

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 101)
SEQUIM BYPASS)
MP 262.30 TO MP 267.92)
COMBINED HEARING ON DESIGN)
AND LIMITED ACCESS)

FINDINGS AND ORDER
(Relating to Limited Access)

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 7:00 p.m., on Tuesday, January 24, 1995, at the Guy Cole Convention Center, Carrie Blake Park, 202 North Blake Avenue, Sequim, Washington, before Robert Lundgaard, Hearing Examiner.

The interested persons and organizations were represented as follows:

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

BELL, DELANE AND MARY, by selves, PO Box 183, Sequim, WA 98382;

BOGGS, WILLIAM A., by self, 104 Boggs Place, Sequim, WA 98382;

BROWN, ROBERT W., by self, 210 Simpson Road, Sequim, WA 98382-9348;

CASSALERY, ALMON W. & GRACE, by selves, 30 Foxfire Lane, Sequim, WA 98382;

SEQUIM CHAMBER OF COMMERCE, by Esther Veltkamp, PO Box 907, Sequim, WA 98382;

EIRICH, TERRY R., by self, 3050 Contut Court, Spring Valley, CA 91977;

ENBYSK, BETTY JOYCE, by self, 742 Gehrke Road, Port Angeles, WA 98362;

GILLES, RONALD L., by self, PO Box 607, Sequim, WA 98382;

GRAHAM, MIKE & PAM, by selves, 12013 33rd Avenue NE, Seattle, WA 98125;

JEHOVAH'S WITNESSES, by Willis L. Head, Corp Officer, 90 Robbins Road, Sequim, WA 98382;

JOE KELLER, KEELER ENTERPRISES JOHN AND CAROL BOLDUC, a Washington partnership, by Steven E. Oliver, Attorney, Platt, Irwin, Taylor, Colley, Oliver, & Moriarty, 403 South Peabody, Port Angeles, WA 98362;

LUEDICKE, ALEX, by self, 733 Fifth Place, Sequim, WA 98382;

MEGO, INC., by Brian Merryman, President, 5224 12th Street East, Tacoma, WA 98424;

MICHAELS, CARLA, by self, 260203 Hwy. 101, Sequim, WA 98382;

MOREHOUSE, SHARON, by self, 2111 SW 304th St., Federal Way, WA 98023;

MURPHY, CAROL L., by self, 1264 Carlsborg Road, Sequim, WA 98382;

LEE, HERBERT H. (TRUST), by Terry C. Lee, Trustee, 1290 6th Street West, Kirkland, WA 98033;

MALKASIAN, PAUL H., by self, 1036 Euclid Avenue, Edmonds, WA 98020;

NEWTON TRUST, by Louis A. Torres II, Planning Consultant, Planning Consultant, D.B.A., Olympic Development Planning, 1620 West 13th Street, Port Angeles, WA 98363-6804;

O'CONNOR, JOHN & SARA LEE, BELL HILL REALTY, by selves, PO Box 507, Sequim, WA 98382;

PLANK, GERALD, by self, 78 E. St. NE, Ephrata, WA 98823;

PLANK, RALPH & FAMILY, by selves, Box 908, Quincy, WA 98848;

RITTENHOUSE, ROBERT & EDIE, by Louis A. Torres II, Planning Consultant, D.B.A., Olympic Development Planning, 1620 West 13th Street, Port Angeles, WA 98363-6804;

ROSAND, JAMES & MILLER, JOANN, by selves, 1415 South Cherry Street, Port Angeles, WA 98362;

STEWART, KENNETH, by Marty Kahler, 52 Brady Lane, Sequim, WA 98382;

STOUT, BRUCE, by self, 142 River Road, Sequim, WA 98382;

TERRY, GEORGE & PAT, by selves, 901 East Blair Avenue, Sequim, WA 98382;

THOMAS, KAREN, by self, 861 East Belfield Avenue, Sequim, WA 98382;

THURROTT, R. V., by self, 1301 South 3rd Avenue, Sequim, WA 98382;

TINGLE, ERICA, by Allen T. Miller, Jr., Attorney, Connolly, Holm, Tacon & Meserve, 201 West 5th #301, Olympia, WA 98501;

