

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE:	STATE ROUTE 18) ISSAQUAH-HOBART ROAD INTERCHANGE) MP 19.08 TO MP 21.10) HEARING ON LIMITED ACCESS)	FINDINGS AND ORDER
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The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 7 p.m., Wednesday, February 24, 1993, in the Tahoma Junior High School Auditorium, King County, Washington, before Robert E. Lundgaard, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Joseph Sloan, Assistant Attorney General;

SENATOR KATHLEEN DREW, by self, 401C Legislative Bldg., Olympia, Washington, 98027

CONGRESSWOMAN JENNIFER DUNN, by KATHY WILLIAMS, DISTRICT OFFICE MANAGER, 50-116th Ave. SE Suite 201, Bellevue, Washington, 98004;

JOHN BIALEK, by self, 18623- 276 Ave. S. E., Issaquah, Washington, 98027;

KEN BROWN, by self, 24323-192nd Ave. S. E., Kent, Washington, 98042;

FREDERICK W. CORLIS, Sr., by self, 21235-230th, Maple Valley, Washington, 98038;

SCOTT CRUMBLEY, by self, PO Box 1296, Fall City, Washington, 98024;

GENE GARCIA, by self, 27032 154th Pl. S. E., Issaquah Washington, 98027;

DOROTHY AND JERRY KNITTER, by self, 26310 S. E. 166th Street, Issaquah, Washington, 98027;

MORRIS J. MELGAARD, by self, P. O. Box 1, Maple Valley, Washington, 98038;

VICTOR SHERRARD, by self, 18521 Issaquah-Hobart Road, Issaquah, Washington, 98027;

ROBERT SMITH, by self, 19265 268th Avenue S. E., Kent, Washington, 98042;

CAROL STEEN, by self, 31010-244th Avenue SE, Maple Valley, Washington, 98038

As a courtesy to interested citizens, the Department of Transportation furnishes a copy of the Findings and Order to all persons filling 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 in Order, the Department of Transportation does not acknowledge or necessarily recognize the recipient to be a proper party to the hearing.

The meeting was called to order by Robert D. Aye, District 1 Assistant District Administrator, after which witnesses were called. Evidence was taken by a court reporter and thereafter transcribed. Certain exhibits were duly introduced as evidence. Based upon the oral evidence and the exhibits introduced in

evidence, and acting under the authority of the Secretary of Transportation for the State of Washington, the Assistant Secretary for Program Development makes the following findings:

I

On May 11, 1979 a plan for the establishment of a limited access highway over a portion of State Route 500 in Clark County, Washington, was ordered under DOT Order 79-S-1 and its amendments thereto.

Such a plans were prepared and entitled "SR 18, ISSAQUAH-HOBART ROAD INTERCHANGE, MP 19.08 TO MP 21.10, KING COUNTY," sheets 1 through 6 of 6 sheets. These plan sheets were introduced into evidence marked as Exhibit No. 4, which were 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 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 January 29, 1993 the State Design Engineer by Order 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

Gary L. McKee, P. E., Project Engineer for the Washington State Department of Transportation, issued a Notice of Hearing. On February 8 1993, an exact copy of the Notice of Hearing was mailed to King County, various other agencies and other interested parties, and to each of those record owners of property on the List of Abutting Property Owners introduced into evidence marked Exhibit No. 2A, as depicted in the Affidavit of Service by Mail introduced into evidence marked Exhibit No. 2. Exact copies of the Notice of Hearing were published in The Seattle Post Intelligencer on January 25, 1993 and February 12, 1993 , as shown by the Affidavit of Publication of Tom Egan, Principal Clerk of the Seattle Times Company, publisher of the Seattle Times and representing the Seattle Post Intelligencer, which affidavit was introduced into evidence marked Exhibit No. 3; and in the Issaquah Press on January 27, 1993 and February 17, 1993 as shown by the Affidavit of Publication of Linda K. Reini, Chief Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3A.

V

The plan proposes the establishment of a limited access facility with full access control for SR 18 from S. E. 200th street to the vicinity of the Issaquah-Hobart Road intersection between Sta. 1525+00 and Sta. 1642+50, as shown on sheets 1 through 6 of 6 sheets entitled "SR 18, ISSAQUAH-HOBART ROAD INTERCHANGE, MP 19.08 TO MP 21.10, KING COUNTY".

VI

This section of State Route 18 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 Principal Arterial highway 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 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 intersections and approaches.

