

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 18 )  
SE 304TH TO COVINGTON WAY )  
MP 9.54 TO MP 11.42 )  
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 p.m., Wednesday, January 12, 1994, in the Crestwood Elementary, located at 25225 180th Ave. SE, Kent, Washington before Mr. Robert E. Lundgaard, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Joseph Sloan, Assistant Attorney General, P.O. Box 40113, Olympia, Washington 98054;

HERMAN ALLENBACH, by self, 1018 SW 144th, Seattle, WA 98168;

TED J. HAGADORN, by self, 13115 SE 304th Street, Auburn, WA 98002;

RODGER SCOTT by self, 20405 SE 344th Street, Auburn, WA 98002;

BEN G. STARK, by self, P.O. Box 98638, Seattle, WA 98198;

WILLIAM & SHIRLEY STEWART, by selves, 28203 160th SE, Kent, WA 98042;

STEPHEN L. TUCKER, by self, 28300 Kent-Blackdiamond Road, Kent, WA. 98042

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 proper party to the hearing.

The meeting was called to order, under provisions of RCW 47.52 *et seq.*, by Bill Carter, Assistant District Administrator for Development, 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 December 2, 1957, a plan for establishment of a limited access highway over a portion of State Highway 18 in King County, Washington, was ordered under Commission Resolution No. 587 and amendments thereto.

Such a plan was prepared and entitled "SR 18, S.E. 296TH ST. VIC. TO SR 516 INTERCHANGE, MP 9.54 TO MP 11.42, KING COUNTY," sheets 1 through 7 of 7 sheets. These sheets were introduced into evidence marked 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 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 No. 4A.

## III

On December 12, 1993; the 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 as Exhibit No. 1.

## IV

Dennis C. Jackson, State Design Engineer, Washington State Department of Transportation, issued a Notice of Hearing. On December 28, 1993, an exact copy of this notice was mailed to King County, the City of Auburn, various agencies and other interested parties, and to each of the owners of record of property listed on the County Tax Roll, as depicted in the Affidavit of Service by Mailing introduced into evidence marked Exhibits No. 2 and 2A. An exact copy of the notice was published in the *Valley Daily News* on December 13, 1993, and on January 3, 1994, as shown by the Affidavit of Publication of Karen Tucker, Legal Clerk of said newspaper, whose affidavit was introduced into evidence marked Exhibit No. 3, and in *The Issaquah Press* on December 15, 1993, as shown by the Affidavit of Publication of Cheryl L. Cyr, Chief Clerk of said newspaper, whose affidavit was introduced into evidence marked Exhibit No. 3D, and in *The Seattle Post-Intelligencer* on December 14, 1993 and on December 28, 1993, as shown on by the Affidavit of Publication of Tom Eagan, Principal Clerk of said newspaper, whose affidavit was introduced into evidence marked as Exhibit No. 3E, and in *The Seattle Times* on December 13, 1993 and on January 3, 1994, as shown on by the Affidavit of Publication of Tom Eagan, Principal Clerk of said newspaper, whose affidavit was introduced into evidence marked as Exhibit No. 3F. A public advertisement announcing the hearing was published in the *Voice of the Valley* on December 29, 1993, as shown by the Affidavit of Publication of Donna L. Hayes, Office Manager of said newspaper, whose affidavit was introduced into evidence marked Exhibit No. 3A, and in the *Valley Daily News -Kent* on December 14, 1993, and on December 28, 1993, as shown by the Affidavit of Publication of Karen Tucker, Legal Clerk of said newspaper, whose affidavit was introduced into evidence marked Exhibit No. 3B, and in the *Journal American-Bellevue* on December 21, 1993, and on December 28, 1993, as shown by the Affidavit of Publication of Crystal Reinagel, Legal Clerk of said newspaper, whose affidavit was introduced into evidence marked Exhibit No. 3C.

## V

The plan proposed the establishment of fully controlled limited access facilities for State Route 18 from the vicinity of SE 296th Street to SR 516 Interchange between Sta. EB 1023+30.31 to Sta. EB 1122+78.46 as shown on sheets 1 through 7 of 7 sheets entitled "SR 18, S.E. 296TH ST. TO SR 516 INTERCHANGE, MP 9.54 TO MP 11.42, 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 a Principal Arterial and the Department of Transportation policy provides for Fully 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 Plans for the establishment of limited access control on SR 18, SE 296th St. Vic. to SR 516 Interchange, introduced into evidence marked Exhibit No. 4, will facilitate travel, reduce accident rates, preserve public investment, and sustain the highway as a modern transportation facility.