URDA, JOSEPH JAMES, by self, PO Box 2045, Sequim, WA 98382;

WALLACE, JOHN & PAT, by self, 14904 West Lake Goodwin Road, Stanwood, WA 98292;

WAYNE ENTERPRISES, A CA. LIMITED PARTNERSHIP, by Louis A. Torres II, Planning Consultant, D.B.A., Olympic Development Planning, 1620 West 13th Street, Port Angeles, WA 98363-6804;

WHITNEY, MELVIN, by Mike and Pamela Lawless, 670 South 3rd Avenue, Sequim, WA 98382-0215;

YOUNG, ROBERT, by self, 3010 South 224th, Des Moines, WA 98198;

As a courtesy to interested citizens, the Department of Transportation will furnish 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 party to the hearing.

The meeting was called to order, under the provisions of the Revised Code of Washington, Chapter 47.52, *et. seq.*, by Gary Demich, Olympic Region Administrator, for the Washington State Department of Transportation, after which witnesses were called and evidence was recorded by a court reporter who, thereafter, transcribed the verbal testimony. Certain exhibits were duly introduced into evidence. Based upon 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 Environmental and Engineering makes the following findings:

I

On April 15, 1993, a plan for the establishment of a limited access corridor for a portion of State Route 101 in the vicinity of the City of Sequim in Clallam County, Washington, as set forth in the SR 101 O'BRIEN ROAD TO PALO ALTO ROAD FINAL ENVIRONMENTAL IMPACT STATEMENT was adopted under Washington State Transportation Commission Resolution No. 461.

Such plan was prepared and entitled "SR 101, SEQUIM BYPASS, CLALLAM COUNTY, MP 262.30 TO MP 267.71" sheets 1 through 30 of 30 sheets. These plan sheets were introduced into evidence marked Exhibit 6, which was made 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 officials an Access Report showing how these factors have been taken into account and covering other matters required by RCW 47.52 *et seq.* A copy of that report was introduced into evidence marked Exhibit 4.

III

On December 16, 1994, the Acting State Design Engineer, by Order, proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52 *et seq.* The Order of Hearing was introduced into evidence marked Exhibit 1.

IV

Jerry D. Moore, P.E., Project Engineer, Olympic Region, Washington State Department of Transportation, issued a Notice of Design and Limited Access Hearing. On January 6, 1995, an exact copy of this notice was mailed to Clallam County, the City of Sequim, various agencies and other interested parties, and to each of the owners of record of property listed on the Clallam County Tax Roll, as depicted in the Affidavit Of Service By Mailing introduced into evidence marked Exhibit 2. Exact copies of the notice were published in the Sequim Gazette on December 21, 1994, and January 18, 1995, as shown in the Affidavit of Publication of Jim Manders, Editor of said newspaper, which affidavit was introduced into evidence marked Exhibit 3, and in the Peninsula Daily News on December 21, 1994, and January 18, 1995, as shown in the Affidavit of Publication of Lori J. Wachinski, Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit 3.

V

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 a Principal Arterial and the Department of Transportation policy provides for fully

and partially controlled limited access on highways of this type. In doing so, the investment of public funds is protected by preserving the highway for efficient future use.

The efficiency of the highway as a means of moving a maximum volume of traffic in a safe manner 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 safe operation of the facility is jeopardized 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 and intersections.

The Right of Way and Limited Access Plan for the establishment of limited access control on SR 101, Sequim Bypass, introduced into evidence and marked Exhibit 6, will facilitate travel, reduce accident rates, preserve public investment, and sustain the highway as a modern transportation facility.

VI

The proposed Sequim Bypass is intended to improve the level of service and safety on State Route 101 in the Sequim vicinity. In past years, increases in tourism, commercial development, and population growth have all contributed to traffic congestion on SR 101 through the City of Sequim's central business district. Future traffic increases over the next twenty years will continue to increase congestion, lowering the level of service and safety. The proposed highway will reduce traffic congestion in the central business district while providing access to the central business district from the River Road Interchange, the Sequim Avenue Interchange, and the Simdars Road Interchange. The Sequim Bypass will also provide an uninterrupted route through the Sequim vicinity for those traveling to other destinations.

