

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 18)	
MAPLE VALLEY TO)	
ISSAQUAH/HOBART ROAD)	FINDINGS AND ORDER
MP 16.58 to MP 19.04)	
LIMITED ACCESS HEARING)	

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 7 p.m. Thursday, June 10, 1999, in the Rock Creek Elementary School Gymnasium, King County, Washington, before Matthew Wacker, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Bryce Brown, Assistant Attorney General, P. O. Box 40113, Olympia, Washington 98504-113;

REPRESENTATIVE CHERYL PFLUG, by self, 413 John L. O'Brien Building, P. O. Box 40600, Olympia, Washington 98504;

KURT AND TONYA BROWNING, by selves, 24832 SE 208th St., Maple Valley, Washington 98038;

JOHN CARLSON, by Denise Trelstad, neighbor, P. O. Box 47085, Seattle, Washington 98146;

BOB CASTAGNA, by self, 22415 Southeast 216th Place, Maple Valley, Washington 98038;

CHERYL CASTAGNA, by self, 22415 Southeast 216th Place, Maple Valley, Washington 98038;

JACK AND KIM EMMONS, by selves, 24444 SE 208th St., Maple Valley, Washington 98038;

TERRY L. LAYSON, by self, 19816 SE 344th St., Auburn, Washington, 98052;

BILL AND DENISE LOVLIN, by selves, 21004 244th Ave. SE, Maple Valley, Washington 98038;

LUC J. R. MARTINI, by self, 1415 293rd Northeast, Carnation, Washington 98104;

GREGORY POWERS, by self, 21255 230th Ave. SE, Maple Valley, Washington 98038;

ORVILLE AND REBECCA ROHMAN, by selves, P. O. Box 1228, Maple Valley, Washington 98038;

LOWELL STICKNEY, 22340 SE Bain Road, Maple Valley, Washington 98038, by representative of the Stickney Parcel (thought to be Jochen Hagberg), 22316 SE Bain Road, Maple Valley, Washington 98038;

LOWELL STICKNEY, 22340 SE Bain Road, Maple Valley, Washington 98038, by Elaine Hagberg, 22316 SE Bain Road, Maple Valley, Washington 98038;

BRUCE AND DENISE TRELSTAD, by selves, P. O. Box 47085, Seattle, Washington 98146.

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 Craig Stone, South King County Area 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 South King County Area Administrator makes the following findings:

I

On July 23, 1953, July 21, 1958, and December 16, 1958 a plan for the establishment of a limited access highway over a portion of SR 18 in King County, Washington, was ordered under Commission Resolution Nos. 95, 688 and 761 respectively. Such plans were prepared and entitled:

“SR 18, MP 11.42 TO MP 16.58, SR 516 INTERCHANGE TO CEDAR RIVER VICINITY, KING COUNTY”, right of way and limited access plans between STA. EB 1393+45 and STA. EB 1395+00; as shown on sheet 13 of 14 sheets dated August 4, 1995, revised May 7, 1999;

“SR 18, MP 16.58 TO MP 19.04, CEDAR RIVER VIC. TO S. E. 200TH ST. VIC., KING COUNTY”, right of way and limited access plans between STA. 1395+00 P.O.C. and STA. 1525+00 P.O.T., as shown on sheets 1 through 7 of 7 sheets dated May 7, 1999;

“SR 18, MP 19.08 TO MP 21.10, ISSAQUAH-HOBART ROAD INTERCHANGE, KING COUNTY”, right of way and limited access plans between STA. EB 1525+00 and STA. EB 1542+95, as shown on sheet 2 of 6 sheets dated May 13, 1994, revised May 7, 1999.

These nine plan sheets were introduced into evidence marked Exhibit No. 5, which was made part of the hearing record.

II

The Department of Transportation received from the public agency 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. 4.

III

On May 14, 1999 the Deputy 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 Exhibit No. 1.

