

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 18)
 SE 312TH WAY TO SE 304TH)
 STREET INTERCHANGE)
 MP 7.96 TO MP 9.55)
 HEARING ON LIMITED ACCESS) FINDINGS AND ORDER

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 7 p.m., Wednesday, March 16, 1994, in the Green River Community College Lindbloom Center, Auburn, Washington before John Loeffler, 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;

JAMES E. BRADFORD, by Cliff I. Nelson, Attorney, 1008 South Yakima Avenue, Suite 202, Tacoma, WA 98405;

TOM GAUTHIER, by self, 13231 SE 312th Court, Auburn, WA 98002;

DAVID AND LINDA GRAGE, by selves, 14447 SE 296th Street, Kent, WA 98042;

JOHN K. HALEY, by self, 29428 144th Avenue SE, Kent, WA 98042;

DOTTIE KENDALL, by self, P.O. Box 5858, Kent, WA 98064;

RON F. LATHAM, by self, 13324 SE 312th Way, Auburn, WA 98002;

JAMES E. LEA, by Louise Lea, 31630 117th Avenue SE, Auburn, WA 98002;

PAUL R. LUKE, by self, 13312 SE 312th Way, Auburn, WA 98002;

PATRICK McGRANN, by self, 30420 132nd Avenue SE, Auburn, WA 98002;

HUGH NEIDIFFER, by self, 30628 132nd Avenue SE, Auburn, WA 98002;

S. ROBERT PFAFF, by self, 29204 124th Avenue SE, Auburn, WA 98002-2169;

KAREN SMITH, by self, 23550 SE 206th Street, Maple Valley, WA 98038;

EARL STANGE, by self, P.O. Box 293, Elbe, WA 98330;

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

BEVERLY WOODS, be self, 30522 132nd Avenue SE, Auburn, WA 98002;

STANLEY A. ZIELINSKI JR., P.E., by self, 29625 144th Avenue SE, 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, District 1 Project Development Engineer for the 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 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. 304TH STREET INTERCHANGE VICINITY, MP 7.56 TO MP 9.55, KING COUNTY," sheets 1 through 16 of 16 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. 13.

III

On February 18, 1994, 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 February 25, 1994, 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 Exhibit No. 2. An exact copy of the notice was published in the *Valley Daily News* on February 14, 1994, and on March 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. A public advertisement announcing the hearing was published in the *The Issaquah Press* on February 16, 1994, as shown by the Affidavit of Publication of Cheryl L. Cyr, Chief Clerk of said newspaper, and in the *Valley Daily News* on February 14, 1994, and on March 3, 1994, as shown by the Affidavit of Publication of Crystal Reinagel, Legal Clerk of said newspaper, whose affidavits were introduced into evidence marked Exhibit No. 3A, and in the *Seattle Post-Intelligencer* on February 14, 1994, and on March 2, 1994, as shown by the Affidavit of Publication of Tom Egan, Principal Clerk of said newspaper, whose

affidavit was introduced into evidence marked Exhibit No. 3B, and in the *Voice of the Valley* on February 16, 1994, and on March 2, 1994, as shown by the Affidavit of Publication of Donna Hayes, Office Manager of said newspaper, whose affidavit was introduced into evidence marked Exhibit No. 7.

V

The plan proposed the establishment of fully controlled limited access facilities for State Route 18 from the vicinity of SE 312th Way to SE 296th Street between Sta. LW 728+83.48 to Sta. L 833+70.69 as shown on sheets 1 through 16 of 16 sheets entitled "SR 18, S.E. 304TH STREET INTERCHANGE VICINITY, MP 7.56 TO MP 9.55, 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 312th Way to SE 304th Street 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. 2a Mailing list of abutting property owners
- Exhibit No. 5 Parcel No. and Taxpayer List
- Exhibit No. 6 Alternate Plan (C-Line Curve Revision)
- Exhibit No. 9 1994 Real Estate Tax Statement for Tax Lot 092105-9027-01, Stark, showing assessed property value.
- Exhibit No. 10 Topographic map indicating Stark property
- Exhibit No. 10A Reserved Exhibit to reply to Exhibit No. 9 and 10.

- Exhibit No. 11A Letter from Ron and Claudia Latham and Paul and Margaret Luke to Thomas C. Hamstra, P.E., Project Engineer, requesting a formal study of alternate solutions to provide access to their property.
- Exhibit No. 11B Letter, dated March 16, 1994, from Anne E. Drebin, Cell Site Manager, US West New Vector Group, to Thomas C. Hamstra, P.E., Project Engineer, requesting that the Department contact them to discuss and reconsider the proposal to purchase the Latham property, Parcel 1-15088. US West currently operates a cellular antenna site on a leased portion of the above-noted parcel.
- Exhibit No. 11C Reserved Exhibit to reply to Exhibit No. 11A.
- Exhibit No. 11D Reserved Exhibit to reply to Exhibit No. 11B.
- Exhibit No. 12 Letter, dated March 8, 1994, from Stanley A. Zielinski Jr., P.E., proposing three alternatives to the plan presented by the Department of Transportation and presenting a list of objections to the proposed plan.

