

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 18)
SR 516 TO CEDAR RIVER VIC.)
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, February 16, 1994, in the Kentwood High school, located at 25800 164th 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;

CHRISTOPHER AND KAREN ALBERGHINI, by selves, 24035 212th Ave. S.E., Maple Valley, WA 98038;

JOHN H. BALL, by self, 811 N. Hilltop, Kent, WA. 98031;

MARY BARRETT, by self, 19812, SE Wax Rd., Maple Valley, WA. 98038;

EDWARD E. BRIGHTON, by self, 3226 Portage Bay Pl. E., Seattle, WA. 98102-3890;

MARK CASHMAN, by self, 18702 SE 258th St., Kent WA. 98042;

DESTRY CREEK, by self, 22341 S.E. Bain Rd., Maple Valley, WA. 98038;

RUSS GARDNER, by self. 25011 - 200th Ave. S.E., Maple Valley, WA. 98038;

DON KELLY, by RANDY SCHEPPER, 22232 SE 304th, Kent, WA. 98042;

C. F. AND ANN KRONENWETTER, by selves, 25025 200th Ave. SE, Maple Valley, WA. 98038;

KERRY LOCKHART, by self, 25800 188th Ave. S.E., Kent, WA. 98042;

ALICE K. MATZ, by self, 17200 S.E. 265th St., Kent, WA. 98042;

GERALD O. MILLER, by self, 14615 SE 178th Place, Renton, WA. 98058;

CLAIR AND DONNA NEEVEL, BY SELVES, 25805 187TH AVE. S.E., KENT, WA. 98042;

SECURITY GROWTH PARTNERSHIP, by RICK FICHERA (Secretary/Partner), 231323 136th Place SE, Kent, WA. 98042;

TOM SINKULA, by self, 1928 So. 289th St., Federal Way, WA. 98003;

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

RONALD E. WEST, by self, 20846 SE 240th St., Maple Valley, WA. 98038;

SCOTT WILKE, by self, 20307 SE 248th St., Maple Valley, WA. 98038

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 July 23, 1953, 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 Nos. 95, 688, 761 and amendments thereto.

Such a plan was prepared and entitled "SR 18, SR 516 INTERCHANGE TO CEDAR RIVER VICINITY, MP 11.44 TO MP 16.58, KING COUNTY," sheets 1 through 14 of 14 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. 4B.

III

On January 14, 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 1, 1994, an exact copy of this notice was mailed to King County, 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. An exact copy of the notice was published in *The Seattle Post-Intelligencer* on January 17, 1994 and on February 1, 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. 3B. A public advertisement announcing the hearing was published in the *The Seattle Post-Intelligencer* on January 24, 1994 and on February 2, 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. 3A; in the *Voice of the Valley* on January 26 and February 2, 1994, 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; in *The Issaquah Press* on January 26 and February 2, 1994, as shown by the Affidavit of Publication of Cheryl L. Cyr, Cheif Clerk of said newspaper, whose affidavit was introduced into evidence marked Exhibit No. 3A; in the *Valley Daily News* January 24, 1994, as shown by the Affidavit of Publication of Diana J. Dubois, Legal Clerk of said newspaper, whose affidavit was introduced into evidence marked Exhibit No. 3A; in the *Valley Daily News & Journal American* on January 24, 1994, and on February 2, 1994, as shown by the Affidavit of Publication of Crystal Reinagel, Legal Clerk of said newspaper, whose affidavit was introduced into evidence marked Exhibit No. 3A; and in the *Valley Daily News & Journal American* on on February 11, 1994, as shown by the Affidavit of Publication of Crystal Reinagel, Legal Clerk of said newspaper, whose affidavit was introduced into evidence marked Exhibit No. 3A.

V

The plan proposed the establishment of fully controlled limited access facilities for State Route 18 from the vicinity of the SR 516 Interchange to Maple Valley between Sta. EB 1122+78.46 and Sta. EB 1393+61.35 as shown on sheets 1 through 14 of 14 sheets entitled "SR 18, SR 516 INTERCHANGE TO CEDAR RIVER VIC., MP 11.42 TO MP 16.55, 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, SR 516 Interchange to Cedar River Vic., 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. 4A Alternative, S.E. 256th Street Interchange