The plan for the establishment of this fully controlled limited access facility for State Route 18 in King County, introduced into evidence marked Exhibit No. 4, 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. 6 Letter, dated March 3, 1993, from Louis J. Haff, P. E. County Road Engineer, concerning future plans to develop a trail for nonmotorized use in the SR 18 corridor.
- Exhibit No. 7 Letter, dated March 7, 1993, from Harry Morgan, Chairman, Hobart Rural Association, concerning, requirements to mitigate environmental damage to Holder Creek during and after construction, and future plans to develop a trail for nonmotorized use in the SR 18 corridor.
- Exhibit No. 8 Letter, dated March 8, 1993, from James D. Ulrich, P. E., representing John and June Ulrich, concerning location of the proposed local access road and its impacts on a public water supply system, and the amount of acreage required from John Ulrich.
- Exhibit No. 9 Letter, dated March 9, 1993, from Warren M. Iverson, representing himself, concerning the amount of right of way required from Parcel No. 1-14437, proper notification regarding the hearing, and status of right of entry permits previously by the Department.
- Exhibit No. 10 Reserved Exhibit to reply to Exhibit No. 7.
- Exhibit No. 11 Reserved Exhibit to reply to Exhibit No. 8.
- Exhibit No. 12 Reserved Exhibit to reply to Exhibit No. 9
- Exhibit No. 13 Reserved Exhibit to reply to comments and concerns raised by the various resource agencies
- Exhibit No. 14 Letter dated February 3, 1994, from King County, conditionally concurring in the new interchange design.
- Exhibit No. 15 Reserved Exhibit to reply to Exhibit No. 14.
- Exhibit No. 16 Reserved Exhibit, follow-up response to Exhibit No. 8.

VIII

As a result of evidence and resource agencies concerns of the impacts the interchange plan proposed at the hearing would have on the surrounding area, the Department has reevaluated the proposed plan presented at the February 24, 1993 hearing. The reevaluation resulted in the redesign of the Issaquah-Hobart Interchange.

IX

The Assistant Secretary for Program Development has considered evidence on the entire portion of the above entitled highway and finds the plan introduced into evidence marked Exhibit No. 4 should be modified as hereinafter set forth as follows.

Plan sheets 1 through 6 of 6 sheets dated January 29, 1993 will be replaced with new plan sheets with the same title. Sheets 1 through 6 will include the following changes:

1. The new alignment of the Issaquah-Hobart Road Interchange as shown on sheets 1, 3, 4, 5, and 6 of 6 sheets is the result of the reevaluation of the interchange design done after the concerns were raised by the resource agencies.
2. The ACC Line has been deleted from Sta. ACC 10+00 to Sta. ACC 40+91.72 on the west side of SR 18 and the ACC line shown on sheets 1, 3 and 4 of 6 sheets has been added from Sta. 20+50 to Sta. 52+29.53 on the west and east side of SR 18. The new alignment of the interchange allowed the relocation of the ACC Line avoiding the impacts the old alignment of the ACC Line had on streams, wetlands and/or their buffers. The Department recommended this relocation in Reserved Exhibit No. 13.
3. The Pedestrian Trail as shown on plan sheets 2 and 3 of 6 has been added to the plan as requested by Mr. Louis J. Haff in Exhibit No. 6 and by Mr. Harry Morgan in Exhibit No. 7 and is recommended by the Department of Transportation in Reserved Exhibit No. 10.
4. Parcel Nos. 1-14443, 1-14444, 1-14445, and 1-14446 as show on sheets 2 and 3 of 6 sheets have been added to the plan. These Parcels were added for the purpose of acquiring right of way to accommodate the proposed pedestrian trail.
5. Parcels Nos. 1-14435, 1-14448, and 1-15423 as shown on sheet 4 of 6 sheets have been added to the plan for the purpose of aquiring additional right of way to construct the IHR Line.
6. 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 Program Development also considered the following requests and makes the following findings:

1. Mr. John Bialek on pages 28 and 29 of the hearing transcript, and Debby Lawrence on page 32 of the hearing transcript asked what the impact would be on a school bus turnaround south of the existing Issaquah-Hobart Road county bridge crossing Holder Creek.

The realignment and extension of limited access control further down Issaquah-Hobart Road will eliminate the bus turnaround south of the existing Holder Creek bridge. The Department has worked with the county and the school district and will be providing a turnaround on the ACC Line (S.E. 188th St.).

2. Mr. Warren M. Iverson in Exhibit No. 9 expressed concern that the proposed take is much larger than the take indicated in the FEIS exhibits.

As stated by the Department in Reserved Exhibit No. 17, Mr. Iverson's owns three adjacent parcels. Right of way will be required for the eastbound ramps, reconstructed SE 188th Street, and reconstructed Issaquah-Hobart Road. The total acreage of these parcels is approximately 19.2 acres. These parcels are classified as Open Space farm and Agricultural Land.

The Issaquah-Hobart Road interchange, as depicted in the FEIS exhibits would have required approximately 2.4 acres, leaving approximately 16.8 acres.

The proposed Issaquah-Hobart Road interchange and reconstruction of SE 188th Street will require approximately 13.7 acres. This increase is primarily due to the difference in ramp design speed, widening the mainline to the right instead of the left, and reconstruction of SE 188th Street to replace existing private access to SR 18. This will leave approximately 5.5 acres.

The design speed for the eastbound on and off ramps is 35 mph. The FEIS exhibits indicate that a lower ramp design speed was assumed, see response to comments below.

