the tree's maturation and maintenance requirements when they are to be planted adjacent to or under power lines, sidewalks, public rights-of-way, or in view corridors.*

Significant trees are proposed to be removed; however the landscape plans do not address tree replacement.

Suggested Conditions of approval:

1. See Criterion G. for vegetation maintenance and replacement conditions.
2. Update demolition plans to show limits of disturbance.
3. Provide a tree replacement plan per LFPMC Section 16.14.080; approval of a Public Agency Utility Exception is required for trees that would not be allowed to be removed per the LFPMC.

Subject to conditions of approval, this Criterion is met.

Criterion E. The proposed use is designed in a manner that is compatible with the physical characteristics of the subject property;

The existing trail is built on former rail road grade located in the center of a 50 to 100 foot wide parcel. The BGT within the City of Lake Forest Park was designed by the King County Department of Community and Environmental Development in 1975 and 1977. The parcel is characterized by a 11 to 18 foot wide graded bench (former rail-bed) with cut and embankment slopes between 2h:1v (horizontal : vertical) and 3h:1v for most of its length. Side slopes vary in location and extent, generally rising to the west and dropping toward the lake to the east. The longitudinal slope along the paved trail is less than two percent. The trail pavement currently consists of a 10-foot-wide asphalt surface, typically with two feet of dirt and discontinuous grass and gravel shoulder on one or both sides. Turf encroachment at trail edges has reduced asphalt width in some places to between 9 and 9.5 feet. The trail was initially designed with a one-foot margin on both sides as well as a shoulder, the width of which varies from less than a foot to more than eight feet. In general, the shoulder slopes away from the pavement. The pavement surface is irregular, with signs of settlement, cracking, and root heave. Invasive weeds as well as overgrown trees and shrubs predominate along much of the upland side of the trail. In many

places the ground on the upland (west side) slopes steeply into a drainage ditch, sometimes less than a foot from the edge of the pavement. Some sections of the drainage ditch are as deep as two to four feet below the surface of the trail. Improvements made in the King County BGT parcel, by property owners adjacent to the trail parcel were taken into consideration in the redevelopment design.

Work for the redevelopment of the BGT would entail widening of the trail that would extend into and through the following sensitive areas: (1) erosion, (2) steep slope, (3) landslide, (4) seismic, (5) wetlands, (6) streams. The applicant has submitted Public Agency and Utility Exception request for all work in sensitive areas where the requirements of Chapter 16 of the LFPMC would otherwise prohibit the BGT redevelopment proposal as designed by the applicant.

Recommended Condition: A PAUE must be obtained for work in sensitive areas (erosion, steep slope, landslide, seismic, wetland buffer, wetlands and stream buffer).

Subject to approval of the applicant's PAUE request for work in Sensitive Areas and the Stormwater Drainage Plans, this Criterion is met.

Criterion F. Any requested modifications to the standards of the underlying zoning shall require a variance and be subject to mitigation to minimize or remove any impacts from the modification;

No buildings proposed; the only development standard in the RS 7200 zone that applies is the impervious surface requirement. The maximum impervious surface in RS 7200 zone is 45% (LFPMC 18.22.080). In the narrower portion of the trail parcels, the impervious surface occupies a typical maximum of 36% of the parcel width. The proposal meets RS 7200 standards for maximum allowed impervious surface.

The Burke Gilman Trail project parcels are zoned RS-7200, Multi-use or multipurpose trails are a conditional use per LFPMC 18.54.047, subject to authorization by the hearing examiner following a public hearing and procedures established for conditional use permits. Criterion F is met.

Criterion G. The proposed use is not in conflict with the health and safety of the community;

Review of concerns discussed in the FEIS provides topics discussed under this criteria, including speed, Crime and trespass and maintenance.

Speed/Crime and Trespass: The FEIS 3.6.2.4 includes a discussion on speed and safety, "Both trail users and nearby residents have expressed concerns about speeding bicyclists on the trail. Such behavior is perceived to be dangerous to pedestrians and other trail users. The posted speed limit on the Burke-Gilman Trail in Lake Forest Park is 10 miles per hour. However, King County Code (KCC) requires a maximum speed limit of 15 mph on trails (KCC 7.12.295). To ensure consistency with the county code, the Redevelopment and Rebuild Alternatives would change the posted speed limit from 10 mph to 15 mph.