VII

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

- Exhibit 5 SR 101 O'BRIEN ROAD TO PALO ALTO ROAD FINAL ENVIRONMENTAL IMPACT STATEMENT, dated March 1993, Volume I EIS Text, Volume II Appendices A through E, Volume III Appendices F through M, and Expertise Reports.
- Exhibit 7 SR 101 Sequim Bypass Parcel Notes, pages 1 through 12 of 12 pages.
- Exhibit 8 Letter dated December 9, 1994, from Mayor Edward Beggs, City of Sequim approving the Access Plan
- Exhibit 9 Letter dated February 2, 1995, from Steve Hauff, P.E., Clallam County Road Engineer.
- Exhibit 10 Notice of Appearance, submitted by interested parties.
- Exhibit 11 Written comments regarding the Sequim Bypass.(With subparts 1 through 81)
- Exhibit 12 Reserved Exhibit, responses to written comments regarding the Sequim Bypass in Exhibit No. 11.(With subparts 1 through 25)

- Exhibit 13 Reserved Exhibit, responses to oral comments taken during the Hearing(With subparts 1 through 7)
- Exhibit 14 Record of Comments (hearing transcript) from the Design Hearing.

VIII

The Assistant Secretary of Environmental and Engineering has considered the following requests and makes the following findings:

1. Corrine Allen, in Exhibit 11-3, requests an access approach between Sta. R 13+29 and Sta. R 14+00 Lt. on River Road instead of access from the CD-Line for Parcel 3-07927.

As stated in Exhibit 12-1 commercial or residential access is not allowed within the full access control limits for interchanges. 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 safe operation of the facility is jeopardized and the road gradually becomes obsolete. Access for Parcel 3-07927 will remain via the CD-Line.

2. Delane and Mary Bell, in Exhibit 11-7 and on pages 78 to 81 of the Record of Proceedings(hearing transcript), state that they are being denied safe access to their property(Parcel 3-07923) on Brownfield Road.

As stated in Exhibit 12-2, the Bell's property will continue to have access to and from Brownfield Road. Brownfield Road will be realigned from Sequim Avenue to the Bell's property then extended eastward. The proposed Brownfield Road will generally parallel the existing roadway along Bell's property, leaving access essentially unchanged.

3. Viola J. Hubbell, in Exhibit 11-39, comments that there is no access to SR 101 from her property(Parcel 3-07918).

As stated in Exhibit 12-13 access for Parcel 3-07918 shown on sheet 21 of 31 sheets will be northeasterly, over access easements in the Boggs Short Plat, to the WH-Line. 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 safe operation of the facility is jeopardized and the road gradually becomes obsolete. In order to protect the State's investment in the facility, access points need to be kept to a minimum while allowing local traffic adequate use of the facility at properly designed interchanges and intersections.

4. Paul and Margie Malkasian, in Exhibits 11-50 and 11-52, and on pages 73 to 75 of the hearing transcript, request, direct access from one side of their property, Parcel 3-07723, to the other side because of the proposed highway bisecting their property. They request either an over- or underpass or an at-grade intersection with appropriate traffic control.

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 safe operation of the facility is jeopardized and the road gradually becomes obsolete. In order to protect the State's investment in the facility, access points need to be kept to a minimum while allowing local traffic adequate use of the facility at properly designed interchanges and intersections. As stated in Exhibit 12-17, several alternatives were evaluated on how to provide access to the southern portion of the Malkasian property. The alternative that provides the most economic service to the large geographic area south of the proposed highway is the CB-Line (Brownfield Road Extension).

An over- or underpass is not cost effective and an intersection is not allowed within the limits of full access control. The CB-Line is an economical long term solution to providing access to the South portion of the Malkasian property from Sequim's central business district. It will adequately serve the Malkasian's southern property which is zoned for single residences. The CB-Line also provides a direct route for emergency vehicles to the Malkasian and other properties.

The cost to construct the CB-Line in its entirety is comparable to one overpass structure without the roadways leading to it. The Washington State Department of Transportation does not have the resources to build and maintain an over or underpass for the Malkasian property when a more economical alternative with greater service area exists.