The proposed mainline is widened to the right, and the median width transitions from 48 feet to 16 feet in width. The FEIS exhibits indicate that the mainline would be widened to the left with a constant median width of 40 feet. The geotechnical investigations defined a large outcropping of solid rock on the left side of SR 18 beginning approximately 1,200 feet east of the Issaquah-Hobart Road overcrossing and extending approximately 1,000 feet. Shifting the mainline widening from the left to the right resulted in a savings of approximately \$1,000,000 in rock excavation. The shift from left to right also allows the existing crossing of Issaquah-Hobart Road and Holder creek to be used for the westbound, or down-hill traffic. Therefore, work on the existing structure could be limited to bridge rail replacement instead of full scale widening. This change resulted in an additional savings of approximately \$500,000. The mainline widening transition from widen to left to widen to right was located so that a nonstandard vertical curve could be corrected.

Compensation and/or damages due to the acquisition of right of way will be considered at the time of right of way negotiations.

3. Warren M. Iverson in Exhibit No. 9 expressed concern that he did not received proper notification, or an information packet.

As shown in Exhibit No. 2 and Exhibit No. 2A, the Department transmitted an information packet and notification to Mr. Iverson's address on February 8, 1993.

4. Warren M. Iverson in Exhibit No. 9 expressed concern that Victor Sherrard, Parcel No. 1-14438, did not receive hearing notification, or an information packet.

As stated in Reserved Exhibit No. 12, the Departments notification of Victor Sherrard was not required because he is not listed in the King County records or the current Title Report as the legal owner of that real property. Mr. John Bialek is listed in the King County records and the current Title Report as the legal owner of that real property. As legal owner of record John Bialek was notified and transmitted an information packet prior to the hearing.

5. Warren M. Iverson in Exhibit No. 9 stated that right of entry permits for geotechnical investigations were obtained twice, but to date they have not been used.

As stated in Reserved Exhibit No. 12, the initial right of entry permits were obtained based on the mainline being widened to the left with a 40-foot median. During the lead time required to obtain the permit, the decision was made to widen the mainline to the right and transition the median width. Therefore new exhibits were prepared and the second right of entry permit was obtained. The access allowed by the renewed permit will be used by WSDOT to obtain final geotechnical information.

X

The Assistant Secretary for Program Development 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 Assistant Secretary for Program Development for the Department of Transportation of the State of Washington.

ORDERS:

That the section of State Route 18 in King County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between STA. EB 1525+00 and STA. 1631+59.74 as shown on sheets 1 through 6 of 6 sheets entitled, "SR 18, ISSAQUAH-HOBART ROAD INTERCHANGE, MP 19.08 TO MP 21.10, KING COUNTY"

II

That the plan set forth in Exhibit No. 4 for the establishment of access control of said highway be revised as follows:

Replace plan sheets 1 through 6 of 6 sheets dated January 29, 1993 with new plan sheets 1 through 6 of 6 sheets with the same title to include the following changes:

1. Show the new alignment of the Issaquah-Hobart Road Interchange as shown on sheets 1, 3, 4, 5 and 6 of 6 sheets.
2. Show that the ACC Line has been deleted from Sta. ACC 10+00 to Sta. ACC 40+91.72 on the west side of SR 18 and add the ACC Line as shown on sheets 1, 3 and 4 of 6 sheets from Sta. 20+50 to Sta. 52+29.53 on the west and east side of SR 18.
3. Show the Pedestrian Trail as shown on sheets 2 and 3 of 6 sheets.
4. Show Parcels Nos. 1-14443, 1-14444, 1-14445, and 1-14446 as shown on sheets 2 and 3 of 6 sheets.
5. Show Parcels Nos. 1-14435, 1-14448, and 1-15423 as shown on sheet 4 of 6 sheets.
6. 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.

III

That the plans entitled, "SR 18, ISSAQUAH-HOBART ROAD INTERCHANGE, MP 19.08 TO MP 21.10, KING COUNTY," sheets 1 through 6 of 6 sheets, as revised above and as shown in Exhibit "A", and be the same is hereby adopted.

That the following plans are hereby superseded:

"SR 18, JCT.PSH. NO. 5 TO HOBART ROAD", RIGHT OF WAY PLAN, KING COUNTY, sheets 6(Pt.), 7, and 8 of 8 sheets , approved December 23, 1958.

"SR 18, JCT.PSH. NO. 5 TO HOBART ROAD", PLAN SHOWING ACCESS, KING COUNTY, sheets 2(Pt.), and 3 of 3 sheets , approved November 12, 1958.

SR 18, HOBART ROAD TO JCT.PSH. NO. 2 ", RIGHT OF WAY PLAN, KING COUNTY, sheets 1, and 2(Pt.) of 13 sheets , approved May 26, 1959.

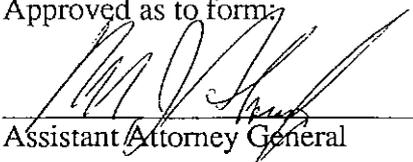
"SR 18, HOBART ROAD TO JCT.PSH. NO. 2 ", PLAN SHOWING ACCESS, KING COUNTY, sheet 1(Pt.) of 4 sheets , approved May 5, 1959.

ADOPTED THIS 10 DAY OF MAY, 1994

ASSISTANT SECRETARY FOR
PROGRAM DEVELOPMENT

E. R. Burch

Approved as to form:


Assistant Attorney General