

BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

_____))
IN RE: STATE ROUTE 2)
JCT. SR 5 TO JCT. SR 204 VIC.) FINDINGS AND ORDER
MP 0.33 to MP 2.60)
HEARING ON LIMITED ACCESS)

_____))
The hearing on the above entitled matter was held, upon due notice to interested parties, beginning at 7:00 p.m., Thursday, March 30, 1989, and Tuesday, May 23, 1989, in the Everett Pacific Hotel Convention Center, 3105 Pine Street, Everett, Washington, before Robert E. Lundgaard, Hearing Examiner.

Interested parties and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Ted Torve, Assistant Attorney General, Temple of Justice, Olympia, WA 98504;

PHYLLIS ADAMS, by self, 5915 Twelfth St. S.E., Everett, WA 98205;

EVERETT P. ALEXANDER, by self, 3914 - 52nd St. S.E., Everett, WA 98205;

ALPINE RENTALS, by Jerry Schneider and Frank Quist, 3409 Everett Avenue, Everett, WA 98201;

DAN BARTELHEIMER, by self, 13101 Old Snohomish - Monroe Rd., Snohomish, WA 98290;

DONALD L. BJORN, by self, 7225 - 20th St. S.E., Everett, WA 98205;

JEFF D. BRITTON, by self, 2209 - 71st Avenue S.E., Everett, WA 98205;

ART CHURCH, by self, 5501 Twelfth Ave. S.E., Everett, WA 98205;

COMMUNITY TRANSIT, by Charles Prestrud, 8905 Airport Rd., Everett,
WA 98204;

EBEY ISLAND ENVIRONMENTAL IMPACT ORGANIZATION, by Douglas Marsh,
Attorney, Mill Creek City Center Building, Mill Creek, WA 98012;

GOSTA ERIKSSON, 210 - 15th, Mount Vernon, WA 98273;

TERRY EVANS, by self, 7032 - 61st Ave. S.E., Snohomish, WA 98290;

CITY OF EVERETT, fire department, by Al Amonson, 2811 Oakes,
Everett, WA 98201;

CITY OF EVERETT, police department, by Sargent Charles Innes, City
Hall, Everett, WA 98201;

CITY OF EVERETT, public works, by Tom Thetford, 3200 Cedar,
Everett, WA 98201;

MRS. LOUIS W. FENTON, by self, 3403 - 30th Ave. W., Seattle, WA
98199;

ROLAND FREED, by self, 2215 - 71st S.E., Everett, WA 98205;

FRIENDS OF THE SNOHOMISH RIVER DELTA, by Lorena Havens, 1202
Cherry Ave. S.E., Everett, WA 98205;

RHONDA GUILFORD, by self, 1206 Cherry Ave. S.E., Everett, WA
98205;

WAYNE HANSEN, by self, 1803 - 43rd Ave. S.E., Everett, WA 98205;

ROBERT B. HARTMAN, by self, 5819 Twelfth St. S.E., Everett, WA
98205;

THE HERALD, by Jim Haley, P.O. Box 930, Everett, WA 98206;

ALLEN HILBURN, by self, P.O. Box 1061, Granite Falls, WA 98252;

KARL HOFMAN, by self, 4311 - 87th Ave. S.E., Everett, WA 98205;

MONTI AND SHIRLEE HOLMES, by selves, 3653 West Commodore Way,
Seattle, WA 98199;

MURIEL JACKSON, by self, 1923 - 51st Ave. S.E., Everett, WA 98205;

BOB JOHNSON, by self, 5211 - 52nd St. S.E., Everett, WA 98205;

INER JOHNSON, by self, 5115 - 52nd St. S.E., Everett, WA 98205;

ELMER JOHNSTON, by self, 3411 Oakes, Everett, WA 98201;

P. H. JOHNSTON, by self, 3411 Oakes, Everett, WA 98201;

EVELYN JONES, by self, 6300 Twelfth St. S.E., Everett, WA 98205;

