



HAROLD AND SUSAN SAWYER, by Mark Holcomb, Attorney, Bonneville, Viert, Morton & McGoldrick, P.O. Box 1533, Tacoma, Washington 98401;

104TH STREET E. COMMUNITY ASSOCIATION, by Monte Kuhr, President, 9522 103rd Street East, Puyallup, Washington 98373;

LINDA AND DICK FORSBERG, by selves, 10509 90th Avenue East, Puyallup, Washington 98373;

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 by Robert Wade, Assistant District 3 Administrator, after which witnesses were called. Evidence was taken by a Court Reporter and thereafter transcribed. Certain exhibits were duly introduced as evidence. The following findings were made:

## I

On July 23, 1953, a plan for the establishment of a limited access highway over a portion of State Route 512 in Pierce County, Washington, was ordered under Commission Resolution No. 95 and amendments thereto.

Such a plan was prepared and entitled "SR 512, 94TH AVE. EAST INTERCHANGE, MP 7.88 to MP 8.45, PIERCE COUNTY," sheets 1 and 2 of 2 sheets. These sheets were introduced into evidence marked as Exhibit No. 5, 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 47.52.131, *et seq.* A copy of that report was introduced into evidence marked Exhibit No. 4.

## III

On November 12, 1993, the State Design Engineer by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52.131, *et seq.* The Order of Hearing was introduced into evidence marked as Exhibit No. 1.

#### IV

Steven D. Fuchs, Design Engineer, Washington State Department of Transportation, issued a Notice of Hearing. On November 22, 1993, an exact copy of this notice was mailed to Pierce County, the City of Puyallup, 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. Exact copies of the notice were published in The News Tribune of Tacoma on November 19, 1993, and on November 26, 1993, as shown by the Affidavit of Publication of Tamara Duncan, Legal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3, and in the Pierce County Herald on November 19, 1993, and on November 26, 1993, as shown by the Affidavit of Publication of Gale Robinette, General Manager of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3.

#### V

The plan proposed the establishment of fully controlled limited access facilities for State Route SR 512 in the vicinity of 94th Avenue E. Undercrossing between Sta. 425+00 to Sta. 455+00 as shown on sheets 1 and 2 of the sheets entitled "SR 512, 94TH AVE. EAST INTERCHANGE, MP 7.88 to MP 8.45, PIERCE COUNTY.

#### VI

This section of State Route 512 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 512, 94th Avenue E. Interchange, introduced into evidence marked Exhibit No. 5, 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. 5a        Minor plan changes to sheet 2 of 2 on the Right of Way and Limited Access Plans for this project.
- Exhibit No. 6        Interchange Access Point Request for SR512\SR 161 dated July 13, 1993.
- Exhibit No. 7        Reserved Exhibit, submitted for the record on December 10, 1993, the City of Puyallup's response approving the Access Report.
- Exhibit No. 8        Reserved Exhibit, submitted for the record on December 10, 1993, Pierce County's response approving the Access Report.
- Exhibit No. 9        Letter dated December 8, 1993, from Richard Forsberg, concerned about the noise, light, and dust pollution generated from construction of this project.
- Exhibit No. 9a       Reserved Exhibit, submitted for the record on March 15, 1994, the Department's response to Exhibit No. 9.
- Exhibit No. 10       Letter dated December 8, 1993, from Linda Forsberg, representing the 104th St. E. Community Association's concerns about the need for a separate EIS for this project.
- Exhibit No. 10a      Reserved Exhibit, submitted for the record on March 15, 1994 the Department's response to Exhibit No. 10.
- Exhibit No. 11       Reserved Exhibit(Not used)
- Exhibit No. 12       Newspaper article dated July 16, 1993, submitted by Susan Sawyer on the contamination of drinking water from a local well.
- Exhibit No. 13       Letter dated December 7, 1993, from Fred and Cindy Kuzmer, expressing the environmental, property, and personal impacts to their property.
- Exhibit No. 13a      Reserved Exhibit, submitted for the record on March 15, 1994 the Department's response to Exhibit Nos. 13 and 13b.
- Exhibit No. 13b      Letter dated December 18, 1993, from Fred and Cindy Kuzmer, expressing their desire to be bought out completely.
- Exhibit No. 14       Letter dated November 18, 1993, from Doris C. Johnson, in support of the project to alleviate congestion on Meridian St.
- Exhibit No. 14a      The Department's response to Exhibit No. 14.
- Exhibit No. 15       Letter dated November 19, 1993, from Harry B. Sanders, concerned about the design and how it will impact traffic flow patterns in the area.
- Exhibit No. 15a      The Department's response to Exhibit No. 15.

