

BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

IN RE: STATE ROUTE 2)	
DECEPTION CREEK TO BNRR O-XING)	
M.P. 56.69 to M.P. 59.00)	FINDINGS AND ORDER
COMBINED HEARING ON DESIGN AND)	
LIMITED ACCESS)	

The hearing on the above entitled matter was held, upon due notice to interested parties, beginning at 7 p.m., Tuesday, March 11, 1986, in the Skykomish High School Cafeteria at Skykomish, Washington, before John McRae, Hearing Examiner.

Interested parties and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Mike Nicefaro, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

DAVID K. ELIE, by self, 3714 Northeast 151st Street, Seattle, Washington 98155;

PETER L. HEUSSY, by self, 1534 Northeast 103rd, Seattle, Washington 98125;

PETER L. HEUSSY, JR., by self, 3101 Northeast 145th, No. 209, Seattle, Washington;

KARL JOHANSEN, by self, 1839 North 57th Street, Seattle, Washington;

PAUL P. KAVADAS, by self, 217 Alder Street No. 305, Edmonds, Washington 98020;

ANDREW AND IRMA KRUZICH, 8411 Juanita Drive NE, Kirkland, Washington 98033;

JEFF KUTZ, by self, P.O. Box 874, Kingston, Washington 98346;

JOHN KVINGE, by self, 9738 Second Avenue NW, Seattle, Washington;

JACK C. LONGWAY, 12816 Holiday Drive, Kirkland, Washington 98034;

LARRY C. LYNDE, by self, 9727 College Way N., Seattle, Washington;

JOHN MCBRADY, by self, 2331 North 136th, Seattle, Washington 98133;

U. MILBURN, 16255 - 37th NE, Seattle, Washington 98155;

ARNE E. NELSON, by self, 4205 Aikins Avenue NW, Seattle, Washington 98166;

EINAR H. PEDERSON, 930 Viewmoor Drive, Edmonds, Washington 98020;

MATTHEW J. RINALDI, 23910 80th Way W., Edmonds, Washington 98020;

DORIS AND CHARLES RUSSEL, by self, 14012 Southeast 20th, Bellevue, Washington 98009;

BOB STEINER, by self, 2926 Northeast 193rd, Seattle, Washington;

HOWARD STEVENS, by self, 12719 Holmes Point Drive, Kirkland, Washington 98033;

KLEV W. SCHOENING, by self, 5320 Northeast 187th, Seattle, Washington 98155;

NILS TVEITANE, 15564 - 62nd Avenue NE, Bothell, Washington 98011;

STEVE WESCOTT, by self, 140 Northeast 52nd, Seattle, Washington 98105;

DANA SCHOENING BRACHT, 5320 Northeast 187th, Seattle, Washington 98155;

WILLIAM K. AND CARMELLA SCHOENING, 5320 Northeast 187th, Seattle, Washington 98155;

DENISE DARLING, 5320 Northeast 187th, Seattle, Washington 98155;

BERGLIOT ROSWICK, 3233 Northwest 62nd Street, Seattle, Washington 98107;

MARTIN P. MITTET, Attorney, 569-D Division Street, Port Orchard, Washington 98366.

As a courtesy to interested citizens, the Commission furnishes a copy of the Findings and Order to all persons filing a Notice of Appearance, even though some may not properly be parties to the hearing. For administrative convenience, all persons filing a Notice of Appearance are included in the listing above. The Commission, by including a person in this listing and by furnishing a copy of the Findings and Order, does not acknowledge or necessarily recognize the recipient to be a proper party to the hearing.

The meeting was called to order by Roland C. Cook, District Administrator, after which witnesses were called. Evidence was taken by a Court Reporter and thereafter transcribed. Certain exhibits were duly introduced as evidence. The undersigned members of the Transportation Commission have personally considered the transcript of the hearing. Based upon the oral evidence and the exhibits introduced in evidence, the Transportation Commission of the state of Washington makes the following findings;

I

Prior to January 31, 1986, a plan for the establishment of a limited access highway over a portion of State Route 2 in King County, Washington, was ordered under Commission Resolution No. 1450, and its amendments and supplements thereto.

Such a plan was prepared and entitled "SR 2, DECEPTION CREEK VICINITY TO B.N.R.R. CO. OVERCROSSING, M.P. 56.69 to M.P. 59.00, KING COUNTY," sheets 1 through 5 of 5 sheets, dated January 31, 1986. These sheets were introduced into evidence marked as Exhibit Nos. 9a through 9e, which were made a part of the hearing record.