To help minimize some of the potential conflicts, the Redevelopment Alternative would be developed to provide the greatest amount of separation between trail users based on current King County guidelines (King County, 2004a). The trail would be 18 feet wide to provide adequate space for multiple-users to avoid conflicts. Beginning on the west side of the trail and moving east, it is proposed to include a 1-foot trail edge, a 3-foot soft-shoulder pedestrian trail, a 12-foot paved trail, a 1-foot soft-shoulder pedestrian trail, and a 1-foot trail edge (see Chapter 2). Faster modes of travel (bicycling and rollerblading) would occur on the paved section of the trail, and slower modes of travel (pedestrian) would generally occur on the soft-shoulder section of the trail. The trail would narrow to 12 feet at the McAleer Creek Bridge. However, a separated soft shoulder would be added on the east side of the trail between NE 165th Street and the bridge. Providing 12-feet of pavement accommodates the projected volume of users and provides predictability for the higher speed bicycle use. The wider shoulder and separated soft-surface trail provides better separation of different trail uses and thus improves trail safety. This alternative meets current King County and AASHTO guidelines for ideal trail widths on multi-use trails (King County, 2004a).”

The FEIS Section 3.12.3.1 indicates, “Some residents adjacent to the Burke-Gilman Trail perceive the potential for increased security issues such as trespassing on private property. Some residents also expressed concerns that the redeveloped trail would increase the use of the trail by transients and homeless people with the potential for increased trespass. Occasional incidents of trespass or other examples of security issues could occur on properties adjacent to the trail, but these are not expected to increase from existing conditions. King County’s experience with other trails suggests that the risk of increased trespass is likely to be counterbalanced by the increased public presence on the trail. The model trail user code of conduct in the King County Code (KCC) addresses these issues [KCC section 7.12.295(H)(9)] by stating that “[t]rail users should respect private lands adjacent to county trails and stay on trails to avoid trespassing on or interfering with adjacent private property.” Under KCC sections 7.12.650 and 7.12.670, anyone caught violating the code of conduct may be subject to a fine of up to \$500, and loss of park or recreation facility use privileges. With the incorporation of adequate public safety mitigation measures (see mitigation in Section 3.12.9, below); public safety impacts are not expected to substantially increase over current conditions. However, individually affected residents would likely view any increase in crime as being problematic. Residents’ perception of safety issues would likely change over time if the threats they anticipate to their safety do not materialize.

Some trailside residents have also expressed concerns about the lack of restroom facilities along the trail segment, and have provided anecdotal descriptions of inappropriate use of the corridor and adjacent property by some trail users. This segment of the trail is located immediately south of public restroom facilities located at Log Boom Park and approximately 2.8 miles north of public restroom facilities available at Matthews Beach Park and accessible from the trail. This distance between restroom locations is consistent with other existing King County trails in the region. Increased public presence on the trail may deter public urination and defecation on private property. As with any indecent exposure, violations should be reported to the City of Lake Forest Park police department.”

The FEIS Section 3.12.2.1 includes a discussion on safety issues: “The three most common types of reports were for vehicle prowls (16 incidents), burglaries (9 incidents) and malicious mischief (8 incidents), with the other 14 of the 45 reports consisting of thefts, motor vehicle thefts and suspicious activity. In general, the crime rate along the trail is lower than other parts of the city, except in the area of vehicle prowls (Freeman, personal communication, 2007). Published Reports and Existing Trail Crime Statistics Several studies have characterized and evaluated the effects of rail-trails on surrounding communities. Overall, the results indicate that typical concerns associated with proposed trail facilities (e.g., increase in crime and vandalism) have not materialized in any substantial way, although isolated incidents have occurred (City of Seattle, 1987; The Conservation Fund and Colorado State Parks, 1995; Feeney, 1997; Tracy and Morris, 1998; Indiana University, 2001; Greer, 2001).”

The applicant has submitted a Law Enforcement Plan (November 20, 2007) (Exhibit 17) for the BGT, including KCC 7.12.295 Trail use. The plan indicates that law enforcement rules on the BGT are the same as enforcement rules throughout the regional trail system. Enforcement is provided by the King County Sheriff’s Department on an as-needed basis, subject to notification. King County Animal Care and Control provides animal control services and enforcement of animal control laws. Emergency response may be provided at any time by local law enforcement subject to the provisions of State law.

Maintenance: On November 7, 2007 the applicant submitted the King County Parks Site Maintenance Plan (Exhibit 16). The Maintenance Plan indicated the description of maintenance along with the hours assigned to that task by month. The maintenance plan does not address the maintenance and monitoring of vegetation proposed to be planted in the areas disturbed by the construction of the BGT redevelopment (including the 10 foot vegetated strip adjacent to the trail (towards the lake).