- Exhibit No. 16 Letter dated November 19, 1993, from Leon B. Peters, concerned about the design at this location and why not at Woodland Avenue?
- Exhibit No. 16a The Department's response to Exhibit No. 16.
- Exhibit No. 17 Letter dated November 19, 1993, from Richard and Linda Forsberg, expressing concern about light, noise, and dust pollution.
- Exhibit No. 17a The Department's response to Exhibit No. 17.
- Exhibit No. 18 Letter dated December 15, 1993, from Marwan and Raghda Salloum, expressing concern about noise and air pollution, flooding, impact to traffic, and reduction of property value.
- Exhibit No. 18a Reserved Exhibit, submitted for the record on March 15, 1994 the Department's response to Exhibit No. 18.
- Exhibit No. 19 Letter dated December 13, 1993, from Harold and Susan Sawyer, expressing concern about the loss of privacy and other impacts to their property.
- Exhibit No. 19a Reserved Exhibit, submitted for the record on March 15, 1994 the Department's response to Exhibit Nos. 19 and 19b.
- Exhibit No. 19b Letter dated December 13, 1993, from Mark Holcomb, representing Harold and Susan Sawyer, expressing concern about the type A approach and the increase in runoff to the stream.
- Exhibit No. 20 Reserved Exhibit, submitted for the record on March 15, 1994 the Department's response to comments made by Charles Barth at the hearing.
- Exhibit No. 21 Reserved Exhibit, submitted for the record on March 15, 1994 the Department's response to comments made at the hearing by Leon Peters.
- Exhibit No. 22 Reserved Exhibit, submitted for the record on March 15, 1994 the Department's response to comments made at the hearing by Jerry and Katie Walter.
- Exhibit No. 23 Reserved Exhibit, submitted for the record on March 15, 1994 the Department's response to comments made at the hearing by Marilyn Coldiron.
- Exhibit No. 24 Reserved Exhibit, submitted for the record on March 15, 1994 the Department's response to comments made at the hearing by Bruce Osborne.
- Exhibit No. 25 Reserved Exhibit, submitted for the record on March 15, 1994 the Department's response to comments made at the hearing by Gordon Grant.

## VIII

The Assistant Secretary for Program Development has considered evidence on the entire portion of the above entitled highway and finds the plans introduced into evidence marked Exhibit No. 5 should be modified as hereinafter set forth as follows.

Plan sheets 1 and 2 of 2 sheets dated November 12, 1993 will be replaced with new plan sheets with the same title. Sheets 1 and 2 will include the following changes:

1. 91st Ave. E. has been redesignate to 92nd Ave. E. and realigned between Sta. 19+50 and Sta. 10+00 on 92nd Ave. E. based on testimony given by Jerry Walter at the hearing and as recommended by the Department in Exhibit No. 22.
2. Parcel Nos. 3-07605 and 3-07606 as shown on sheet 1 of 2 sheets have been added to the plan by the Department based on the need for an additional slope easement.
3. Parcels 3-07564, 3-07565, 3-07566, and 3-07567 are shown as total takes on plan sheets 1 and 2 of 2 sheets due to the impacts access control will have on these parcels as recommended by the Department in Exhibits 13A, and 18A.
4. The Type A approach for Parcel No. 3-07573 was relocated to from Sta. 94th 30+90 Rt. to Sta. 94th 32+42 Rt. on plan sheet 2 of 2 sheets as recommended by the Department in Exhibit No. 19A. This revision was necessary to provide access to this parcel.
5. Minor revisions, to correct ownerships and parcel details; area computations, and right of way details are shown on plan sheets 1 and 2 of 2 sheets.

## IX

The following requests were considered and the following finding made:

Mr. Mark Holcomb, representing Mr. and Mrs. Harold Sawyer, in Exhibit 19B requested that a commercial approach be allowed for Parcel 3-07573.

We have evaluated this request and have concluded that according to the Department's access control design policy a commercial approach should not be allowed. The Department's access control standard requires access control must be established along the crossroad at an interchange for a minimum distance of 300 feet beyond the center line of the ramp terminus. Parcel 3-07573 is zoned residential and we see no condition that would justify a deviation from this policy.

## 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.

Base 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:

I

That the section of State Route 512 in Pierce County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Sta. 425+00 and Sta. 455+00 as shown on sheets 1 and 2 of 2 sheets entitled, "SR 512, 94TH AVE. EAST INTERCHANGE, MP 7.88 to MP 8.45, PIERCE COUNTY"

II

That the plan set forth in Exhibit No. 5 for the establishment of access control of said highway be revised as follows:

Replace plan sheets 1 and 2 of 2 sheets dated November 12, 1993 with new plan sheets 1 and 2 of 2 sheets with the same title to include the following changes:

1. Show that 91st Ave. E. has been redesignate to 92nd Ave. E. and realigned between Sta. 19+50 and Sta. 10+00 on 92nd Ave. E.
2. Show Parcel Nos. 3-07605 and 3-07606 on sheet 1 of 2 sheets.
3. Show Parcels 3-07564, 3-07565, 3-07566, and 3-07567 as total takes on plan sheets 1 and 2 of 2 sheets.
4. Show the relocation of the Type A approach for Parcel No. 3-07573 from Sta. 94th 30+90 Rt. to Sta. 94th 32+42 Rt. on plan sheet 2 of 2 sheets.
5. Show minor revisions, to correct ownerships and parcel details, area computations, and right of way details are shown on plan sheets 1 and 2 of 2 sheets.

III

That the plans entitled, "SR 512, 94TH AVE. EAST INTERCHANGE, MP 7.88 to MP 8.45, PIERCE COUNTY," sheets 1 and 2 of 2 sheets, dated as revised above and as shown in Exhibit "A", and be the same is hereby adopted.

That the following plans are hereby superseded:

"SR 512, McEACHRON RD. TO 96TH ST., Right of Way and Limited Access Plan, PIERCE COUNTY", sheet 5 and 6(Pt.) of 7 sheets, approved July 26, 1967.

ADOPTED THIS 15<sup>th</sup> DAY OF MARCH, 1994

ASSISTANT SECRETARY FOR  
PROGRAM DEVELOPMENT

E. R. Birch

Approved as to form:

Susan Jensen  
Assistant Attorney General