

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 5)
SR 510 OVERCROSSING)
VICINITY MP 0.00)
COMBINED HEARING ON DESIGN)
AND LIMITED ACCESS HEARING)

FINDINGS AND ORDER
(Relating to Limited Access)

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 6 p.m. Wednesday, August 6, 1997 at Lacey Fire Station #34, 8407 Steilacoom Road SE, Lacey Washington, before Elmer Canfield, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Anne Spangler, Assistant Attorney General, PO Box 40113, Olympia, Washington 98504-0113;

CARLOS AND IRIS ALVEREZ, by selves, 209 Peregrine Drive SE, Lacey, WA 98513;

JOHN J. BARGER, by self, 921 Gregory Drive, Lacey, WA 98513;

HARRY CAMPBELL, by self, 1660 Lincoln Street #1406, Denver, CO 80264;

CAMPBELL PROPERTIES, by Robert Patrick -Partner, Landmark Inc., 1217 E. 4th Avenue, Olympia, WA 98503;

CITY OF LACEY, by Cory Crebbin, City Engineer, P.O. Box 3400, Lacey, WA 98509-3400;

DOREEN CLEMENT, by self, 714 Salzburg Lane SE, Olympia, WA 98513;

RICHARD COBB, by self, 3065 Carpenter Hills Loop, Lacey, WA 98503;

MATT COLBERT, by self, 8434 Hawksridge Drive SE, Lacey, WA 98513;

HARVEY P. FISLER, by self, 8306 Pacific Avenue SE, Olympia, WA 98513;

MARK T. GAFFNEY, by self, 818 Lawson Street SE, Olympia, WA 98513;

JOHN HARRIS, by self, 227 Peregrine Drive SE, Olympia, WA 98513;

RICHARD S. KOCH, by self, 402A Black Hills Lane, Olympia, WA 98502;

JOHN W. LOWDER, by self, 7310 14th Avenue NE, Olympia, WA 98516;

RICH MEDVED, by self, 600 108th Avenue NE, Suite 343, Bellevue, WA 98004;

RUTH L. MOORE, by Richard L. Stewart, 3858 Caravelle Drive, Anchorage, AK 99502-2707;

SIBYLLE OATNEY, by self, 8302 9th Way SE, Lacey, WA 98513;

OSTROM FARMS, 8323 Steilacoom Road SE, Olympia WA 98513;

NATHANIEL PETTY, by self, 215 Peregrine Drive SE, Lacey, WA 98513;

JACK PLAYER, by self, 8318 Pacific Hwy SE, Olympia, WA 98513;

SEAFIRST BANK, by Scott Shanks, Development Consultant, First Western Development Services Inc., 120 West Dayton, Suite D-9, Edmonds, WA 98020;

RICHARD L. STEWART, by self, 3858 Caravelle Drive, Anchorage, AK 99502-2707;

THE BETTI TRUST, by Evelyn H. Betti - Co Trustee, 2929 Marvin Road NE, Olympia, WA 98516-3171;

TRAVIS LANDS, 8625 Pacific Hwy SE, Olympia, WA 98513;

MIKE VERNAN, by self, 8303 9th Way SE, Lacey, WA 98513;

W.B.C.I., WASHINGTON LAND YACHT HARBOR, by J. H. Lovering, 9101-179 Steilacoom Road SE, Olympia, WA 98513-6137.

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 Pasco Bakotich, Olympic Region Project Engineer, after which witness 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 the establishment of a limited access highway over State Route 5 in Thurston County, Washington, was ordered under Commission Resolution No. 95 and amendments thereto.

Such a plan was prepared and entitled "SR 5, MARTIN WAY TO OLD NISQUALLY ROAD, PIERCE AND THURSTON COUNTIES" sheets 2 and 8 through 10 of 18 sheets. These sheets were introduced into evidence marked Exhibit No. 6, which was made a part of the hearing record.