## VII

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

- Exhibit No. 5      Revision to hearing plan sheet no. 6 of 7.
- Exhibit No. 6      Vicinity map and total Parcel detail sheets 1 through 7 of 7 sheets.
- Exhibit No. 7      Comment letter from Linda Grage
- Exhibit No. 8      Letter dated January 12, 1994, from Lester E. Johns and Melissa Isaly-Johns
- Exhibit No. 9      Letter dated January 12, 1994, from Rodger C. Scott.
- Exhibit No. 10     Reserved Exhibit, Department's response to comments made at the hearing on pages 35 and 36 of the hearing transcript and in Exhibit No. 7
- Exhibit No. 11     Reserved Exhibit, Department's response to comments made at the hearing on pages 32 through 35 and 56 through 63 of the hearing transcript and in Exhibit No. 8
- Exhibit No. 12     Reserved Exhibit, Department's response to comments made at the hearing on pages 8 through 10 of the hearing transcript and in Exhibit No. 9
- Exhibit No. 13     Letter dated January 12, 1994, from Shirley Stewart.
- Exhibit No. 14     Letter dated February 15, 1994, from Barry Anderson
- Exhibit No. 15     Letter dated January 5, 1994, from Evelyn McKinley.
- Exhibit No. 16     Letter dated December 20, 1993, and Comment Sheet dated January 5, 1994, from R. Nelson

- Exhibit No. 17 Reserved Exhibit, Department's response to comments made at the hearing on pages 24 through 30 of the hearing transcript and in Exhibit No. 13.
- Exhibit No. 18 Reserved Exhibit, Department's response to Exhibit No. 14.
- Exhibit No. 19 Reserved Exhibit, Department's response to comments made at the hearing on pages 10 through 17 of the hearing transcript and in Exhibit No. 15.
- Exhibit No. 20 Reserved Exhibit, Department's response to Exhibit No. 16
- Exhibit No. 21 Reserved Exhibit, Department's response to comments made at the hearing by George Armstrong on pages 65 through 67 of the hearing transcript.
- Exhibit No. 22 Reserved Exhibit, Department's response to comments made at the hearing by Arnold Forner on pages 67 and 68 of the hearing transcript.
- Exhibit No. 23 Reserved Exhibit, Department's response to comments made at the hearing by Charles Jackson on page 69 of the hearing transcript.
- Exhibit No. 24 Reserved Exhibit, Department's response to comments made at the hearing by Theodora Kendall on page 63 of the hearing transcript.

## VIII

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

Plan sheets 1 through 7 of 7 sheets dated December 13, 1993 will be replaced with new plan sheets with the same title. Sheets 1 through 7 of 7 sheets will include the following changes:

1. The right of way and limited access line, as shown on sheet 3 of 7 sheets, was relocated between Sta. EB 1023+52.95 and Sta. EB 1045+48.07 Lt. and between Sta. EB 1023+52.95 and Sta. 1050+60 Rt.; the cul-de-sacs on SE 288th Street have been deleted because of the reduced right of way width in this vicinity; additionally, Parcel Nos. 1-15160, 1-15162, 1-15164, and 1-15165 have been deleted from the plan as they are no longer needed. The relocation was recommended by the Department in Reserved Exhibit Nos. 19, 21 and 22 as the result of revision to the mainline configuration shifting the alignment to right.
2. The right of way and limited access line was relocated between Sta. EB 1059+50 and Sta. EB 1063+80 Lt. and between Sta. EB 1060+40 and Sta. EB 1069+31.34 Rt. as shown on sheet 4 of 7 sheets; additionally, Parcel No. 1-15170 has been deleted from the plan as it is no longer needed. The relocation was the result of the Department's relocation of the stormwater treatment area shown on the left side of the highway to the right side of highway as shown sheet 4 of 7 sheets.
3. The right of way line was relocated between Sta. EB 1078+70 and Sta. 1081+09 Rt. as shown on sheet 4 of 7 sheets. This relocation is the result of the extension of the 283rd. Line to provide access to Parcels 1-15180 and 1-15181 as stated by the Department in Reserved Exhibit No. 11.
4. The right of way and limited access line was relocated between Sta. EB 1081+09 and Sta. EB 1088+00 on the Rt. as shown on sheets 4 and 5 of 7 sheets. The relocation, recommended by the Department in Exhibit No. 24, was the result of the relocation of the stormwater treatment area by the Department.