5. Sharon Morehouse in Exhibit 11-60; Gerald Plank in Exhibit 11-63; Ralph Plank in Exhibit 11-64; state their concerns about losing direct access to SR 101 from their property, Parcel 3-07748. They also state their concern about losing 'easy access' to their property from the proposed PA-Line (Palo Alto Road). They request a revision to the PA-Line profile to improve this access.

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 safe operation of the facility is jeopardized and the road gradually becomes obsolete. In order to protect the State's investment in the facility, access points need to be kept to a minimum while allowing local traffic adequate use of the facility at properly designed interchanges and intersections. As stated in Exhibit 12-20 Parcel 3-07748 will have reasonable access to Palo Alto Road which intersects with the proposed highway. Access will be available to Parcel 3-07748 from the PA Line between Stations PA 24+60 to PA 32+00. The profile will not be revised at this time.

6. Carol Murphy, in Exhibit 11-61, (Parcel 3-07742, sheets 26, 27 and 28 of 31) states she has plans for a Garden Theme Park development, requests that the following statements be addressed:

'Highway frontage within the city limits is traditionally earmarked for commercial development. Without this access my commercial use, which would have greatly increased the value of my investment is lost.' and 'Without access the entire property becomes worthless to me. Its usefulness from the onset was for a business venture which will be destroyed. I want addressed full compensation for the entire property, plus all that I have invested.'

The Washington State Department of Transportation will compensate for any loss caused by its acquisition of such property rights as allowed by law. The compensation offer will be based on the fair market value of the property before, and the fair market value after, the acquisition. The fair market value will be determined by an appraisal commissioned by the Department. Parcel 3-07742 is currently zoned RR2, for residential development. When acquiring property for a highway project, the WSDOT is only allowed to take the amount of property needed to construct the highway improvements shown on the right-of-way plan sheet. Further, in the event of proceedings in condemnation, the Department is required to demonstrate the 'Public Use and Necessity' for all such acquisitions.

As stated in Exhibit 12-18 and as shown on sheet 24 of 31, the WH-Line will serve the access needs in this area. This frontage road is configured to conform to the City of Sequim's Comprehensive Plan. Access will be constructed to Lofgren Road. Right-Of-Way will be acquired on the WH-Line to Keeler Road. That portion of the road will be constructed at a later date by others.

7. John and Sara Lee O'Connor in Exhibit 11-62, Exhibit 14(Record of Comments pages 24 to 32), and the hearing transcript pages 76 to 77, object to the lack of access to Lofgren Road from the proposed highway(Parcel 3-07739).

As stated in Exhibit 12-19 access will be available to Lofgren Road via the SIM-Line and the WH-Line. The access is shown on sheet 24 of 31. 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 safe operation of the facility is jeopardized and the road gradually becomes obsolete. In order to protect the State's investment in the facility, access points should be kept to a minimum while allowing traffic adequate use of the facility at properly designed interchanges and intersections.

8. John and Sara Lee O'Connor in Exhibit 11-62 and Exhibit 14(Record of Comments pages 24 to 32), state their concern about access to their Bell Hill Realty business, on Lofgren Road, for people traveling east from Port Angeles.

As stated in Exhibit 12-19 during the first phase of construction, only the East half of the Simdars Road Interchange will be completed. People traveling East will be able to use the Sequim Avenue Interchange to reach the Sequim downtown. From downtown Sequim they may use Washington Street to the SIM Line, and the WH-Line from the SIM-Line to Lofgren Road. After the second phase of construction, people traveling East will be able to use the Simdars Road Interchange to reach Lofgren Road via the WH-Line. It is unknown when the second phase of construction will be funded.

9. Chief Russ Barnes, City of Sequim Police Department, in Exhibit 11-71, requests, '...in the case of multiple acre properties, if WSDOT splits a parcel, either ensure access to both parcels or buy the inaccessible parcel. Driving a mile or two to gain access to the other side is not reasonable. If this exists, I suggest WSDOT buy either the smaller or the uninhabited parcel.'

As stated in Exhibit 12-25, when acquiring property for a highway project, the WSDOT is only allowed to take the amount of property needed to construct the highway improvements shown on the Right of Way plan sheet. Further, in the event of proceedings in condemnation, the department is required to demonstrate the 'Public Use and Necessity' for all such acquisitions.