MARY T. JONES. by self, 2618 Chestnut S.E., Everett, WA 98201;

DR. CHARLES H. KINZEL, by self, 3424 Rockefeller Ave., Everett, WA
98201;

ROBERTA J. KOSIER, by self, 914 - 61st Ave., Everett, WA 98205;

JIM McLAUGHLIN, by self, 1206 Cherry Ave., Everett, WA 98205;

JAMES MONROE/SUE SIMPSON, by selves, 2827 - 95th Dr. S.E.,
Everett, WA 98205;

NELSON DISTRIBUTING, by James C. Nelson, P.O. Box 187, Arlington,
WA 98223;

M. T. BUD NEWELL, by self, 3199 - 25th St., Everett, WA 98201;

MERNE A. NEWELL, by self, 1724 Douglas Ave. S.E., Everett, WA
98205;

NOLAN DEVELOPMENT, by Ann Stewart, 16220 Northeast Twelfth Ct.
C-40, Bellevue, WA 98008;

GARY PETERSEN, by self, 2525 - 79th Ave. S.E., Everett, WA 98205;

HELEN PETERSEN, by self, P.O. Box 1235, Mukilteo, WA 98275;

ERICK PETERSON, by self, 5329 Riverside Ave., Everett, WA 98205;

STEVEN A. and CAROL A. PETERSEN, by selves, 2017 - 71st Ave.
S.E., Everett, WA 98205;

MARGARET RICHARDSON, by self, 2315 - 71st Ave. S.E., Everett, WA
98205;

RIVERSIDE BEVERAGE COMPANY, by Ronald Jacobs, Vice President,
11030 Maple Lane, Lake Stevens, WA 98258;

JAMES S. RHODES, SR., by self, 5031 Twelfth St. N.E., Marysville,
WA 98270;

RAY SCHOONOVER, by Kelly Schoonover, 10304 Sandy Beach Dr., Lake
Stevens, WA 98258;

EDDIE SEBBAS, by self, 19604 Soundview Dr., Standwood, WA 98292;

JUNE A. SMITH, by self, 12415 - 73rd Ln. S., No. 38, Seattle, WA
98178;

JAMES R. SNODGRASS, 5412 - 41st Drive S.E., Everett, WA 98205;

SNOHOMISH COUNTY, planning department, by George Godley, County
Administration Building, Everett, WA 98201;

SNOHOMISH COUNTY, public works, by Gary Powell and Johannes W.
Kurz, County Administration Building, Everett, WA 98201;

SNOHOMISH COUNTY, sheriff, by Donald Robertson and John L. Taylor,
County Courthouse Building, Everett, WA 98201;

SNOHOMISH COUNTY COUNCIL, by Liz McLaughlin and Julia Gibb, County
Administration Building, Everett, WA 98201;

SNOHOMISH COUNTY DIKING DISTRICT NUMBER 1, by Everett Alexander,
3914 - 52nd St. S.E., Everett, WA 98205;

SNOHOMISH COUNTY FIRE DISTRICT NUMBER 8, by Deputy Chief Jerry
Job, P.O. Box 366, Lake Stevens, WA 98258;

CLARK AND ISABELLE SALISBURY, by self, 6180 South Brighton Beach Rd., Clinton, WA 98236;

DOROTHY SPIWAK, by self, 5625 - 64th St. S.E., Snohomish, WA 98290;

NORMAN L. STOUT, by self, 6202 - 60th St. S.E., Everett, WA 98205;

DOROTHY TAYLOR, by self, 2614 Chestnut S.E., Everett, WA 98201;

DEBRA TAYLOR, by self, 11401 Third Ave. S.E., Everett, WA 98208;

MILFORD TAYLOR, by self, 2609 1/2 Lombard, Everett, WA 98201;

LORIE ROSE TOPINKA, by self, 8650 S.W. White Court, Portland, OR 97225;

UNITED STATES REPRESENTATIVE AL SWIFT, by self, Shawn Hanson, Jill McKinnie, and Ric Ilgenfritz, 201 Federal Building, Everett, WA 98201;