IV

Clifford Mansfield, P. E., Deputy State Design Engineer for the Washington State Department of Transportation, issued a Notice of Hearing. On May 24, 1999 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 attached to 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 May 25, 1999 and June 1, 1999, as shown by the Affidavit of Publication of Hong Au, Authorized Agent 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 May 25, 1999 and June 2, 1999, as shown by the Affidavit of Publication of Adrienne Turley, Chief Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3; and in the South County Journal on May 25, 1999 and June 1, 1999, as shown by the Affidavit of Publication of Lori L. Furnish, Legal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3; and in the Eastside Journal.

V

The plan proposes the establishment of a limited access facility with full access control for SR 18 from vicinity of the Cedar River to the vicinity of S. E. 200th Street as shown on the following plans entitled:

“SR 18, MP 11.42 TO MP 16.58, SR 516 INTERCHANGE TO CEDAR RIVER VICINITY, KING COUNTY”, right of way and limited access plans between STA. EB 1393+45 and STA. EB 1395+00; as shown on sheet 13 of 14 sheets dated August 4, 1995, revised May 7, 1999;

“SR 18, MP 16.58 TO MP 19.04, CEDAR RIVER VIC. TO S. E. 200TH ST. VIC., KING COUNTY”, right of way and limited access plans between STA. 1395+00 P.O.C. and STA. 1525+00 P.O.T., as shown on sheets 1 through 7 of 7 sheets dated May 7, 1999;

“SR 18, MP 19.08 TO MP 21.10, ISSAQUAH-HOBART ROAD INTERCHANGE, KING COUNTY”, right of way and limited access plans between STA. EB 1525+00 and STA. EB 1542+95, as shown on sheet 2 of 6 sheets dated May 13, 1994, revised May 7, 1999.

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. 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 a part of the hearing record:

- Exhibit No. 7 Letter, dated June 16, 1999, from Jochen and Elaine Hagberg, concerning the redesign of S. E. Bain Road and the amount of right of way required from Parcel No. 1-15973.
- Exhibit No. 8 Comment Sheet from Lowell Stickney (Parcel No. 1-15973) suggesting an alternate design for the proposed alignment of S. E. Bain Road.
- Exhibit No. 9 Letter, dated June 11, 1999, from Steven and Anna Barry, concerning the proximity of the proposed detention pond from the existing well on Parcel No. 1-16016 and the possible impacts to water quality.
- Exhibit No. 10 Letter, dated June 17, 1999, from Gregory Powers, concerning possible negative impacts to the property value of Parcel No. 1-16035, provisions to replace the well shared with Parcel No. 1-15982, access to his parcel during construction, clarification of a construction easement shown on the Access Hearing Plan for his parcel, and safety, noise, & visibility during and after construction.
- Exhibit No. 11 Letter, dated June 19, 1999, from Luc J.R. Martini, concerning elimination of the current access to Parcel No. 1-16001 and total acquisition of Parcel No. 1-16001 by the state.
- Exhibit No. 12 Letter, dated June 16, 1999, from Frederick Corlis, concerning the increased noise levels for homes on 230th Avenue S. E., mitigation alternatives for the stream on S. E. 216th Pl., the purchase of the remaining three homes at the end of S.E 216 Pl., and worsened traffic congestion after completion of certain highway projects in the south county area.
- Exhibit No. 13 Letter, dated June 21, 1999, from Orville and Rebecca Rohman (Parcel No. 1-15996), requesting to be purchased in full.

- Exhibit No. 14 Letter, postmarked June 19, 1999, from Bill Lovlien, concerning the construction of a loop driveway on Parcel No. 1-16032 to the revised grade of 244th Avenue S. E. and noise abatement from the interchange.
- Exhibit No. 15 Comment Sheet from Bruce and Denise Trelstad, concerning noise abatement on Parcel No. 1-16024 after construction is complete.
- Exhibit No. 16 Reserved Exhibit to reply to Exhibit No. 7.
- Exhibit No. 17 Reserved Exhibit to reply to Exhibit No. 8.
- Exhibit No. 18 Reserved Exhibit to reply to Exhibit No. 9.
- Exhibit No. 19 Reserved Exhibit to reply to Exhibit No. 10.
- Exhibit No. 20 Reserved Exhibit to reply to Exhibit No. 11.
- Exhibit No. 21 Reserved Exhibit to reply to Exhibit No. 12.
- Exhibit No. 22 Reserved Exhibit to reply to Exhibit No. 13.
- Exhibit No. 23 Reserved Exhibit to reply to Exhibit No. 14.
- Exhibit No. 24 Reserved Exhibit to reply to Exhibit No. 15.
- Exhibit No. 25 Reserved Exhibit to reply to comments from Bob and Cheryl Castagna on pages 46-48 and 51 of the Hearing Transcript.