There are situations where the law allows the department to offer to purchase the remainder as well as the property needed for the highway. In the case of a partial acquisition of property with an offer to purchase the remainder, the owner always has the right to retain the remainder (that is, the part of the property remaining after the acquisition). The Department looks at each parcel and geographic area to determine the course of action to follow.

10. Louis Torres, Olympic Development Planning, on pages 82 to 86 of the hearing transcript and Exhibit 14(Record of Comments pages 41 to 51), requests that the SIM Line be reconfigured to allow for a northerly alignment in the vicinity of Station SIM 24+32.89 P.I. This northerly alignment would serve the Rittenhouse property, Parcel 3-07733, the Boggs Short Plat, Parcel 3-07919, 3-07920, and 3-07921, and the Hubbell property, Parcel 3-07918. It would also allow for the future construction of a roadway that could tie into the West Sequim Bay Road.

As stated in Exhibit and 13-5 and as shown on sheet 24 of 31, the WH-Line will serve the access needs in this area. This frontage road is configured to conform to the City of

Sequim's Comprehensive Plan. The alignment allows for the future construction of a roadway to West Sequim Bay Road.

11. Louis Torres, Olympic Development Planning, on pages 82 to 86 of the hearing transcript and Exhibit 14(Record of Comments pages 41 to 51), requests a large underpass in the Johnson Creek vicinity to allow for safe passage of pedestrians and wildlife through the limited access facility.

The Johnson Creek vicinity of the project is in a future phase of construction. A determination at that time will be made whether to construct a new bridge, underpass, or utilize the existing culvert. For the Department to commit to a design on construction that could take place several years or more in the future would not be reasonable. Changes in funding and environmental regulations over the next several years will affect what design is adopted.

IX

The Assistant Secretary of Environmental and Engineering has considered the evidence on the entire portion of the of the above entitled highway.

Plan sheets 1 through 30 of 30 sheets dated December 16, 1994, will be replaced with new plan sheets with the same title. Sheets 1 through 31 of 31 sheets will include the following changes:

1. The Access easement for transfer located on the right between Sta. 390+00 and Sta. 393+53.56 shown on sheets 3 and 4 of 31 sheets has been deleted. The Department of Transportation has purchased Parcels 3-07611 and 3-07753 in their entirety. Therefore, the easement is no longer necessary.
2. The right-of-way and limited access line between Sta. 384+73.67 and Sta. 394+50 on the left has been relocated creating an area for transfer to Parcel 3-07610 as shown on sheets 3 and 4 of 31 sheets. This revision will lessen the impacts on Parcel 3-07610 and provide access from the cul-de-sac on Washington St.(existing SR 101) to Parcel 3-07610.
3. The right-of-way line has been relocated from between Sta. 409+05.63 and Sta. 410+44.68 on the left to between Sta. 409+87.84 and Sta. 410+65 on the left and Parcel 3-07985 has been added to the plan as shown on sheets 1 and 5 of 31 sheets. This relocation is the result of the redesign of the Grant Road cul-de-sac on Grant Road to meet County/Fire District standards as requested by Clallam County in Exhibit 9 and as recommended by the Department in Exhibit 12-24.
4. The right of way line has been relocated between Sta. G 25+96.12 and Sta. G 27+50 as shown on sheets 1 and 5 of 31 sheets to accommodate the Department's realignment of the G Line intersection with Grant Road.
5. A well clear zone easement for transfer to Parcel 3-07625 has been added to the plan between Sta. RIV3 17+00 and Sta. RIV3 18+80 on the right. This revision by the Department will accommodate the existing well at that location.
6. The right of way and limited access line has been relocated between Sta. RIV3 11+85 and Sta. R 16+50 on the right as shown on sheets 5 and 6 of 31 sheets. This revision is the result of the realignment of the RIV3 Line by the Department.