5. The right of way and limited access line was relocated between Sta. EB 1082+75.68 and Sta. EB 1101+00 Lt. as shown on sheets 4 and 5 of 7 sheets. The relocation was the result of the redesign of the stormwater treatment area by the Department.
6. The right of way and limited access line was relocated between Sta. EB 1092+00 and Sta. EB 1100+30 Lt. as shown on sheet 5 of 7 sheets. This relocation was result of the deletion of the stormwater treatment area by the Department.
7. A Temporary Type A-1 approach has been added to the plan at Sta. SR 516 219+30 Rt. as shown on sheet 6 of 7 sheets. This approach will provide access to two houses on Parcel No. 1-15191. This approach is temporary and shall be eliminated when the land use changes.
8. Minor revisions that correct ownerships and parcel details, area computations, and right of way details. (See plan sheets 1 through 7 of 7 sheets)

## IX

The Assistant Secretary of Environment and Engineering also considered the following request made at or subsequent to the hearing within the 10-day open record period and makes the following findings:

1. Gene Erwin and Rodger Scott on pages 8, 9 and 10 of the hearing transcript and in Exhibit No. 9 requested a realignment of the CW Line further to the east to lessen the impact on Parcel No. 1-15185.

The Department in Reserved Exhibit No. 12 has stated that movement of the Covington Way alignment to the east would require purchase of right of way from a parcel identified as being contaminated with hazardous waste. WSDOT has been advised by counsel not to purchase any property from the contaminated parcel.

## X

The Assistant Secretary of 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.

Base upon the foregoing findings and 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 18 in King County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Sta. EB 1023+52.95 and Sta. EB 1122+78.46. as shown on sheets 1 through 7 of 7 sheets entitled, "SR 18, SE 296TH ST. VIC. TO SR 516 INTERCHANGE, MP 9.55 TO MP 11.42, KING COUNTY."

## II

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

Plan sheets 1 through 7 of 7 sheets, dated December 13, 1993, will be replaced with new plan sheets, 1 through 7, using the same title but reflecting in Exhibit "A" the changes specified below:

1. Show that the right of way and limited access line, as shown on sheet 3 of 7 sheets, has been relocated between Sta. EB 1023+52.95 and Sta. EB 1045+48.07 Lt. and between Sta. EB 1023+52.95 and Sta. 1050+60 Rt.; that the cul-de-sacs on SE 288th Street have been deleted; that Parcel Nos. 1-15160, 1-15162, 1-15164, and 1-15165 have been deleted from the plan.
2. Show that the right of way and limited access line has been relocated between Sta. EB 1059+50 and Sta. EB 1063+80 Lt. and between Sta. EB 1060+40 and Sta. EB 1069+31.34 Rt. as shown on sheet 4 of 7 sheets; that Parcel No. 1-15170 has been deleted from the plan.
3. Show that the right of way line has been relocated between Sta. EB 1078+70 and Sta. 1081+09 Rt. as shown on sheet 4 of 7 sheets; show the extension of the 283 Rd. Line.
4. Show that the right of way and limited access line has been relocated between Sta. EB 1081+09 and Sta. EB 1088+00 on the Rt. as shown on sheets 4 and 5 of 7 sheets.
5. Show that the right of way and limited access line has been relocated between Sta. EB 1082+75.68 and Sta. EB 1101+00 Lt. as shown on sheets 4 and 5 of 7 sheets.
6. Show that the right of way and limited access line has been relocated between Sta. EB 1092+00 and Sta. EB 1100+30 Lt. as shown on sheet 5 of 7 sheets.
7. Show that the Temporary Type A-1 approach has been added to the plan at Sta. SR 516 219+30 Rt. as shown on sheet 6 of 7 sheets.
8. Minor revisions that correct ownerships and parcel details, area computations, and right of way details. (See plan sheets 1 through 7 of 7 sheets)

## III

That the plans entitled, "SR 18, SE 296TH ST. VIC. TO SR 516 INTERCHANGE, MP 9.55 to MP 11.42, KING COUNTY" sheets 1 through 7 of 7 sheets, as revised reflected in Exhibit "A", is hereby adopted, and further

That the following plans are hereby superseded:

"AUBURN TO JCT. S.S.H. NO. 5-A, KING COUNTY", Right of Way sheet 8(Pt.) through 10 of 11 sheets, approved December 17, 1957, and sheet 11 of 11 sheets approved August 26, 1958 and Plans Showing Access sheet 3 of 3 sheets, approved July 29, 1957.

ADOPTED THIS 14 DAY OF February, 1995

ASSISTANT SECRETARY OF  
ENVIRONMENTAL AND ENGINEERING  
SERVICE CENTER

E. R. Daniel

Approved as to form:

[Signature]  
Assistant Attorney General