Along with the general maintenance plan, the applicant has submitted maintenance and monitoring plan for the plantings proposed as mitigation measures in wetland, wetland buffers, and stream buffers (Sensitive Area Exhibits, September 30, 2008, Sheet W3.9) (Exhibit 32). The maintenance plan includes at least one visit per year for 5 years following the implementation of the mitigation plan. The plans indicate that during these maintenance visits, the installed planting areas (in wetlands and wetland/stream buffers) will be weeded by hand to remove any new shoots of no-native and/or invasive vegetation that are emerging. Maintenance visits will occur in August. If invasive/non-native species exceed 10 percent cover in the previous year’s monitoring report, two maintenance visits will be conducted: one in April and the second on August.

Suggested Condition of Approval to Address Speed and Criminal Trespass: King County shall provide on-going law enforcement to maintain safety of all users and maintain user conduct on the BGT in accordance with King County Code Title 7. Enforcement of King County Code Title 7 shall be provided for offenses such as:

1. Travel in excess of the 15 mph speed limit
2. Potentially negligent travel
3. Inattention to traffic control devices
4. Motorized travel
5. Passing inappropriately
6. Pets of leash
7. Straying from the trail
8. Not respecting the rights of others using the trail.

Suggested Condition of Approval to Address Maintenance: All vegetation shown on BGT Redevelopment Project, Permit Set, October 5, 2007 Sheets L3.0 through L3.10 (Exhibit 6) shall be monitored and maintained by the applicant on the same schedule and with the same scope as the plans approved by the City for the monitoring and maintenance of the vegetation in wetlands and wetland/stream buffers (Sensitive Areas Exhibits, Permit Submittal, September 30, 2008, Sheet W3.9) (Exhibit 32).

King County shall provide on-going maintenance to maintain safety of users and appearance of the trail, including but not limited to the following:

- a. A weed and litter free condition in areas designated for maintained landscaping, such as site triangles, plazas, lawn areas, and seating areas that require regular maintenance;
- b. mowing program for designated areas such as steep slopes;
- c. pruning of hazard trees;
- d. clean traffic control signage and clean trail surface.
- e. replacement of dead or dying plant material.

Criterion H. The proposed use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

The FEIS describes a concern of residents on the east side of the trail that they may have difficulty crossing the trail in a manner that preserves the safety for trail users. Two basic types of crossings exist: private roads and drives and public roads, especially 165th Street.

Intersection with private roads and drives: In previous reviews, staff expressed the concern that the proposed trail redevelopment does not meet applicable standards and guidelines in all cases (February 19, 2008 Letter from the City) (Exhibit 21). A description of proposed “deviations” from adopted guidelines was requested to be provided in order for the City to determine whether the proposal is consistent with criterion H. See discussion on page 11 of the City’s DEIS comment letter (12/18/07, Included within FEIS, Exhibit 22). Provide description of proposed “deviations”:

1. “Identify locations where guidelines are not met;
2. Justify why guidelines are not met;
3. Identify any proposed mitigating measures;
4. Identify the cost of meeting guidelines; and
5. Indicate appropriate priority and funding for future corrections.”

The requested description of proposed deviations was not provided. The applicant indicated that this deviations document was not provided due to the number of guideline documents listed.

In previous reviews staff expressed the concern that the proposed trail redevelopment documents do not provide adequate information to determine if the proposal meets applicable standards for trail horizontal and vertical angles of approach at oblique intersections to allow the City to review how intersection geometrics relate to and meet AASHTO guidelines. The limited rearward site lines from vehicles such as delivery vans and motor homes which restrict the ability of drivers to see approaching bicyclists is of particular concern. A further concern is pedestrian crossing of the trail to private homes and beach clubs.

Condition of Approval A detailed description of deviations (at oblique intersections) from the 2004 AASHTO Green Book is shall be provided prior to issuance of a Land Clearing, Grading, and Excavation permit. The purpose of the deviation list is to identify improvements to be made by the County or City should funding become available.

Adjacent Path Intersection at 165th. An “adjacent path intersection” occurs when a shared use path crosses a roadway at an existing intersection between two roadways.