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 16 of 16 sheets dated February 18, 1994 will be replaced with new plan sheets with the same title. Sheets 1 through 17 of 17 sheets will include the following changes:

1. The G Line intersection with 304th St. was relocated between Sta. D 205+42.29 and Sta. G 29+50 as shown on sheets 1 and 11 of 17 sheets. The relocation was recommended by the Department to lessen the impacts on Parcel 1-15101 as the result of discussions with Ms. Theodora Kendall and Ms. Beverly Woods.
2. The addition of an overcrossing in the vicinity of Sta. LW 748+06; deletion of the cul-de-sac on the Lt. and addition of a cul-de-sac on the Rt. at the SE 312th Way as shown 1 and 3 of 17 sheets. This revision is the result of request made by Ms. Anne E. Drebin, representing US West New Vector Group, in Exhibit No. 11B, Mr. and Mrs. Ron and Claudia Latham, and Mr. and Mrs. Paul and Margaret Luke, in Exhibit No. 11A, Mr. Ben Stark, on pages 81 and 82 of the hearing transcript, and is recommended by the Department in Reserved Exhibit Nos. 10A, 11C, and 11D.
3. The right of way and limited access line was relocated between Sta. LW 753+59.29 and Sta. LW 760+61.99 on the Rt. as shown on sheets 3 and 4 of 17 sheets. The relocation was the result of the redesign of the stormwater treatment area by the Department.
4. The right of way and limited access line was relocated between Sta. BL 12+53.83 and Sta. BL 13+45.04 on the Lt. as shown on sheet 6 of 17 sheets. This revision is recommended by the Department to allow for the addition of an easement for transfer to King County, and short plats 765016 and 775008.
5. The right of way and limited access line was relocated between Sta. BL 14+45 and Sta. BL 18+87.20 on the Lt. as shown on sheets 7 and 12 of 17 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. BL 24+19 and Sta. L 812+50 on the Lt. as shown on sheets 7 and 8 of 17 sheets. This relocation was recommended by the Department to lessen the impacts on Parcel No. 1-15110.

7. The right of way and limited access line was relocated between Sta. L 817+00 and Sta. L 833+70.69 on the Lt. as shown on sheets 8 and 9 of 17 sheets. The relocation was the result of the redesign of the stormwater treatment area by the Department shown on sheet 8 of 17 sheets and relocation of the stormwater treatment area shown on sheet 9 of 17 sheets.
8. The right of way and limited access line was relocated between Sta. L 823+84.89 and Sta. L 831+14.81 on the Rt. as shown on sheet 9 of 17 sheets. The relocation was the result of the addition of the stormwater treatment area by the Department.
9. The right of way and limited access lines was relocated between Sta. C 137+76 and Sta. C 165+00 LT. and Rt. as shown on sheets 10, 11 and 12 of 17 sheets. This revision is a result of the C Line relocation by the Department.
10. Minor revisions that correct ownerships and parcel details, area computations, and right of way details. (See plan sheets 1 through 17 of 17 sheets)

IX

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. LW 728+83.48 and Sta. L 833+70.69. as shown on sheets 1 through 17 of 17 sheets entitled, "SR 18, S.E. 304TH STREET INTERCHANGE VICINITY, MP 7.56 TO MP 9.55, 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 16 of 16 sheets, dated February 18, 1994, will be replaced with new plan sheets, 1 through 17, using the same title but reflecting in Exhibit "A" the changes specified below:

1. The relocation of the G Line intersection with 304th St. (See sheets 1 and 11)

2. Show the addition of an overcrossing in the vicinity of Sta. LW 748+06; deletion of the cul-de-sac on the Lt. and addition of a cul-de-sac on the Rt. at the SE 312th Way intersection as shown 1 and 3 of 17 sheets.
3. Show that the right of way and limited access line as shown on sheets 3 and 4 of 17 sheets has been relocated between Sta. LW 753+59.29 and Sta. LW 760+61.99 on the Rt.
4. Show that the right of way and limited access line as shown on sheet 6 of 17 sheets has been relocated between Sta. BL 10+54.19 and Sta. BL 12+53.83 on the left.
5. Show that the right of way and limited access line as shown on sheets 7 and 12 of 17 sheets has been relocated between Sta. BL 14+45 and Sta. BL 18+87.20 on the left.
6. Show that the right of way and limited access line has been relocated between Sta. BL 24+19 and Sta. L 812+50 on the left.
7. Show that the right of way and limited access line has been relocated between Sta. L 817+00 and Sta. L 833+70.69 on the left as shown on sheets 8 and 9 of 17 sheets.
8. Show that the right of way and limited access line has been relocated between Sta. L 823+84.89 and Sta. L 831+14.81 on the right as shown on sheet 9 of 17 sheets.
9. Show that the right of way and limited access lines has been relocated as a result of the C Line relocation from Sta. C 137+76 to Sta. C 167+05.23 as shown on sheets 10, 11 and 12 of 17 sheets.
10. Minor revisions that correct ownerships and parcel details, area computations, and right of way details. (See plan sheets 1 through 17 of 17 sheets)

III

That the plans entitled, "SR 18, S.E. 304TH STREET INTERCHANGE VICINITY, MP 7.56 to MP 9.55, KING COUNTY" sheets 1 through 17 of 17 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", Right of Way sheets 5 through 8 of 11 sheets, approved December 17, 1957, and Plans Showing Access sheets 2 and 3 of 3 sheets, approved November 13, 1957.

ADOPTED THIS 13 DAY OF December, 1994

ASSISTANT SECRETARY OF
ENVIRONMENTAL AND ENGINEERING
SERVICE CENTER

E. R. Burch

Approved as to form:

[Signature]

Assistant Attorney General