VIII

The Assistant Secretary of Environment and Engineering has considered evidence on the entire portion of the entitled highway and finds the plans introduced into evidence marked Exhibit No. 5 should be modified as hereinafter set forth and shown on Exhibit "A" attached.

1. Revise plan sheets 4 and 5 of 7 sheets to relocate the right of way and limited access line between Sta. BL 33+02.60 and Sta. 1480+80 Lt. as requested by Mr. Luc J. R. Martini on page 45 of the hearing transcript and in Exhibit No. 11 and added an access easement from Sta. J 32+57.72 Rt. to Sta. BL 33+34.87 Lt.; added drainage easement between Sta. BL 33+02.60 Lt. and Sta. 1480+80 Lt.; added access easement for transfer from Sta. BL 33+34.87 Lt. to Sta. BL 34+63.90 Lt. as recommended by the Department of Transportation in Exhibit No. 20.
2. Revise plan sheets 13 of 14 sheets, 1 through 9 of 9 sheets, and 2 of 6 sheets to make minor revisions, to correct ownership's and parcel details, area computations, and right of way details.

The Assistant Secretary for Environmental and Engineering also considered the following requests and makes the following findings:

1. Bob and Cheryl Castagna, on pages 46-48, and 51 of the Hearing Transcript, requested that their parcel be purchased in full or if the Department is not purchasing their parcel, they asked if they would receive compensation for any loss of property value or inconvenience during construction. Also will the Endangered Species Act have any effect on relocating the stream?

As stated in Reserved Exhibit No. 25 the Castagna property is not within the area needed to be acquired for the project. The statutes and policies do not address compensation for properties that are not being acquired as a part of the project. The stream falls under the guidelines of the Endangered Species Act.

2. Jochen and Elaine Hagberg on pages 52 through 55 of the hearing transcript and in Exhibit No. 7, expressed concern that the redesigned curves of S. E. Bain Road are not tight enough, thus impacting too much of the Cedar River flood plain, and resulting in too much of Parcel No. 1-15973 being acquired by the Department.

As stated in Reserved Exhibit No. 16, the Department has realigned the two north curves of S. E. Bain Road. This alignment is within King County standards for a local subaccess street in a rural area that provides access for a maximum of 50 residences. Reduction of the flood plain by 200 cubic yards can be mitigated virtually on site by creating compensatory storage in the construction of the new Cedar River bridge embankments.

3. Greg Powers on page 56 of the hearing transcript and in Exhibit No. 10 expressed concerns about the shared well with Parcel No. 1-15982, moving and property values, construction schedules, temporary construction easement, noise, impacts of the construction and expressed an interest in purchasing the remainder of Parcel No. 1-15982 (Cotter).

As stated in Reserved Exhibit No. 19, a new replacement well will be drilled and certified on Parcel No. 1-16035 at the Department's expense. If it is not possible to install a new well on Parcel No. 1-16035, Mr. Powers will be connected to an alternate joint water system of residents in the area.

The Department considers the effects the project has on property that it acquires within the project limits. As part of the acquisition process a determination is made for possible loss in value to those properties from which acquisition is required. At present time, there are no provisions by which the department can address changes, if any, in value to properties that are not acquired. During construction, sale of Mr. Powers' property would be a market item and would be dictated by normal market activity.

A construction schedule will be made available upon request from the Department's Construction Project Engineer.

Access to Parcel No. 1-16035 will be maintained throughout the construction of the project. The temporary construction easement is for removing water pipes between the existing shared well and the Powers' residence.

