



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager
From: Eric Shields, Planning Director
Date: May 7, 2008
Subject: Letter from Chuck Curran Regarding Zoning of Burlington Northern Railroad ROW

RECOMMENDATION

Authorize the mayor to sign the proposed response letter.

BACKGROUND DISCUSSION

Mr. Curran wrote to the City Council asking about the effect of zoning on use of the Burlington Northern ROW. The draft response letter indicates that zoning does not control ROW use.

April 21, 2008

Mayor and City Council Members
City of Kirkland
123 5th Ave.
Kirkland, Washington 98033

Re: Burlington Northern Railroad Right of Way (BNRR ROW)

Dear Sirs:

I note that the BNRR ROW through Kirkland is located on land zoned Residential. For the last 20 years that I have lived in Kirkland, the single track was used for freight by rail once a day by BNRR. I would appreciate a response as to how the BNRR Rail Line (an intensive specialty use) is allowed on land zoned for Residential use? I would think the ROW would have its own zoning designation or be zoned Heavy Industrial.

Perhaps BNRR has an easement with the City of Kirkland over this ROW for rail use. If so, is the easement assignable to a future owner of the ROW should it be sold to a non-freight rail user?

Thank You,

Chuck Curran
10411 NE 52nd St.
Kirkland, WA 98033

May 20, 2008

Chuck Curran
10411 NE 52nd Street
Kirkland, WA 98033

DRAFT

RE: Burlington Northern Railroad Right of Way

Dear Mr. Curran:

Thank you for your letter asking about the zoning of the Burlington Northern railroad right of way. As you noted in your letter, portions of the right of way passing through Kirkland are located within single family residential zones. The Kirkland Zoning Code establishes regulations governing the permitted uses and development regulations within each zone. However, the zoning code has very limited effect on the use of railroad rights of way.

Most rights of way within the City are public streets that are used for automobile, bicycle and pedestrian transportation. Railroad rights of way are governed by federal laws that protect their use for rail purposes. Other uses, such as utility and communication corridors may also be allowed. Under certain conditions, railroad rights of way may be abandoned or they may be banked for future rail use and converted for use as public trails. In any event, use of these rights of way is governed by federal laws, not local zoning regulations.

As you may know, it appears likely that the Burlington Northern right of way may be acquired by the Port of Seattle for use as a recreational trail and, potentially in the future, for freight and/ or commuter rail service. Although the City does not have zoning authority to regulate such uses, the City Council will be closely monitoring any plans for the right of way and will do whatever we can to assure that future uses are in the best interests of the City of Kirkland.

Thank you again for your inquiry. Juliana Elsom in the Public Works Department will be following plans for the right of way as they unfold. Please feel free to contact her at 425-587-3806 or at jelsom@ci.kirkland.wa.us if you would like additional information.

Sincerely
Kirkland City Council

By: Jim Lauinger, Mayor

cc: Daryl Grigsby, Public Works Director
Juliana Elsom, Senior Operations and Finance Analyst