

DRAFT

ORDINANCE NO. 963

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK; RELATING TO THE CITY'S CONDITIONAL USE ORDINANCE; AMENDING SECTION 18.54.047 OF THE LAKE FOREST PARK MUNICIPAL CODE PROVIDING CRITERIA FOR LOCAL TRAILS AND FOR MULTI-USE OR MULTI-PURPOSE TRAILS AND UNDER WHICH CONSTRUCTION, EXPANSION OR IMPROVEMENT OF MULTI-USE OR MULTI-PURPOSE TRAILS SHALL BE AUTHORIZED AS A CONDITIONAL USE

Whereas, the City of Lake Forest Park and its residents recognize that multi-use trails are an important part of local recreation and regional transportation; and

Whereas, the City Council is committed to the promotion of walking, jogging, cycling, dog walking and other activities on a trail that is popular and growing, and recognizes that City regulations should be designed to facilitate that multi-use in a way that is safe and promotes increased use; and

Whereas, multi-use trails are an important part of local recreation and regional transportation, regulations should facilitate both priorities; and

Whereas, the City Council of the City of Lake Forest Park desires to preserve and to promote benefits afforded to the community by encouraging a trail that accommodates a variety of users, while minimizing congestion and conflicts among users, and protecting the quality of life of neighbors of the trail; and

Whereas, the City Council has determined that revision to its conditional use ordinance will foster balanced, conjunctive uses of the trail to the maximum benefit of the community; now, therefore,

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

Section 1. Section 18.54.047 of the Lake Forest Park Municipal Code is amended as follows:

18.54.47 Multi-use or Multi-purpose trails.

A. Findings.

1. The City Council finds that the location of Multi-use or Multi-purpose trails in the City of Lake Forest Park provide the public with an important opportunity for recreation, outdoor activities and an alternative transportation mode in an urban environment.

DRAFT

1 2. The City Council finds that establishment, maintenance or improvement of Multi-
2 use or Multi-purpose trails in an urban environment, while providing general benefits to the
3 community, affects the quality of life for those living near a trail.
4

5 3. The City Council finds that the Multi-use or Multi-purpose nature of trails
6 presents different issues for different categories of users.
7

8 4. The City Council finds that the interests of the citizens of Lake Forest Park, trail
9 users, and those living near trails are served best by a conditional use process designed to
10 enhance the public's safety, to accommodate the interests of those living near trails, and to
11 provide for all interests.
12

13 B. Definitions. 14

15 1. “Impracticable” means incapable of being designed, constructed, and
16 implemented in an effective, efficient, lawful manner including consideration of
17 cost. When considering cost, an alternative is not practicable if the incremental
18 cost of the alternative is substantial in relation to the total project cost and
19 disproportionate to the incremental benefit provided by the alternative over other
20 lower cost alternatives.
21

22 2. “Multi-use trail” and “multi-purpose trail” means a paved recreational path for
23 non-motorized users that connects with or continues with such paths in other
24 cities, including but not limited to paths designed for use by: bicyclists, in-line
25 skaters, roller skaters, wheelchair users (both non-motorized and motorized) and
26 pedestrians, including walkers, runners, people with baby strollers, and people
27 walking dogs.
28

29 C. Whenever the Hearing Examiner concludes, based upon substantial evidence in the
30 record, that imposition of any required condition would
31

32 1. render installation or development of a regional multi use or multi purpose trail
33 impracticable, or
34

35 2. violate applicable state or federal law or regulations promulgated there under,
36

37 then the hearing examiner shall modify the condition to make development of the trail
38 practicable; provided, that if such modification cannot be made, then no condition shall be
39 imposed.
40

41 D. Each applicant for a conditional use under this section shall submit an application to the
42 city on a form provided by the city the following information:
43

44 1. a plan for proposed intersection control to provide for trail user safety and
45 reasonable convenience for traffic crossing the trail, including signage that
46 complies with requirements of this ordinance;
47

48 2. locations for radar activated speed indicating devices;