WASHINGTON STATE PATROL, by Fred Phillips, 3202 - 20th St., Everett, WA 98201;

HOPE WILLIAMS, by self, P.O. Box 5143, Everett, WA 98206;

T. S. WOGEN, by self, 2211 - 101st Pl. S.E., Everett, WA 98208.

As a courtesy to interested citizens, the Commission 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 Commission, 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 hearing was called to order by John Stephenson, Assistant District Administrator, after which witnesses were called. The evidence was taken by a Court Reporter and thereafter transcribed. Certain exhibits were duly introduced in evidence, the Transportation Commission of the State of Washington makes the following findings:

I

Prior to March 10, 1989, a plan for the establishment of a limited access highway over a portion of State Route 2 in Snohomish County, Washington, was ordered under Commission Resolution No. 95, and its amendments and supplements thereto.

Such a plan was prepared and entitled "SR 2, JCT. SR 5 TO JCT. SR 204 VIC., MP 0.33 TO MP 2.60, SNOHOMISH COUNTY," Sheets 1 through 17 of 17 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 8-5 through 8-21. Sheets 1, 2, 6, and 8 of 8 sheets of the plan entitled, "SR 5, EVERETT: PACIFIC AVE. TO SNOHOMISH RIVER, SNOHOMISH COUNTY," were introduced into evidence marked Exhibit Nos. 8-1 through 8-4. Exhibits Nos. 8-1 through 8-21 were made a 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 as required, and thereafter, prepared and submitted to the appropriate local officials an Access Report showing how those factors had 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.

By letter dated March 30, 1989, the city of Everett approved the Access Hearing Plan and the Access Report, and said letter was introduced into evidence marked Exhibit No. 9-1.

By letters dated April 24, 1989 and May 15, 1989, Snohomish County supported changes to the Access Hearing Plan and Access Report that would provide an eastbound on ramp from Ebey Island to State Route 2. Said letters were introduced into evidence marked Exhibit No. 9-2.

III

On March 10, 1989, the Assistant Secretary for Highways by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52.131, et seq. Said Order was introduced into evidence marked Exhibit No. 1.

IV

Lue Clarkson, Administrator, Washington State Transportation Commission, issued a Notice of Limited Access Hearing. On March 15, 1989, an exact copy of this notice was mailed to various agencies and other interested parties, and to each of those record owners of property listed on the County Tax Roll, as depicted in the Affidavit of Service by Mailing, introduced into evidence marked Exhibit Nos. 3-1 and 3-2.

An exact copy of the notice was published in the Snohomish County Tribune on March 15, and 22, 1989, shown by the Affidavit of Publication of Jolee Lamatrice, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-1. An exact copy of the notice was published in The Herald on March 15, and 22, 1989, shown by the Affidavit of Publication of Young Jacobsen, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-2. An exact copy of the notice was published in the Seattle Times on March 15, and 22, 1989, shown by the Affidavit of Publication of Ron Nordblad, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-3.

V

The plan proposed revisions of the fully controlled limited access highway facilities for State Route 5 between Sta. LE 13+83.14 to Sta. LER 133+72.88, as shown on Sheets 1 through 17 of 17 sheets entitled "SR 2, JCT. SR 5 TO JCT. SR 204 VIC., MP 0.33 to MP 2.60, SNOHOMISH COUNTY." The plan also proposed revisions of the fully controlled limited access facilities for State Route 5 between Sta. L¹ 268+33.98 to Sta. LE 13+83.14 as shown on Sheets 1, 2, 6, and 8 of 8 sheets entitled, "SR 5, EVERETT: PACIFIC AVENUE TO SNOHOMISH RIVER, SNOHOMISH COUNTY."

VI

The bridge crossing of the Snohomish River flood plain is an important part of the highway system of the state of Washington. The access revisions proposed as part of the bridge replacement project are required to reduce safety hazards and increase the level of service. State Route 2 is functionally classified as a principal arterial highway and Commission policy provides for access control of highways of this type. In doing so, the investment of public funds is protected by preserving the highway for future use.