Parcel No. 1-16035 can expect a sound level increase of approximately 7 dBA from 50 dBA Leq to 57 dBA Leq for the project design year 2010. This assessment was made by placing a noise receiver in the parcel vicinity.

Any right of way declared surplus to the highway project needs will be disposed of in accordance with Department policies.

4. Lowell Stickney in Exhibit No. 8 suggested an alternative alignment for S. E. Bain Road on the north side of SR 18 in the vicinity of Parcel No. 1-15973.

As stated by the Department in Exhibit No. 17, the suggested alignment for S. E. Bain Road does not meet the King County design standards for a local subaccess street in a rural area that provides access for a maximum of 50 residences.

5. Steven and Anna Barry in Exhibit No. 9 expressed concern about the short distance between their existing well and the proposed stormwater treatment pond to be located south of their garage and the possible detrimental effects to their water quality and the removal of trees, shrubbery, and other plant life in order to construct the detention pond.

As stated by the Department in Exhibit No. 18, the Department's Aquifer and Well-Head Protection Program monitors all wells located within 300 feet of a project construction area. Wells are monitored for water quality quarterly over a one year period prior to construction and again quarterly for one year after construction. King County Health Division regulations require a setback distance of 100 feet between a stormwater detention pond and a well-head. The Department cannot guarantee the conditions as established in future King County codes as the department does not have a say in those issues.

Compensation for any acquisition of trees, shrubbery, and associated improvements will be addressed at the time of right of way appraisal. The property will be appraised at its highest and best use.

6. Fred Corlis in Exhibit No. 12 expressed concern about the increased noise levels for homes on 230th Avenue S. E., removal of trees for the proposed new construction, and suggested that the design of the relocated stream and its buffers adjacent to S. E. 216th Pl. be revisited in order to determine if the mitigation could occur at another location such as Taylor Creek or downstream, thus reducing the number of homes that will need to be purchased.

As stated by the Department in Exhibit No. 21, Mr. Corlis's parcel can expect a sound level increase from 46 dBA Leq to 53 dBA Leq for the project design year 2010. This assessment was made by placing a noise receiver in the parcel vicinity. The Federal guidelines threshold for mitigation of noise impacts is 67 dBA. The anticipated noise impacts do not meet the requirements for mitigation.

Compensation for any acquisition of trees, shrubbery, and associated improvements will be addressed at the time of right of way appraisal of those parcels being purchased by the Department.

As stated by the Department in Exhibit No. 21, once the determination was made by the biologist that the stream could be used by salmonids, two options become possible for the stream because of the realignment of S. E. 216th Pl.: protection or relocation. Since the stream cannot be protected, the stream must be relocated outside the roadway alignment. County requirements mandate that a relocated stream must have a 100 foot stream buffer. If the 100 foot stream buffer cannot be established on site,

only then can stream buffer mitigation be considered at another location. Another requirement for the relocated salmonid stream is that it flows into the river close to the location where the original stream entered the river.

The three remaining homeowners at the end of S. E. 216th Pl. are not needed for highway purposes and will not be acquired or appraised. The statutes and policies do not address compensation for these types of properties.

7. Orville and Rebecca Rohman in Exhibit No. 13 requested that Parcel No. 1-15996 be purchased in full.

As stated by the Department in Exhibit No. 22, at the present time, the department intends to acquire only that portion of Parcel No. 1-15996 needed for the project.

8. Bill Lovlien in Exhibit No. 14 expressed concern about the increased noise levels and detrimental effects on the value of his property after clearing of trees and construction of the 244th Ave. S. E. interchange. Mr. Lovlien also submitted a proposal for a loop driveway system which extends the driveway around the east side of the barn.

As stated by the Department in Exhibit No. 23, the Department has examined the current access to Parcel No. 1-16032 and will be working on a design to provide an equal type approach.