II

The Department of Transportation received from the public agencies concerned with the proposed plan their available data on planning, land use, local traffic, and such other information required, and thereafter prepared and submitted to the appropriate local officials an Access Report showing how those factors have been taken into account and covering other matters required by RCW 47.52.131, et seq. A copy of that Access Report was introduced into evidence marked Exhibit No. 5.

By letter dated January 15, 1986, the King County Director of Public Works gave his concurrence to the plan and the Access Report and said letter was introduced into evidence marked Exhibit No. 6.

III

On January 31, 1986, the Project Development Engineer by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52.131, et seq. The Order of Hearing was introduced into evidence marked as Exhibit No. 1.

IV

Lue Clarkson, Administrator, Washington State Transportation Commission, issued a Notice of Hearing. On February 11, 1986, an exact copy of this notice was mailed to King County, various agencies and other interested parties, and to each of those record owners of property listed on the County Tax Roll, as depicted in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 3. An exact copy of the notice was published in the Everett Herald on February 10 and March 4, 1986, as shown by the Affidavit of Publication of Rhonda L. Oates, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2a. An exact copy of the notice

was published in the Seattle Post Intelligencer on February 12 and March 4, 1986 as shown by the Affidavit of Publication of S. Kitajo, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2b.

V

The plan proposes the establishment of a partially controlled limited access facility for SR 2 from Deception Creek to B.N.R.R. Overcrossing between Station 80+49.13 and Station 202+60.48, as shown on sheets 1 through 5 of 5 sheets entitled "SR 2, DECEPTION CREEK VICINITY TO B.N.R.R. CO. OVERCROSSING, M.P. 56.69 to M.P. 59.00, KING COUNTY."

VI

This section of State Route 2 is an important part of the highway system of the state of Washington and represents a substantial expenditure in construction costs. It is functionally classified as a Principal Arterial, and commission Policy provides for access control on highways of this type. In doing so, the investment of public funds is protected by preserving the highway for future use.

The efficiency of the highway as a means of moving a maximum volume of traffic in safety is directly related to the number of access points. It has been demonstrated in the past that, as property owners establish approaches to the highway for their personal use or for business enterprise, the problem becomes increasingly great and the road gradually becomes obsolete. Therefore, access points should be kept to a minimum consistent with allowing local traffic adequate use of the facility at properly designed interchanges, intersections, and approaches.

The plan for the establishment of a partially controlled limited access highway facility on State Route 2 in King County,

introduced into evidence marked Exhibit Nos. 9a through 9e, will facilitate travel, reduce accident rates, preserve the public investment, and sustain the highway as a modern transportation facility.

VII

In addition to the exhibits previously mentioned, the following exhibits were entered into evidence at or subsequent to the hearing and made a part of the hearing record:

- | | |
|----------------|---|
| Exhibit No. 4a | Determination of Nonsignificance, dated December 4, 1985. |
| Exhibit No. 4b | Wetland/Biological Assessment, dated November 1985. |
| Exhibit No. 4c | Endangered Species Assessment, dated October 1985. |
| Exhibit No. 7 | Preliminary Design Report entitled Deception Cr. to BN-Overcrossing. |
| Exhibit No. 8 | Typical roadway section. |
| Exhibit No. 10 | Letter dated March 2, 1986, from Paul P. Kavadas. |
| Exhibit No. 11 | Letter dated March 3, 1986, from Martin P. Mittet, attorney representing Bergliot Roswick. |
| Exhibit No. 12 | Letter dated February 21, 1986, from Klev W. Schoening, Dana Schoening Bracht, Denise R. Darling, David Elie. |

- Exhibit No. 13 Letter dated February 16, 1986, from Peter L. Heussy.
- Exhibit No. 14 Reserved exhibit - Plan sheets that are colored to match the overhead slides that were presented showing specific attention to the proposed relocated Puget Power easement corridor.
- Exhibit No. 15 Reserved exhibit - Response to the proposal that the alignment be shifted to a more northerly configuration.
- Exhibit No. 16 Reserved exhibit - No exhibit submitted by department.
- Exhibit No. 17 Letter dated March 3, 1986, from Arne E. Nelson.
- Exhibit No. 18 Letter dated March 12, 1986, from Jeff Kutz.
- Exhibit No. 19 Letter dated March 13, 1986, from Howard Stevens.
- Exhibit No. 20 Letter dated March 15, 1986, from Paul Kavadas.
- Exhibit No. 21 Letter dated March 17, 1986, from John H. McBrady.
- Exhibit No. 22 Letter dated March 18, 1986, from Larry Lynde.
- Exhibit No. 23 Letter dated March 20, 1986, from Steve Wescott.