The efficiency of the highway as a means of moving a maximum volume of traffic in safety 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 problem of increased accident potential and lowered capacity, due to interference from these approaches, becomes increasingly great and the highway gradually becomes obsolete. Therefore, access points should be kept to a minimum consistent with allowing local traffic adequate use of the facility at properly designated intersections and approaches.

The plan for the revision of limited access highway facilities for this section of State Route 2 in Snohomish County, introduced into evidence marked Exhibit No. 8-1 through 8-21, will facilitate travel, reduce accident rates, serve 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 a part of the hearing record:

Exhibit No. 5-1 Adoption of Existing Environmental Document, dated
December 15, 1988.

Exhibit No. 5-2 Finding of No Significant Impact, approved by FHWA
on November 17, 1988.

Exhibit No. 6 Environmental Assessment for SR 2, Snohomish River to Cavalero Corner, approved by FHWA on June 23, 1988.

Exhibit No. 7 Environmental Assessment Supplement for State Route 2, Snohomish River to Cavalero Corner.

Exhibit No. 10 Letter dated May 12, 1989, to Hon. Samuel K. Skinner, Secretary of the Federal Department of Transportation, from the Washington State Congressional Delegation.

Exhibit No. 11 Preliminary plan layout showing alternate no. 2.

Exhibit No. 12 Preliminary plan layout showing alternate no. 3.

Exhibit No. 13 Letter dated May 8, 1989, from Gary W. Brandstetter attorney for Snohomish County Dike District No. 1.

Exhibit No. 14 Letter dated May 19, 1989 from John Villager to Everett Alexander.

Exhibit No. 15 Letter dated May 4, 1989 from the Snohomish County Fire Protection District No. 8.

Exhibit No. 16 Reserved Exhibit.

Exhibit No. 17 Letter dated May 23, 1989, from Snohomish County Sheriff's Office.

Exhibit No. 18A Letter dated May 10, 1989 from Michael and Phyllis Adams.

Exhibit No. 18B Letter dated April 24, 1989, from Shirley Bartholomew.

Exhibit No. 18C Letter no date from Fran Conner.

Exhibit No. 18D Letter dated April 28, 1989, from Nancy Gale, Rhonda Guilford, and James McLaughlin.

Exhibit No. 18E Letter dated May 8, 1989, from Norman Huber.

Exhibit No. 18F Letter dated May 10, 1989, from Muriel Jackson.

Exhibit No. 18G Letter dated May 9, 1989, from Mickie and Evelyn Jones.

Exhibit No. 18H Letter dated April 24, 1989, from Timothy Newman.

Exhibit No. 18I Letter dated May 9, 1989, from Helen Petersen, Gary Peterson, and Ron Peterson.

Exhibit No. 18J Letter dated May 8, 1989, from Paul Troxell.

Exhibit No. 18K Newspaper article from The Herald dated May 23, 1989.

Exhibit No. 18L Newspaper article from The Herald dated April 14, 1989.

Exhibit No. 19 Reserved exhibit.

VIII

As a result of evidence and public concern expressed at the hearing on March 30, 1989, the department recessed the hearing until May 23, 1989. The department reevaluated the proposed plan presented at the March 30, 1989, hearing. The reevaluation resulted in the development of three alternates to provide eastbound access off of Ebey Island. These three alternates were presented at the reconvened hearing on May 23, 1989.

In response to public testimony on the three alternates presented at May 23, 1989, hearing, the department developed a new plan which includes the preferred alternate. The revised plan has been entered into the formal record marked as Exhibit Nos. 20-1 through 20-16.

Relocation of the RD line has required the revision of three plan sheets from the right of way and limited access plan entitle "SR 2, CAVALERO'S CORNER TO FOBES HILL, MP 2.32 TO MP 3.79", dated May 15, 1969. Sheets 1, 2, and 5 of 5 sheets have been entered into the formal record as Exhibit Nos. 21-1 through 21-3.