Studies have shown that a large number of trees are required to provide a discernible reduction in noise—about 5 dBA per 100 feet of densely planted trees. Parcel No. 1-16035 can expect a sound level increase of approximately 7dBA for the project design year 2010. This assessment was made by placing a noise receiver in the parcel vicinity. The Federal guidelines threshold for mitigation of noise impacts is 67dBA and over. The anticipated noise impacts do not meet the requirements for mitigation.

9. Bruce and Denise Trelstad in Exhibit No. 15 expressed concern about the increased noise levels from the completed project and asked whether noise barriers are planned for their property boundary.

As stated by the Department in Exhibit No. 25, the Federal guidelines threshold for mitigation of noise impacts is 67dBA. A receiver placed in the vicinity of 236th Avenue S. E. intersection identified the area as not meeting the requirements for mitigation.

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 for Environment and Engineering for the Department of Transportation of the State of Washington

ORDERS:

I

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 1393+45 and STA. EB 1395+00 as shown on sheet 13 of 14 sheets entitled "SR 18, MP 11.42 TO MP 16.58, SR 516 INTERCHANGE TO CEDAR RIVER VICINITY, KING COUNTY";

Between STA. 1395+00 P.O.C. and STA. 1525+00 P.O.T., as shown on sheets 1 through 7 of 7 sheets entitled "SR 18, MP 16.58 TO MP 19.04, CEDAR RIVER VIC. TO S. E. 200TH ST. VIC., KING COUNTY";

Between STA. EB 1525+00 and STA. EB 1542+95, as shown on sheet 2 of 6 sheets dated May 13, 1994 entitled "SR 18, MP 19.08 TO MP 21.10, ISSAQUAH-HOBART ROAD INTERCHANGE, KING COUNTY".

II

That the plan set forth in Exhibit No. 5 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 relocation of the right of way and limited access line between Sta. BL 33+02.60 and Sta. 1480+80 Lt. and the addition of the access easement between Sta. J 32+57.72 Rt. and Sta. BL 33+34.87 Lt., the addition of the drainage easement between Sta. BL 34+63.90 Lt. and Sta. 1480+80 Lt.; the addition of the drainage easement between Sta. BL 33+34.87 and Sta. BL 34+63.90 Lt. as shown on plan sheets 4 and 5 of 7 sheets.
2. Show minor revisions that correct ownerships and parcel details, area computations, and right of way details. (See plan sheets 13 of 14 sheets; 1 through 7 of 7 sheets, and sheet 2 of 6 sheets respectively).

III

That the plans entitled:

"SR 18, MP 11.42 TO MP 16.58, SR 516 INTERCHANGE TO CEDAR RIVER VICINITY, KING COUNTY", sheet 13 of 14 sheets;

"SR 18, MP 16.58 TO MP 19.04, CEDAR RIVER VIC. TO S. E. 200TH ST. VIC., KING COUNTY", sheets 1 through 7 of 7 sheets and

“SR 18, MP 19.08 TO MP 21.10, ISSAQUAH-HOBART ROAD INTERCHANGE, KING COUNTY” sheet 2 of 6 sheets, as revised and reflected in Exhibit “A”, is hereby adopted.

That the following plans are hereby superseded:

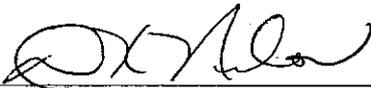
“SR 18, JCT. PSH. NO. 5 TO HOBART ROAD”, RIGHT OF WAY PLAN, KING COUNTY, sheets 1 and 2 of 3 sheets, approved November 12, 1958.

“SR 18, ISSAQUAH-HOBART ROAD INTERCHANGE”, RIGHT OF WAY AND LIMITED ACCESS PLAN, KING COUNTY, sheets 1 and 2 of 6 sheets, approved May 13, 1994.

“SR 18, SR 516 INTERCHANGE TO CEDAR RIVER VICINITY”, RIGHT OF WAY AND LIMITED ACCESS PLAN, KING COUNTY, sheet 13 of 14 sheets, approved August 4, 1995.

ADOPTED THIS 18th DAY OF November, 1999

ASSISTANT SECRETARY OF
ENVIRONMENT AND ENGINEERING



Approved as to form:



Assistant Attorney General