VIII

As a result of evidence and public concern at and subsequent to the hearing, the department has reevaluated the proposed plan presented at the hearing. The reevaluation has resulted in the development of a new plan which has shifted the center line of the highway northerly towards the river. This alignment will minimize the impact on the parcels on the south side of the highway and on the Puget Sound Power and Light easement.

The new plan was presented at an interagency meeting held November 4, 1986, in Bellevue and at a public meeting held March 10, 1987, in Monroe. The revised plan has been entered into the formal record marked as Exhibit No. 15a through 15e.

IX

The commission has considered evidence on the entire portion of the above entitled highway and finds the plans introduced into evidence marked Exhibit No. 15a through 15e should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheet 2 of 5 sheets to add a Type C approach between Sta. 80+67.42 and Sta. 83+00 Lt. to allow access to the parking area just west of Deception Creek. Pedestrians will be allowed to cross the highway to utilize the trail on the south side of the highway in this area. This plan revision was recommended by the Department of Transportation on page 37 of the hearing transcript.
2. Revise plan sheet 4 of 5 sheets to relocate the Type A approach at Sta. 166+29 Rt. to Sta. 168+00 Rt. for parcel Nos. 2-02549, 2-02572, and 2-02573 and widen it to 24 feet as presented as a recommended plan change by the department at the hearing.

3. Revise plan sheet 4 of 5 sheets to revise the width of the Type A approach at Sta. 166+29 Rt. from 14 feet to 24 feet as requested by Mr. Paul Kavadas in Exhibit No. 10 and is recommended by the department.
4. Revise plan sheet 4 of 5 sheets to add a note to permit parking on the right between Sta. 164+75 and Sta. 166+18₊ in the designated parking area.
5. Revise plan sheets 1 through 5 of 5 sheets to make minor plan revisions, to correct ownership and parcel details, area computations, and right of way details.

X

The Commission also considered the following requests made at or subsequent to the hearing within the ten-day open record period and makes the following findings:

1. Mr. Paul P. Kavadas, in Exhibit No. 10, requested that the access control lines not extend across the Tye River and that the road approach at Sta. 166+29 Rt. be wider than 14 feet. Mr. Kavadas was also concerned with the highway drainage, relocation of an electrical transmission tower, and maintenance of a dike in the Tye River, and requested a grade intersection at Sta. 166+29.

The access control lines Mr. Kavadas is concerned about are on Forest Service property and are shown for the purposes of interim access control until construction of the project is completed. Upon completion of the project, the right of way and access control lines will be revised to conform to the as-built construction limits as set forth in the Memorandum of Understanding. The road approach at Sta. 166+29 Rt. will be designated

not to exceed 24 feet in width. The alignment has been shifted to the north to eliminate the need for relocation of the transmission tower as shown on Exhibit Nos. 15a through 15e.

The request for a public grade intersection at Sta. 166+29 Rt. will have to be made to King County by adjacent property owners.

The drainage matters and the disposition of the dike will be considered at the time of right of way negotiations.

2. Mr. Martin P. Mittet, attorney for Bergliot Roswick in Exhibit No. 11, requested that if the project is approved as proposed, the department purchase the entire lot from Ms. Roswick at its present fair market value.

Since the alignment has been shifted to the area, it will no longer be necessary to acquire right of way from this parcel. Only access control will be acquired. (Exhibit No. 15d)

3. Klev W. Schoening, Dana Schoening Bracht, Dennis R. Darling, and David Elie, in Exhibit No. 12, requested that the department send documentation as to the 100-foot power line right of way easement across their property.

A response to the letter and copies of documentation were sent on April 1, 1986.

4. Mr. Arnie E. Nelson, in Exhibit No. 17, requests access through the CR 5 and CR 5a line with additional access at Sta. 166+29 Rt. Mr. Nelson also suggests some

revisions to the existing drainage system and moving an existing gate.

Parcel No. 2-02550 has access at Sta. 166+29. Access is also provided by the CR 5a line. The drainage matters and relocation of the existing gate will be considered at the time of right of way negotiations.

