

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 167 )  
NORTH SUMNER INTERCHANGE )  
MP 9.37 TO MP 9.90 )  
COMBINED HEARING ON DESIGN )  
AND LIMITED ACCESS HEARING )

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 p.m. Wednesday, April 16, 1997 at the City of Sumner City Hall, 1104 Maple Street, Sumner Washington, before Elmer Canfield, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by William L. Williams, Senior Assistant Attorney General, PO Box 40113, Olympia, Washington 98504-0113;

EUSTIQUO ULIVAS , by Devin Ulivas, 2904 West Valley Hwy, Sumner, WA 98390;

NATIONAL VENTURES, INC., by Patrick Conway, 10108 32nd Ave W Bldg C-3, Suite A-2, Everett, WA 98204;

BEVERLY FROEHLING, by self, 16208 - 60th St East, Sumner, WA 98390;

RICHARD T. WOODING, by self, 4407 184th Ave E, Sumner, WA 98390;

IRENE HELMOLD, by self, 3312 142nd Ave E, Sumner, WA 98390;

NOLAN BURSLIE, by self, 3513 142nd Ave E, Sumner, WA 98390;

KNUTE A. JOHNSON, by self, 2003 136th Ave E, Sumner, WA 98390;

GARY PETERSEN, by self 2008 East Valley Hwy, Sumner, WA 98390;

CLAIRE MONTGOMERY, by self, P.O. Box 485, Sumner, WA 98390;

MC CONKEY CO. by Bernie Butler - Operations Manager, 1325 23rd Ave SW, Puyallup, WA 98371;

LUCY A FOUCH, by self, 2706 W Valley Highway E, Edgewood, WA 98372;

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 Pasco Bakotich, Olympic Region Project Engineer, after which witness 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 167 in Pierce County, Washington, was ordered under Commission Resolution No. 95 and amendments thereto.

Such a plan was prepared and entitled "SR 167, NORTH SUMNER INTERCHANGE VICINITY, MP 9.37 TO MP 9.90, PIERCE COUNTY," sheets 1 through 6 of 6 sheets. These sheets were introduced into evidence marked Exhibit No. 6, 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. 5.

## III

On March 14, 1997 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 March 31, 1997 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. 3. Exact copies of the notice were published in The News Tribune on March 16, 1997 and March 30, 1997, as shown by Affidavit of Publication of Tamara Duncan, legal clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 4.

## V

The plan proposes the establishment of fully controlled limited access control facilities for State Route 167 in the vicinity of the 24th St. E. Interchange on West Valley Highway between STA. 516+00 and STA. 544+00 as shown on sheets 1 through 6 of 6 sheets entitled "SR 167, NORTH SUMNER INTERCHANGE VICINITY, MP 9.37 TO MP 9.90, PIERCE COUNTY,".

## VI

This section of State Route 167 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 limited access 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 establishment of limited access control facility on SR 167, North Sumner Interchange Vicinity, introduced into evidence marked Exhibit No. 6, 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. 2 | Letter dated March 11, 1997 transmitting Hearing notice to Newspaper |
| Exhibit No. 7 | Affidavit of Public Comments                                         |
| Exhibit No. 8 | Affidavit of Department of Transportation Responses                  |

## VIII

The Assistant Secretary of Environment 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 through 6 of 6 sheets.

## IX

The Assistant Secretary of Environment and Engineering has considered the following requests and made the following findings:

1. As stated in Exhibit No. 7 there were no requests regarding access made at the hearing or by mail in the open record period, therefore, as stated in Exhibit No. 8, no findings were made.

## X

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 167 in Pierce County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between STA. 516+00 and STA. 544+00 as shown on sheets 1 through 6 of 6 sheets entitled "SR 167, NORTH SUMNER INTERCHANGE VICINITY, MP 9.37 TO MP 9.90, PIERCE COUNTY".

## II

That the plan entitled, SR 167, NORTH SUMNER INTERCHANGE VICINITY, MP 9.37 TO MP 9.90, PIERCE COUNTY," sheets 1 through 6 of 6 sheets, reflected in Exhibit "A", is hereby adopted.

That the following plans are hereby superseded:

"SR 167, JCT. SR 410 TO KING COUNTY LINE, MP 7.18 to MP 11.13, PIERCE COUNTY", Right of Way and Limited Access, sheet 7 of 11 sheets, dated May 1, 1969.

ADOPTED THIS 15 DAY OF July, 1997

ASSISTANT SECRETARY OF  
ENVIRONMENT AND ENGINEERING  
SERVICE CENTER

E. R. Burch

Approved as to form:

W. J. [Signature]  
Assistant Attorney General