IX

The Commission has considered evidence on the entire portion of the above entitled highway and finds the plans introduced into evidence marked Exhibit Nos. 8-1 through 8-4, Exhibit Nos. 20-1 through 20-16, and Exhibit Nos. 21-1 through 21-3 should be modified as hereinafter set forth and as shown on Exhibit A attached.

1. Revise Plan Sheets 3 through 8 of 16 sheets to add access notes to allow the Snohomish County Diking District No. 1 access within the limited access areas for maintenance of their dikes, ditches, and culverts as requested by Gary Brandstetter in Exhibit No. 13 and recommended by the Department of Transportation in Exhibit No. 14.
2. Revise Plan Sheet 7 of 16 sheets to note an emergency U-turn between Sta. FE 41+13.1 and Sta. FW 135+03.08. This U-turn will be for emergency use only. This revision was requested by Mr. Gary Brandstetter in Exhibit No. 13 and is recommended by the department in Exhibit No. 14.
3. Revise the Plan Sheets 1, 2, and 5 of 5 sheets to add the RD2 line from Sta. RD2 36+50.00 to Sta. RD2 54+05.00. The RD line as shown on Sheet 16 of 16 (Exhibit No. 8-21) has been replaced by this new RD2 line. The relocation of this road is recommended by the department to minimize the impacts on adjacent property owners.
4. Revise Plan Sheets 1 through 16 of 16 sheets, Sheets 1, 2, 6, and 8 of 8 sheets, and Sheets 1, 2, and 5 of 5 sheets to make minor plan revisions, correct ownership and parcel details, area computations, and right of way details.

The Commission also considered the following requests and makes the following findings:

1. Everett Alexander, Elmer Johnston, June Smith, and others requested that the FE line be constructed higher than existing 20th Street S.E., between 55th Avenue S.E. and Ebey Slough.

The feasibility of raising the FE line west of Ebey Slough will be considered as final design details are developed.

2. Deputy Chief Job, representing the Snohomish County Fire Protection District No. 8, at the hearing May 23, 1989, on pages 27 through 29 of the hearing transcript and in Exhibit No. 15 requested fire hydrants be provided on Ebey Island.

The department plans the enhancement of fire protection services on Ebey Island by adding fire hydrants on 50th (Douglas) and 51st (Central) avenues.

3. Gary Powell, representing Snohomish County Public Works, at the hearing May 23, 1989, on pages 29 and 30 of the hearing transcript, supported direct access onto the new structure eastbound on SR 2.

The department has estimated it would cost approximately \$2.5 million more to construct this eastbound access onto SR 2 than the recommended alternate. Also, it would have operational difficulties because of its close proximity to the off ramp to SR 204 and Cavalero Hill area. The steel truss and deck of the existing bridge spanning Ebey Slough has been determined to be serviceable and have an extended life expectancy.

For these reasons and the positive response from the public and other agencies attending the May 23, 1989, portion of the hearing, the department has determined that alternate 3 as shown in Exhibit No. 12 best serves the public interest.

XI

The Commission particularly finds in the case of each abutting ownership that the adoption of the plan for 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 Transportation Commission of the state of Washington,

ORDERS:

I

That the section of SR 2 in Snohomish County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Sta. LE 13+83.14 and Sta. LER 133+72.88 as shown on Sheets 1 through 16 of 16 sheets of the right of way and limited access plan entitled "SR 2, JCT. SR 5 TO JCT. SR 204 VIC., MP 0.33 TO MP 2.60, SNOHOMISH COUNTY."

II

That the fully controlled limited access facilities on SR 5 in the vicinity of the SR 5 and SR 2 interchange be revised as shown Sheets 1, 2, 6, and 8 of 8 sheets entitled "SR 5 EVERETT: PACIFIC AVE. TO SNOHOMISH RIVER, SNOHOMISH COUNTY, dated June 20, 1961, revised March 10, 1989.