5. Mr. Jeff Kutz, in Exhibit No. 18, expressed concern about the width of the right of way required to be taken from his property and possible noise pollution.

The department has reduced the right of way widths wherever feasible and not necessary for the construction of the project. The department will remove only the trees necessary for construction.

6. A number of comments and letters were received at and subsequent to the hearing requesting the alignment be shifted to the north to avoid the power line easement and to lessen the impacts on existing residences on the south.

The alignment has been shifted to the north to lessen the impact on the parcels on the south side of the highway. (Exhibit 15a - 15e)

7. A number of comments and letters were received at and subsequent to the hearing regarding chain-up/off areas and parking areas along the highway.

The department indicated at the hearing that the chain-up areas will be lengthened to accommodate more vehicles. With the shift of the alignment to the north, the chain-off areas at Sta. 139+00 to Sta. 147+00 Lt. and Sta. 154+50 to Sta. 157+50 Lt.

will be eliminated. They will be replaced by a chain-off area from Sta. 90+00 to Sta. 100+00 Lt. A parking area will be constructed on the right between Sta. 164+75₊ and Sta. 166+18₊.

XI

The Commission particularly finds in the case of each abutting ownership that the adoption of the plan making said highway a limited access facility, said plan being attached hereto and marked Exhibit "A," is required for public convenience and necessity.

Based upon the foregoing findings and the evidence supporting them, the Transportation Commission of the state of Washington,

ORDERS:

I

That the section of State Route 2 in King County as described as follows is hereby designated as a limited access highway of the partially controlled type:

Between Sta. 80+56.88 and Sta. 202+58.90 as shown on sheets 1 through 5 of 5 sheets of the right of way and limited access plan entitled "SR 2, DECEPTION CREEK VICINITY TO B.N.R.R. CO. OVERCROSSING, M.P. 56.69 to M.P. 59.00, King County."

II

That the plans set forth in Exhibit Nos. 15a through 15e for the establishment of access control on

said highway be revised as follows and as shown on Exhibit "A" hereto attached and by this reference made a part hereof:

1. Revise plan sheet 2 of 5 sheets to add a Type C approach between Sta. 80+67.42 and Sta. 83+00 Lt. to allow access to the parking area just west of Deception Creek and to allow pedestrians to cross the highway in this area.
2. Revise plan sheet 4 of 5 sheets to relocate the joint use Type A approach at Sta. 166+29 Rt. to Sta. 168+00 Rt. for parcels Nos. 2-02549, 2-02572, and 2-02573. This approach will be widened to 24 feet.
3. Revise plan sheet 4 of 5 sheets to revise the width of the Type A approach at Sta. 166+29 Rt. from 14 feet to 24 feet.
4. Revise plan sheet 4 of 5 sheets to add a note to permit parking on the right between Sta. 164+75 and Sta. 166+18+.
5. Revise plan sheets 1 through 5 of 5 sheets to make minor plan revisions and to correct ownerships and parcel details, area computations, and right of way details.

III

That the plan entitled "SR 2, DECEPTION CREEK VICINITY TO B.N.R.R. CO. OVERCROSSING, M.P. 56.69 TO M.P. 59.00, KING COUNTY," sheets 1 through 5 of 5 sheets, as revised above and as shown on Exhibit "A," be and the same is hereby adopted.

That the following plans are hereby superseded:

"PRIMARY STATE HIGHWAY NO. 15, SCENIC VICINITY," Right of Way plan, King County, sheet 2 (pt.) of 4 sheets, approved February 11, 1941.

"PRIMARY STATE HIGHWAY NO. 15, SECTION 2, SCENIC VICINITY," Right of Way plans, King County, sheets 1 through 3, approved November 12, 1941.

ADOPTED this 16th day of July, 1987.

WASHINGTON STATE TRANSPORTATION COMMISSION

Leo B. Sweeney
LEO B. SWEENEY, Chairman

William J. Kamps
WILLIAM J. KAMPS, Vice Chairman

Jerry B. Overton
JERRY B. OVERTON, Member

VAUGHN HUBBARD, Member

Bernice Stern
BERNICE STERN, Member

RICHARD ODABASHIAN, Member

Albert D. Rosellini
ALBERT D. ROSELLINI, Member

ATTEST:

Lue Clarkson
LUE CLARKSON, Administrator

APPROVED AS TO FORM:

Theodore Thomas
Assistant Attorney General