

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 101)
CROSBY BLVD./COOPER POINT ROAD)
INTERCHANGE VICINITY)
MP 367.18 TO MP 366.15)
HEARING ON LIMITED ACCESS)

FINDINGS AND ORDER

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 6:30 p.m. Tuesday, February 23, 1999 at Cavanaugh's at Capitol Lake, 2300 Evergreen Park Drive, Olympia Washington, before Michelle Whetsel, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Anne Spangler, Assistant Attorney General, PO Box 40113, Olympia, Washington 98504-0113;

OLYMPIA TRIANGLE ASSOCIATES, by Jim Foster, 40 lake Bellevue Drive, Suite 100, Bellevue, WA 98005;

TONY GODAT, by self, 2848 26th Ave N.E., Olympia, WA 98506;

OLYMPIC COUNSELING SERVICES, by Bob Jelvik, 9303 Littlerock Road S.W., Olympia, WA 98512;

R. FREY & ASSOCIATES, by Ray Frey, 1075 Bellevue Way N.E. #117, Bellevue, WA 98004;

CITY OF TUMWATER, by Jay Eaton, Director of Public Works, 555 Israel Rd. S.W., Tumwater, WA 98501;

JOHN DREBICK, by self, 2404 Chandler Ct. S.W., Olympia, WA 98502;

CITY OF OLYMPIA, by Randy Wesselman, D.P.W. Transportation Manager, P.O. Box 1967, Olympia, WA 98507;

ATLANTIC RICHFIELD COMPANY, by Bradley A. Lindskog, 16875 S.E. 47th Way, Bellevue, WA 98006;

AUTUMN CONSULTING, by Rodney Hash, 13910 N.E. 14th St. A-4, Bellevue, WA 98005;

As a courtesy to interested citizens, the Department of Transportation 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 listed above. The Department, 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 under the provisions of RCW 47.52 *et seq.*, by John Wynands, Olympic Region Project Engineer, after which witnesses were called and evidence was recorded by a Court Reporter who, thereafter, transcribed the verbal testimony. Certain exhibits were duly introduced as evidence. Based upon the oral evidence and the exhibits introduced into evidence, and acting under the authority of the Secretary of Transportation for the State of Washington the Assistant Secretary of Environment and Engineering makes the following findings:

I

Prior to July 23, 1953, a plan for the establishment of a limited access highway over State Route 101 in Thurston County, Washington, was ordered under Commission Resolution No. 95 and amendments thereto.

Such a plan was prepared and entitled "SR 101, MOTTMAN ROAD INTERCHANGE, THURSTON COUNTY" sheets 1 and 3 of 3 sheets. These sheets were introduced into evidence marked Exhibit No. 5, which was made a part of the hearing record.

II

The Department of Transportation received from public agencies concerned with the proposed plan their available data on planning, land use, local traffic, and other information required, and thereafter prepared and submitted to the appropriate 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 report was introduced into evidence marked Exhibit No. 4.

III

On January 22, 1999 the State Design 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 Exhibit No. 1.

IV

Juanita Jackson, Public Involvement Coordinator, Washington State Department of Transportation, Olympic Region, issued a Notice of Hearing. On February 1, 1999 an exact copy of this notice was

mailed to various agencies and interested parties, and to each of the 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. 2. Exact copies of the notice were published in The Olympian on February 8th, and 15th, 1999, as shown by Affidavit of Publication of Ruth Richard, Publishers Representative of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3.

V

The plan proposes the modification of fully controlled limited access facilities for State Route 101 in the vicinity of the of the interchange of SR 101 with Crosby Blvd. and Cooper Point Road between Sta. 50+00± and Sta. 75+00± as shown on sheets 1 and 3 of 3 sheets entitled "SR 101, MOTTMAN ROAD INTERCHANGE, MP 367.18 TO MP 366.15, THURSTON COUNTY", dated October 6, 1972, revised January 22, 1999.

VI

This section of State Route 101 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 an Urban Principal Arterial and the Department of Transportation Policy provides for full access control on highways of this type. In doing so, the investment of public funds is protected by preserving the highway for efficient future use.

The Right of Way and Limited Access Plans for the modification of the limited access control facility on SR 101, MOTTMAN ROAD INTERCHANGE, introduced into evidence marked Exhibit No. 5, 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 part of the hearing record:

Exhibit No. 6 The parcel/access descriptions used during the hearing presentation.

VIII

The Assistant Secretary of Environmental and Engineering has considered evidence on the entire portion of the above entitled highway and finds the plans should be modified as hereinafter set forth.

1. Minor revisions to correct ownerships and parcel details, area computations, and right of way details are shown on plan sheets 1 and 3 of 3 sheets.

IX

The Assistant Secretary for Environment and Engineering specifically 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 Assistant Secretary of Environment and Engineering for the Department of Transportation of the State of Washington

ORDERS:

I

That the section of State Route 101 in Thurston County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Sta. 50+00+ and Sta. 75+00+ as shown on sheets 1 and 3 of 3 sheets entitled "SR 101, MOTTMAN ROAD INTERCHANGE , MP 367.18 TO MP 366.15, THURSTON COUNTY".

II

That the plan set forth in Exhibit No. 5 for the modification of access control of said highway be revised as follows, and as shown on Exhibit "A" hereto attached and by this reference made a part thereof.

1. Show minor revisions to correct ownerships and parcel details, area computations, and right of way details are shown on plan sheets 1 and 3 of 3 sheets.

III

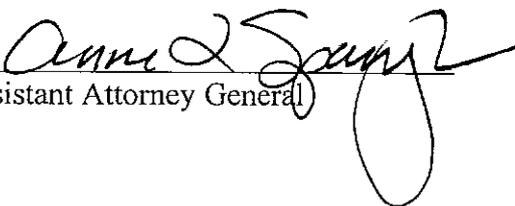
That the entitled, "SR 101, , MOTTMAN ROAD INTERCHANGE, MP 367.18 TO MP 366.15, THURSTON COUNTY", sheets 1 and 3 of 3 sheets, as reflected in Exhibit "A", is hereby adopted.

ADOPTED THIS 15th DAY OF April, 1999

ASSISTANT SECRETARY OF
ENVIRONMENT AND ENGINEERING
SERVICE CENTER



Approved as to form:



Assistant Attorney General