- Exhibit No. 5 Letter dated February 16, 1994, from Wanda Lauderdale, King County Roads and Engineering Division.
- Exhibit No. 6 Letter dated February 16, 1994, from Edward E. Brighton Jr.
- Exhibit No. 7 Access Hearing Comment sheet from C. F. Kronenwetter
- Exhibit No. 8 Access Hearing Comment sheet from Scott Wilke
- Exhibit No. 9 Letter dated February 23, 1994, from Hugh H. Hotson, Jr.
- Exhibit No. 10 Letter dated February 16, 1994, from David Pilgrim, Maple Valley - Black Diamond Chamber of Commerce
- Exhibit No. 11 Letter dated February 7, 1994, from Ked Pfeiffer
- Exhibit No. 12 Letter dated February 7, 1994, from John H. Ball, M.D.
- Exhibit No. 13 Reserved Exhibit, Department's response to Exhibit Nos. 6, 40, and 41
- Exhibit No. 14 Reserved Exhibit, Department's response to Exhibit No. 7
- Exhibit No. 15 Reserved Exhibit, Department's response to Exhibit No. 8
- Exhibit No. 16 Reserved Exhibit, Department's response to Exhibit No. 9
- Exhibit No. 17 Reserved Exhibit, Department's response to Exhibit No. 10
- Exhibit No. 18 Reserved Exhibit, Department's response to Exhibit No. 11
- Exhibit No. 19 Reserved Exhibit, Department's response to comments made by John H. Ball at the hearing on pages 64 and 65 and in Exhibit No. 12
- Exhibit No. 20 Access Hearing Comment sheet from Vicki Kobberod
- Exhibit No. 21 Reserved Exhibit, Department's response to Exhibit No. 20
- Exhibit No. 22 Access Hearing Comment sheet from J. D. Anderson
- Exhibit No. 23 Reserved Exhibit, Department's response to Exhibit No. 22
- Exhibit No. 24 Access Hearing Comment sheet from Gary and Linda Snow
- Exhibit No. 25 Reserved Exhibit, Department's response to Exhibit No. 24
- Exhibit No. 26 Access Hearing Comment sheet from Katherine Wardle and Jeffrey Fishel
- Exhibit No. 27 Reserved Exhibit, Department's response to Exhibit No. 26
- Exhibit No. 28 Access Hearing Comment sheet from Virginia Arnold
- Exhibit No. 29 Reserved Exhibit, Department's response to Exhibit No. 28
- Exhibit No. 30 Letter dated February 23, 1994, from Tom Sinkula
- Exhibit No. 31 Reserved Exhibit, Department's response to Exhibit No. 30

- Exhibit No. 32 Access Hearing Comment sheet from Tim and Sharon Sweeney
- Exhibit No. 33 Reserved Exhibit, Department's response to Exhibit No. 32
- Exhibit No. 34 Access Hearing Comment sheet from Alton L. Olson
- Exhibit No. 35 Reserved Exhibit, Department's response to Exhibit No. 34
- Exhibit No. 36 Access Hearing Comment sheet from Debra Dunn
- Exhibit No. 37 Reserved Exhibit, Department's response to Exhibit No. 36
- Exhibit No. 38 Reserved Exhibit, Department's response to comments made by Mary Barrett at the hearing on pages 60 through 63 of the hearing transcript
- Exhibit No. 39 Reserved Exhibit, Department's response to comments made by Stephen L. Lisenby at the hearing on pages 68 through 70
- Exhibit No. 40 Access Hearing Comment sheet from Ed Brighton, Jr.
- Exhibit No. 41 Letter dated February 24, 1994, from Ed Brighton, Jr.

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 14 of 14 sheets dated January 3, 1994 will be replaced with new plan sheets with the same title. Sheets 1 through 14 of 14 sheets will include the following changes:

1. The cul-de-sac located on the frontage road at approximate Sta. EB 1193+ 00 (175' Rt.) has been relocated to approximate Sta. EB 1196+50 (175' Rt.) as shown on sheet 2, 6 and 7 of 14 sheets.
2. The right of way and limited access line was relocated between Sta. EB 1193+50 and Sta. EB 1202+00 Rt. to accommodate the redesign of the stormwater treatment area as shown on sheet 6 and 7 of 14 sheets; additionally, the right of way and limited access line was relocated between Sta. EB 1195+00 and Sta. EB 1200+00 Lt. to accommodate the redesign of the stormwater treatment area as shown on sheet 6 and 7 of 14 sheets These relocations are the result of the Department's relocation of the stormwater treatment areas shown on the left and right side of the highway as shown sheet 6 and 7 of 14 sheets.
3. The right of way line and limited access lines have been relocated to accommodate the redesign of the S.E. 256th St. interchange; a temporary Type C approach has been added at EB Sta. 1213+00 Rt. as shown on sheets 7, 8 and 14 of 14 sheets. This alternative was entered into the record as Exhibit No. 4A. This redesign was recommended by the Department in Reserved Exhibit Nos. 13, 14, 16, 17, 19, and 31.
4. The right of way and limited access line was relocated between Sta. EB 1235+70 and Sta. EB 1251+10 on the Lt. as shown on sheet 8 of 14 sheets. This revision 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 1277+99 ± and Sta. EB 1283+54 ± Lt. as shown on sheet 9 of 14 sheets. This revision was the result of the redesign of the stormwater treatment area by the Department.