DRAFT

- 1
 - 2
 - 3
 - 4
 - 5
 - 6
 - 7
 - 8
 - 9
 - 10
 - 11
 - 12
 - 13
 - 14
 - 15
 - 16
 - 17
 - 18
 - 19
 - 20
 - 21
 - 22
 - 23
 - 24
 - 25
 - 26
 - 27
 - 28
 - 29
 - 30
 - 31
 - 32
 - 33
 - 34
 - 35
 - 36
 - 37
 - 38
 - 39
 - 40
 - 41
 - 42
 - 43
 - 44
 - 45
 - 46
3. a proposal for law enforcement on a multi use or multi purpose trail, to include the resources the applicant intends to allocate to trail law enforcement, the role of city police in law enforcement on the trail, the applicability of city ordinances to the trail, the court in which citations will be filed; or, as a supplement to the proposal or as an alternative to the proposal, the applicant may submit an executed contract with the city to provide law enforcement on the trail.
 4. a proposal to maintain or increase (a.) compatibility of the trail with adjacent uses and (b.) privacy of adjacent uses, including (i) screening consistent with the requirements of Chapter 18.62, but modified to account for safety in identified site triangles, and (ii) adequate lighting installed to minimize impacts on adjacent uses;
 5. a site plan showing trail design speed(s), sight distances, trail surface, trail width, speed control measures, and trail furniture;
 6. a proposal to accommodate different categories of trail users.
 7. a proposal for maintenance of drainage facilities, lighting, paved surfaces, signage, and furniture to include responsibility for maintenance, level of maintenance, and resources committed to maintenance;
- E. The application shall be processed according to Chapter 16.26. LFPMC (“Land Use Decision Procedures”).
- F. Trail Proposal Criteria
1. A local trail facility may be allowed, added to or altered as a conditional use in any land use zone of the City.
 2. Construction, expansion, improvement, or alteration of a regional multi-use or multi-purpose trail shall be allowed as a conditional use. In granting such conditional use, the hearing examiner shall, except as provided in subsection C herein, require that the proposal comply with all applicable requirements of this Chapter 18.54, and
 - a. require the applicant to permit the City, at City expense, to locate and install radar activated speed indication devices at sites reasonably approved by the applicant.
 - b. require that the minimum traffic control signage for trail crossings and trail users:
 - i. shall be a stop sign for trail users at a trail crossing that intersects a city street where such city street continues into residential areas and provides access to such areas.
 - ii. shall be a yield sign where a city street terminates at a trail and where such city street provides access to residential uses on the far side of

DRAFT

1 the trail. The Hearing Examiner may consider the application of this
2 requirement in similar situations where access may not be directly from a
3 public right-of-way but such access is provided by a neighborhood
4 collector roadway.

5 iii. In cases of trail crossings in the vicinity of commercial or other
6 highly congested areas, or where engineering judgment, as established by
7 evidence in the record would suggest, a stop sign for trail users or other
8 traffic control measures may be required.

9
10 c. require the trail to be aligned so that it enters into a controlled intersection
11 via a marked cross walk;

12
13 d. require that maximum posted speeds not exceed 15 MPH, provided that in
14 order to promote safety and use of the trail by multiple users, a speed limit of 10
15 MPH shall be posted in areas where user congestion, accident history, limited
16 sightlines or other conditions merit the lower speed limit, as established by
17 substantial evidence in the record.

18
19 e. require establishment of site distances consistent with a 20 MPH design at
20 all intersections between a trail and public or private roads, unless substantial
21 evidence in the record establishes different site distances are required for public
22 safety.

23
24 f. require the applicant to adopt, implement and maintain the proposed plan
25 submitted for law enforcement on the trail; provided, that an executed contract
26 with the city for law enforcement on the trail shall satisfy this requirement.

27
28 g. require, at a minimum, lighting at intersections of city streets and the trail
29 and in locations where residents must use the trail for pedestrian access to their
30 property, unless substantial evidence in the record requires additional trail lighting
31 to provide for public safety.

32
33 h. require the following setbacks: 10 feet whenever the right of way is 30
34 feet or less; or 12 feet whenever the right of way is 31 feet or greater; provided,
35 however, that whenever the applicant establishes by substantial evidence in the
36 record that a required setback renders installation or redevelopment of a trail
37 impracticable, the Hearing Examiner shall reduce the setback to accommodate the
38 paved width of the trail as proposed by the applicant.

39
40 i. except as provided in Section C, preserve the privacy of adjacent
41 residential uses by requiring the applicant to comply with the requirements of
42 Chapter 18.62; provided that if compliance with Chapter 18.62 impairs safety by
43 interfering with adequate site distances or the function of site triangles then
44 fencing or grade changes to buffer adjacent properties may be required.
45

DRAFT

1 j. allow installation of bollards to bar automobiles or motorcycles from the
2 trail when justified by substantial evidence in the record; and trail furniture,
3 including but not limited to benches and tables.
4

5 k. require the applicant to adopt, implement and maintain the proposal
6 submitted for trail maintenance
7

8 l. require incorporation of art according to a “one percent of capital costs”
9 formula.

10 m. require the applicant to permit the City, at City expense, to locate and
11 install directional and locational signage adjacent to the subject trail
12 including but not limited to points of entrance to the City, a city
13 neighborhood or commercial district, consistent with signage the City uses
14 at its parks and points of interest.

15 n. require the applicant to permit the City, at City expense, to locate and
16 install informational signage adjacent to the subject trail including but not
17 limited to signs designating areas participating in neighborhood block
18 watch programs, areas of high concentration of children, or denoting
19 circumstances requiring special consideration by trail users.

20 Section 2. If any section, subsection, sentence, clause, phrase or word of this Ordinance is
21 held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
22 unconstitutionality thereof shall not affect the validity or constitutionality of any other section,
23 subsection, sentence, clause, phrase or word of this Ordinance.
24

25 Section 3. This ordinance shall take effect after publication and posting as provided by law.
26

27 PASSED BY A MAJORITY VOTE of the members of the City of Lake Forest Park City
28 Council this _____ day of _____ 2007.
29

30
31 APPROVED:

32
33
34
35 _____
36 David R. Hutchinson, Mayor

37 ATTESTED:

38
39 _____
40 Susan Stine, City Clerk
41
42