II

The Department of Transportation received from public agencies concerned with the proposed plan their available data on planning, land use, local traffic, and 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. 5.

III

On July 11, 1997 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 Exhibit No. 1.

IV

Juanita Jackson, Public Involvement Coordinator, Washington State Department of Transportation, Olympic Region, issued a Notice of Hearing. On July 15, 1997 an exact copy of this notice was mailed to various agencies and interested parties, and to each of the record owners of property listed on the County Tax Roll, as depicted in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 3. Exact copies of the notice were published in The Olympian on July 6, 7, and 21, 1997, as shown by Affidavit of Publication of Martha Hogan, Publishers Representative of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 4.

V

The plan proposes the modification of fully controlled limited access facilities for State Route 5 in the vicinity of the junction of SR 5 and SR 510 between Sta. LR 1406+97 and Sta. LR

1450+25 as shown on sheets 2 and 8 through 10 of 18 sheets entitled "SR 5, MARTIN WAY TO OLD NISQUALLY ROAD, PIERCE AND THURSTON COUNTIES."

VI

This section of State Route 5 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 an Interstate 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 efficient future use.

The Right of Way and Limited Access Plans for the modification of the limited access control facility on SR 5, Martin Way to Old Nisqually Road, introduced into evidence marked Exhibit No. 6, 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 part of the hearing record:

- Exhibit No. 2 Letter dated June 19, 1997 transmitting the Hearing notice to the Newspaper
- Exhibit No. 7 Affidavit of Public Comments
- Exhibit No. 8 Affidavit of Department of Transportation Responses
- Exhibit No. 9 Letter dated August 4, 1997 from the City of Lacey
- Exhibit No. 10 Reserved Exhibit for letter dated August 13, 1997 from Thurston County

VIII

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

1. The right of way and limited access lines between Sta. W-NS 42+61.52 and Sta. QW 50+66.19 left and right was relocated to add a round about intersection configuration and to extend the MD line between Sta. 5+00 and Sta. 7+24.05 as shown on sheet 9 of 18 sheets. The new configuration will provide access to Parcel 3-08238. This revision was requested by Mr. Cory

Crebbin in Exhibit No. 9 and by Mr. Robert Patrick on pages 7 and 8 of the hearing transcript and is recommended by the Department of Transportation in Exhibit No. 8.

2. Minor revisions to correct ownerships and parcel details, area computations, and right of way details are shown on plan sheets 2 and 8 through 10 of 18 sheets.

IX

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

ORDERS:

I

That the section of State Route 5 in Thurston County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Sta. LR 1406+97 and Sta. LR 1450+25 as shown on sheets 2 and 8 through 10 of 18 sheets entitled "SR 5, MARTIN WAY TO OLD NISQUALLY ROAD, PIERCE AND THURSTON COUNTIES".

II

That the plan set forth in Exhibit No. 6 for the establishment of access control of said highway be revised as reflected in Exhibit "A" as follows:

1. Show that the right of way and limited access lines between Sta. W-NS 42+61.52 and Sta. QW 50+66.19 left and right have been relocated to add a round about intersection configuration and to extend the MD line between Sta. 5+00 and Sta. 7+24.05 as shown on sheet 9 of 18 sheets. The new configuration will provide access to Parcel 3-08238. This revision was requested by Mr. Cory Crebbin.

2. Minor revisions to correct ownerships and parcel details, area computations, and right of way details are shown on plan sheets 2 and 8 through 10 of 18 sheets.

III

That the plan entitled, "SR 5, MARTIN WAY TO OLD NISQUALLY ROAD, PIERCE AND THURSTON COUNTIES", sheets 2 and 8 through 10 of 18 sheets, reflected in Exhibit "A", is hereby adopted.

ADOPTED THIS 3rd DAY OF August, 1998

ASSISTANT SECRETARY OF
ENVIRONMENT AND ENGINEERING
SERVICE CENTER

Approved as to form:

Assistant Attorney General