7. The right of way and limited access line has been relocated between Sta. RIV4 10+00 and Sta. R 23+50 on the left as shown on sheets 5, 6 and 7 of 31 sheets. This revision is the result of the realignment of the RIV4 Line by the Department.
8. The right-of-way and limited access line has been relocated from between Sta. R 22+60 and Sta. 437+00 to between Sta. R 23+25 and Sta. 437+00 on the left as shown on sheets 6 and 7 of 31 sheets. This revision is the result of the realignment of the RIV1 Line by the Department.
9. The County Road(MD Line) shown on sheets 6 and 8 of 31 sheets has been deleted from Sta. MD 12+00.93 to Sta. MD 23+41.49, on the right and an access easement through Parcels 3-07635, 3-07637, 3-07638, 3-07640, 3-07641, for transfer to Parcel 3-07642 has been added to the plan. This plan change was requested by Louis Haushild, Exhibit 11-33, Julian B. Hayes, Exhibit 11-34, William J. Kimball, Sr., Exhibit 11-45, and Warren Mills, Exhibit 11-59, and is recommended by the Department in Exhibit 12-11.
10. The right-of-way and limited access line has been revised to add a grade intersection at Sta. R 24+06.40 on the right as shown on sheet 7 of 31 sheets. Parcels 3-07938, 3-07939, 3-07940, 3-07941, 3-07942, 3-07943, 3-07944, 3-07945, 3-07946, 3-07947, and 3-07948 have been deleted from the plan as they are no longer needed as shown on sheets 1 and 7 of 31 sheets. This revision was requested by Pat Richardson on pages 32 and 33 of the hearing transcript (Exhibit 14) and is recommended by the Department in Exhibit 13-7.
11. The access control on the MD Line has been revised by the Department from Full access to Partial access control beginning at Sta. MD 11+00 Lt. and ending at Sta. MD 11+30 Lt. as shown on sheet 8 of 31 sheets. This revision is necessary to accommodate an access approach for Parcel 3-08301.
12. The right-of-way line from Sta. C7 22+46.86 (60' Lt.) to Sta. AD 10+00.06 has been revised to reflect the deletion of the AD Line as shown on sheet 10 of 30 sheets. The Department of Transportation has purchased Parcel 3-07645 in its entirety. Therefore, the AD Line is no longer necessary.
13. The right-of-way line from Sta. C7 23+50 (60' Rt.) to Sta. AL 14+88.86 has been revised to reflect the deletion of the AL Line as shown on sheets 1, 10 and 12 of 31 sheets. This revision is the result of comments made by Scott Milburn in Exhibit 11-75, Bruce Cramer on pages 4 and 5 of the Design Hearing transcript (Exhibit 14), Thomas Lederman on pages 4 and 5 of the Design Hearing transcript (Exhibit 14). The Department of Transportation has purchased Parcels 3-07654 and 3-07656 in their entirety. Therefore the road is no longer necessary.
14. Parcel 3-07996 has been added to the plan as shown on sheets 1 and 12 of 31 sheets. This addition is the result of comments made by John Ferguson in Exhibit 11-30, and on pages 19 through 24 of the hearing transcript (Exhibit 14), and is recommended by the Department in Exhibits 12-9 and 13-6.
15. The proposed PUD substation that was located on Parcel 3-07727 adjacent to the C3 Line (sheet 14 of 31 sheets) has been relocated further north on the C3 Line onto Parcel 3-07686 as shown on sheet 14 of 31 sheets. Parcel No. 3-07727 has been deleted as a result of the Department's relocation of the PUD substation. This relocation was the result of comments made by James Rosand in Exhibit 11-67 and on pages 12 through 15 of the Design Hearing transcript (Exhibit 14), G. J. Albinger in Exhibit 11-1, Charles Barnes in Exhibit 11-5, V. A. Crowley in Exhibit 11-27, Wm. E. Freehafer in Exhibit 11-31, Allen

E. Drew in Exhibit 11-65, Jerry Angiuli on pages 10 and 11 of the Design Hearing transcript (Exhibit 14), Betty Joyce Enbysk in Exhibit 11-28, Paul Malkasian in Exhibit 11-52, and Curt Benson in Exhibit 11-9.