6. The right of way and limited access lines were relocated between Sta. EB 1320+70 and Sta. EB 1324+25 Rt. and between Sta. EB 1327+00 (175' Lt.) and Sta. 232nd 3+68.48 Rt. as shown on sheets 11 and 12 of 14 sheets. This revision was result of the redesign of the stormwater treatment area by the Department.
7. The right of way and limited access lines were relocated between Sta. EB 1366+34.23 Lt. and Sta. EB 1393+89.63 Lt. as shown on sheet 13 of 14 sheets. This revision was result of the redesign of the stormwater treatment area by the Department.
8. Minor revisions that correct ownerships and parcel details, area computations, and right of way details. (See plan sheets 1 through 14 of 14 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. EB 1122+78.46 and Sta. EB 1395+00. as shown on sheets 1 through 14 of 14 sheets entitled, "SR 18, SR 516 INTERCHANGE TO CEDAR RIVER VICINITY, MP 11.42 TO MP 16.58, 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 14 of 14 sheets, dated January 3, 1994, will be replaced with new plan sheets, 1 through 14, using the same title but reflecting in Exhibit "A" the changes specified below:

1. Show that the cul-de-sac has been relocated on the frontage road from approximate Sta. EB 1193+ 00 (175' Rt.) to approximate Sta. EB 1196+50 (175' Rt.) as shown on sheet 2, 6 and 7 of 14 sheets.
2. Show that the right of way and limited access line has been relocated between Sta. EB 1193+50 and Sta. EB 1202+00 Rt. as shown on sheet 6 and 7 of 14 sheets; additionally, that the right of way and limited access line has been relocated between Sta. EB 1195+00 and Sta. EB 1200+00 Lt.
3. Show that the right of way line and limited access lines have been relocated to accommodate the

redesign of the S.E. 256th St. interchange; the addition of a temporary Type C approach at EB Sta. 1213+00 Rt. as shown on sheets 7, 8 and 14 of 14 sheets.

4. Show that the right of way and limited access line has been relocated between Sta. EB 1235+70 and Sta. EB 1251+10 on the Lt. as shown on sheet 8 of 14 sheets.
5. Show that the right of way and limited access line has been relocated between Sta. EB 1277+99 ± and Sta. EB 1283+54 ± Lt. as shown on sheet 9 of 14 sheets.
6. Show that the right of way and limited access lines were relocated between Sta. EB 1320+70 and Sta. EB 1324+25 Rt. and between Sta. EB 1327+00 (175' Lt.) and Sta. 232nd 3+68.48 Rt. as shown on sheets 11 and 12 of 14 sheets.
7. Show that the right of way and limited access lines were relocated between Sta. EB 1366+34.23 Lt. and Sta. EB 1393+89.63 Lt. as shown on sheet 13 of 14 sheets.
8. Minor revisions that correct ownerships and parcel details, area computations, and right of way details. (See plan sheets 1 through 14 of 14 sheets)

III

That the plans entitled, "SR 18, SR 516 INTERCHANGE TO CEDAR RIVER VIC., MP 11.42 to MP 16.55, KING COUNTY" sheets 1 through 14 of 14 sheets, as revised reflected in Exhibit "A", is hereby adopted, and further

That the following plans are hereby superseded:

"SR 18, JCT. S.S.H. NO. 5-A TO JCT. PSH. NO. 5, PLAN SHOWING ACCESS, KING COUNTY", sheets 1 and 2 of 2 sheets, approved July 1, 1958;

"SR 18, JCT. P.S.H. NO. 5 TO HOBART ROAD, PLAN SHOWING ACCESS, KING COUNTY", sheet 1 of 3 sheets dated November 12, 1958;

"SR 18, JCT. S.S.H. NO 5-A TO JCT. P.S.H. NO.5, sheets 1 through 7 of 8 sheets, approved July 29, 1958;

"SR 18, MAPLE VALLEY INTERCHANGE, KING COUNTY" sheets 1 through 4 of 4 sheets approved December 17, 1970.

"SR 18, JCT. P.S.H. NO. 5 TO HOBART ROAD, sheets 1 and 2 of 8 sheets, approved December 23, 1958;

"SR 169, WHITTE ROAD VICINITY TO MAPLE VALLEY, KING COUNTY", sheets 2 and 3 of 4 sheets, approved October 30, 1985;

SR 516 FROM S.R 516 CENTERLINE NORTHERLY KING COUNTY" on sheets 2 and 3 of 6 sheets of SR 516, 160TH AVE. S.E. TO JENKINS CREEK, approved May 2, 1988.

ADOPTED THIS 28 DAY OF July, 1995

ASSISTANT SECRETARY OF
ENVIRONMENTAL AND ENGINEERING
SERVICE CENTER

E. R. Burch

Approved as to form:

[Signature]
Assistant Attorney General