III

That the fully controlled limited access facilities on SR 2 be revised as shown on sheets 1, 2, and 5 of 5 sheets entitled "SR 2, CAVALERO'S CORNER TO FOBES HILL, MP 2.32 to MP 3.79 dated May 15, 1969.

IV

That the plans set forth in Exhibit Nos. 20-1 through 20-22 for the establishment and revision of access control on said highways be revised as follows and as shown on Exhibit A hereto attached and by this reference made a part hereof:

1. Revise Plan Sheet 3 through 8 of 16 sheets to add access notes to allow the Snohomish County Diking District No. 1 access within the limited access areas for maintenance of their dikes, ditches, and culverts.
2. Revise Plan Sheet 7 of 16 sheets to note an emergency U-turn between Sta. FE 41+13.1 and Sta. FW 135+03.08. This U-turn will be for emergency use only.
3. Revise Plan Sheets 1, 2, and 5 of 5 sheets to add the RD2 line from Sta. RD2 36+50.00 to Sta. RD2 54+05.00. The RD line as shown on Sheet 16 of 16 (Exhibit No. 8-21) has been replaced by this new RD2 line.
4. Revise Plan Sheets 1 through 16 of 16 sheets, Sheets 1, 2, 6, and 8 of 8 sheets, and Sheets 1, 2, and 5 of 5 sheets to make minor plan revisions, correct ownership and parcel details, area computations, and right of way details.

V

That the plan entitled "SR 2, JCT. SR 5 TO JCT. SR 204 VIC., MP 0.33 TO MP 2.60, SNOHOMISH COUNTY," Sheet 1 through 16 of the 16 sheets, as revised above and as shown on Exhibit A, be and the same is hereby adopted.

VI

That the following revisions to existing established limited access plans be adopted:

"SR 5, EVERETT: PACIFIC AVE. TO SNOHOMISH RIVER, SNOHOMISH COUNTY," Sheets 1, 2, 6, and 8 of 8 sheets, approved October 23, 1961, revised March 10, 1989.

"SR 2, CAVALERO'S CORNER TO FOBES HILL, MP 2.32 TO MP 3.79, SNOHOMISH COUNTY," Sheets 1, 2, and 5 of 5 sheets approved May 15, 1969.

That the following plans are hereby superseded:

"STATE ROAD NO. 15 (SR 2), EVERETT TO CAVALERO'S CORNER," Right of Way Plan, Snohomish County, Sheets 1 through 3 of 3 sheets dated July 2, 1938.

"STATE ROAD NO. 15 (SR 2), EVERETT TO CAVALERO'S CORNER," Right of Way Plan, Snohomish County, Sheets 1, 1-A, 2 through 5 of 5 sheets dated November 7, 1934.

"PRIMARY STATE HIGHWAY NO. 15 (SR 2), SNOHOMISH RIVER TO CAVALERO'S CORNER," Right of Way and Limited Access Plan, Snohomish County, Sheets 1 through 5 of 5 sheets dated May 9, 1961.

"PRIMARY STATE HIGHWAY NO. 15 (SR 2), CAVALERO'S CORNER VICINITY," Right of Way Plan, Snohomish County, Sheet 1 of 1 sheet dated June 29, 1954.

ADOPTED this 14th day of December, 1989

WASHINGTON STATE TRANSPORTATION COMMISSION

Richard Odabashian
RICHARD ODABASHIAN, Chairman

Albert D. Rosellini
ALBERT D. ROSELLINI, Vice Chairman

James Henning
JIM HENNING, Member

William J. Kamps
WILLIAM J. KAMPS, Member

Norm Mckibben
NORM MCKIBBEN, Member

Bernice Stern
BERNICE STERN, Member

Leo Sweeney
LEO SWEENEY, Member

ATTEST:

Anna Peterson
ANNA PETERSON, Administrator

APPROVED AS TO FORM:

Madame Tom
Assistant Attorney General