16. The CB Line has been realigned from the intersection on the CS Line at Sta. CS 14+40 to Sta. CB 25+00, to intersect with the CS Line at Sta. CS 13+75.22 as shown on sheets 15, 16 and 17 of 31 sheets. This revision is the result of comments by R. E. Fasola in Exhibit 11-29 and is recommended by the Department in Exhibit 12-8.
17. A grade intersection on the left has been added to the plan at Sta. CS 13+75.22 as shown on sheet 16 of 31 sheets. This revision is the result of comments by R. E. Fasola in Exhibit 11-29 and is recommended by the Department in Exhibit 12-8.
18. The CB Line, from Sta. CB 50+11.28 and Sta. CB 68+13.68 has been realigned and extended to between Sta. CB. 50+11.28 and Sta. CB 78+61.82. This realignment of the CB Line will provide access to Parcels 3-07715, 3-07729, 3-07723, 3-07728 and 3-07732, as shown on sheets 1, 19, 20 and 21 of 31 sheets. This revision is the result of comments by Terry Lee in Exhibit No. 11-47 and page 81 of the hearing transcript (Exhibit 14) and subsequent requests by Mike and Pam Graham in Exhibit 11-32, Parcel 3-07715, and Ron Giles, Parcel 3-07729. This revision is recommended by the Department in Exhibits 12-10, 12-16 and 13-4.
19. The N-Line between Sta. N 12+19.13 and Sta. N 15+75.47 has been added to the plan to provide access to Parcel 3-07732 and to allow for a future grade road intersection, as shown on sheet 23 of 31 sheets. This revision was requested by Louis Torres on pages 82 through 86 of the hearing transcript and pages 41 through 45 of the hearing transcript (Exhibit 14) and is recommended by the Department in Exhibit 13-5.
20. The WH-Line between Sta. WH 29+75.43 and Sta. WH 56+67 has been added to the plan, to provide access to Parcels 3-07733, 3-07734, 3-07738, 3-07935, 3-07739, 3-07740, 3-07919, 3-07921, and 3-07918; the SIM Line from Sta. SIM 23+16.03 to Sta. SIM 36+34.09 has been shortened and realigned to intersect with the WH Line at Sta. WH 31+81.02, as shown on sheets 1 and 24 of 31 sheets. This revision was requested by Louis Torres on pages 82 through 86 of the hearing transcript and by Carol Murphy in Exhibit 11-61 and is recommended by the Department in Exhibits 12-18 and 13-5.
21. The HV Line has been realigned from between Sta. HV 38+70 and Sta. HV 52+20.51 to between Sta. HV 38+70 and Sta. HV 50+00 as shown on sheets 1, 26 and 27 of 31 sheets. This revision is the result of the realignment of the HV Line by the Department.
22. Minor revisions that correct ownerships and parcel details, area computations, and right-of-way details are show on plan sheets 1 through 31 of 31 sheets.

X

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

ORDERS:

I

That the section of SR 101 in Clallam County described as follows is hereby designated as a limited access facility of the fully controlled type:

Between Sta. 384+73.31 and Sta. 669+85.54, as shown on sheets 1 through 31 sheets entitled, "SR 101, MP 262.30 to MP 267.71, SEQUIM BYPASS, CLALLAM COUNTY".

II

That the plan set forth in Exhibit No. 6 for the establishment 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 hereof.

1. Show that the Access easement for transfer located on the right between Sta. 390+00 and Sta. 393+53.56 has been deleted as shown on sheets 3 and 4 of 31 sheets.
2. Show that the right-of-way and limited access line between Sta. 384+73.67 and Sta. 394+50 on the left has been relocated creating an area for transfer to Parcel 3-07610 as shown on sheets 3 and 4 of 31 sheets.
3. Show that the right-of-way line has been relocated from between Sta. 409+05.63 and Sta. 410+44.68 on the left to between Sta. 409+87.84 and Sta. 410+65 on the left and that Parcel 3-07985 has been added to the plan as shown on sheets 1 and 5 of 31 sheets.
4. Show that the right of way line has been relocated between Sta. G 25+96.12 and Sta. G 27+50 as shown on sheets 1 and 5 of 31 sheets .
5. Show that a well clear zone easement for transfer to Parcel 3-07625 has been added to the plan between Sta. RIV3 17+00 and Sta. RIV3 18+80 on the right as shown on sheet 5 of 31 sheets.
6. Show that the right of way and limited access line has been relocated between Sta. RIV3 11+85 and Sta. R 16+50 on the right as shown on sheets 5 and 6 of 31 sheets.
7. Show that the right of way and limited access line has been relocated between Sta. RIV4 10+00 and Sta. R 23+50 on the left as shown on sheets 5, 6 and 7 of 31 sheets.
8. Show that the right-of-way and limited access line has been relocated from between Sta. R 22+60 and Sta. 437+00 to between Sta. R 23+25 and Sta. 437+00 on the left as shown on sheets 6 and 7 of 31 sheets.
9. Show that the County Road(MD Line) has been deleted from Sta. MD 12+00.93 to Sta. MD 23+41.49, on the right and that an access easement through Parcels 3-07635, 3-07637, 3-07638, 3-07640, 3-07641, for transfer to 3-07642 has been added to the plan as shown on sheets 6 and 8 of 31 sheets.