In the City’s February 19, 2008 Comment Letter (Exhibit 21), the City of Lake Forest Park commented on the adjacent path intersection crossing located at NE 165th Street and Beach Drive NE. The City stated:

NE 165th Street/Beach Drive NE Crossing – Trail Alignment does not meet applicable guidelines per Figure 22 of the 1999 AASHTO Guide for the Development of Bicycle Facilities (AASHTO Bike Guide). Please provide discussion ... so that the City will have the information to determine whether the proposal is consistent with the City’s CUP criteria per LFPMC 18.54.030, including but not limited to: 18.54.030(G) – The proposed use is not in conflict with the health and safety of the community.

The applicant has responded to the City’s comment in documents dated June 30, 2008 (Exhibit 23), and September 30, 2008 (Exhibit 33).

The resolution to this issue is found in a December 1, 2008 letter (Exhibit 38) from King County Parks Division director Kevin Brown to David Cline, City of Lake Forest Park City Administrator which indicates that King County is committed to providing stop signs for both trail users and vehicles at NE 165th street near Beach Drive. This commitment is considered part of the project by the City of Lake Forest Park in this Conditional Use Permit staff report.

Condition of Approval Stop signs for both trail users and vehicles shall be provided at NE 165th street near Beach Drive.

Subject to conditions of approval, this criterion is met.

Criterion I. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities;

Public services potentially impacted include: police, fire, street maintenance, and stormwater. The applicant has submitted a (1) Law Enforcement Plan, (2) Maintenance Plan, and (3) is in process of developing final design for Stormwater Drainage plan. These documents are reviewed under other criteria.

Upon compliance with conditions related to Law Enforcement, Maintenance, and Drainage under other conditional use criteria, this criterion is met.

Criterion J. The applicant's past performance regarding compliance with permit requirements and conditions of any previously issued land use permit including building permits, conditional uses or variances, shall be considered before approving and new permit.

King County has obtained permits for previous construction in the City of Lake Forest Park; Staff is not aware of any violations.

SUMMARY OF CONDITIONS:

1. Trail redevelopment shall maintain vehicular and pedestrian access to adjacent properties at levels similar to current access.
2. The trail's cross slope shall be changed to slope to the west and collected and conveyed in the ditch system from station 0+00 to station 11+50, and 19+50 to 33+00.
3. Drainage from intersections with roads and driveways shall be handled with trench drains on the west side of the trail to collect and convey surface water to the existing conveyance systems; no berms may be used to direct sheet flow.
4. The downstream analysis shall be updated to reflect sheet flow from the trail and changes from adding flow to the existing ditches.
5. Update demolition plans to show limits of disturbance.
6. Provide a tree replacement plan per LFPMC Section 16.14.080; approval of a Public Agency Utility Exception is required for trees that would not be allowed to be removed per the LFPMC.
7. A PAUE must be obtained for work in sensitive areas (erosion, steep slope, landslide, seismic, wetland buffer, wetlands and stream buffer).

8. King County shall provide on-going law enforcement to maintain safety of all users and maintain user conduct on the BGT in accordance with King County Code Title 7. Enforcement of King County Code Title 7 shall be provided for offenses such as:
 - a. Travel in excess of the 15 mph speed limit
 - b. Potentially negligent travel
 - c. Inattention to traffic control devices
 - d. Motorized travel
 - e. Passing inappropriately
 - f. Pets of leash
 - g. Straying from the trail
 - h. Not respecting the rights of others using the trail.
9. All vegetation shown on BGT Redevelopment Project, Permit Set, October 5, 2007 Sheets L3.0 through L3.10 (Exhibit 6) shall be monitored and maintained by the applicant on the same schedule and with the same scope as the plans approved by the City for the monitoring and maintenance of the vegetation in wetlands and wetland/stream buffers (Sensitive Areas Exhibits, Permit Submittal, September 30, 2008, Sheet W3.9) (Exhibit 32).

King County shall provide on-going maintenance to maintain safety of users and appearance of the trail, including but not limited to the following:

- a. A weed and litter free condition in areas designated for maintained landscaping, such as site triangles, plazas, lawn areas, and seating areas that require regular maintenance;
 - b. mowing program for designated areas such as steep slopes;
 - c. pruning of hazard trees;
 - d. clean traffic control signage and clean trail surface.
 - e. replacement of dead or dying plant material.
10. A detailed description of deviations (at oblique intersections) from the 2004 AASHTO Green Book is shall be provided prior to issuance of a Land Clearing, Grading, and Excavation permit.
 11. Stop signs for both trail users and vehicles shall be provided at NE 165th street near Beach Drive.