10. Show that the right-of-way and limited access line has been revised to add a grade intersection at Sta. R 24+06.40 on the right as shown on sheet 7 of 31 sheets and show that Parcels 3-07938, 3-07939, 3-07940, 3-07941, 3-07942, 3-07943, 3-07944, 3-07945, 3-07946, 3-07947, and 3-07948 have been deleted as shown on sheets 1 and 7 of 31 sheets.
11. Show that the access control on the MD Line has been revised from Full access to Partial access control beginning at Sta. MD 11+00 Lt. and ending at Sta. MD 11+30 Lt. as shown on sheet 8 of 31 sheets.
12. Show that the AD Line has been deleted as reflected on sheet 10 of 31 sheets.
13. Show that the AL Line has been deleted as reflected on sheets 1, 10 and 12 of 31 sheets.
14. Show that Parcel 3-07996 has been added to the plan as shown on sheets 1 and 12 of 31 sheets.
15. Show the relocation of the proposed PUD substation onto Parcel 3-07686 as shown on sheet 14 of 31 sheets and that Parcel 3-07727 has been deleted.
16. Show that the CB Line has been realigned to intersect with the CS Line at Sta. CS 13+75.22 as shown on sheets 15, 16 and 17 of 31 sheets.
17. Show that a grade intersection on the left has been added to the plan at Sta. CS 13+75.22 as shown on sheet 16 of 31 sheets.
18. Show that the CB Line, between Sta. CB 50+11.28 to Sta. CB 68+13.68 has been realigned and extended to between Sta. CB. 50+11.28 and Sta. CB 78+61.82, as shown on sheets 1, 19, 20 and 21 of 31 sheets.
19. Show that the N-Line has been added to the plan, as shown on sheet 23 of 31 sheets.
20. Show that the WH-Line has been added to the plan, and show that the SIM Line has been shortened and realigned to intersect with the WH Line at Sta. WH 31+ 81.02, as shown on sheets 1 and 24 of 31 sheets.
21. Show that the HV Line has been realigned as shown on sheets 1, 26 and 27 of 31 sheets.
22. Show minor revisions that correct ownerships and parcel details, area computations, and right-of-way details. (See plan sheets 1 through 31 of 31 sheets)

III

That the plan entitled "SR 101, MP 262.30 TO MP 267.94, SEQUIM BYPASS, CLALLAM COUNTY," sheets 1 through 31 of 31, as revised and reflected in Exhibit "A", is hereby adopted, and further

That the following plans are hereby superseded:

"SR 101, BOYCE ROAD TO DUNGENESS RIVER", Right of Way, sheet 6(Pt.) of 6 sheets, approved February 7, 1986;

"SR 101, END OF PAVEMENT WEST OF AGNEW TO CLALLAM - JEFFERSON COUNTY LINE", Right of Way, sheet 7(Pt.), 8, 8A, and 9(Pt.) of 16 sheets, approved March 11, 1930;

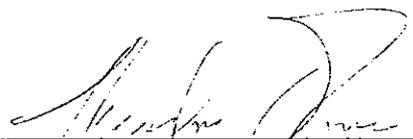
"SR 101, SEQUIM TO BLYN", Right of Way, sheets 1, 2 and 3(Pt.) of 6 sheets approved June 18, 1935.

ADOPTED THIS 02 DAY OF August, 1996

ASSISTANT SECRETARY OF
ENVIRONMENTAL AND ENGINEERING
SERVICE CENTER

E. R. Burch

Approved as to form:



Assistant Attorney General