

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

<u>IN RE: SR 525/SR 99</u>)	
INTERCHANGE)	FINDINGS AND ORDER
MP 2.60 to MP 3.39)	
<u>LIMITED ACCESS HEARING</u>)	

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 7 p.m. Tuesday, May 21, 1996, at the Picnic Point Elementary School, Edmonds, Washington, before Gordon Griggs, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Joseph Sloan, Senior Assistant Attorney General, P.O. Box 40113, Olympia, Washington 98504-0113;

SNOHOMISH COUNTY, by Jim Bloodgood, Traffic Engineer, Snohomish County Public Works, 2930 Wetmore Avenue, Everett, Washington 98201;

JOHN PRESTEK, by self, 4204 Serene Way, Lynnwood, Washington 98037;

SERENE TERRACE MOBILE HOMES PARK, by self, c/o The REIS Group, 13221 S. E. 26th S. E. Ste. M, Bellevue, Washington 98005;

WILLIAM NELSON, by self, 16619 44th Avenue, Lynnwood, Washington 98037;

DORRIE JOHNSON, by self, P.O. Box L, Lynnwood, Washington 98046;

DUVAL PROPERTIES, by C. Duval, 3631 175th St. S.W., Lynnwood, Washington 98037;

ALPINE CLEANERS, by Maurice Moe, 13902-Hwy. 99, Lynnwood, Washington, 98037;

DONALD SWEAZEY, by Gary S. Cooper, 20351 Greenwood Ave. N., Shoreline, Washington 98133;

ROBERT J. THOMPSON, by self, 1631 282nd. N.E., Carnation, Washington 98014;

MICHAELJAMMIN WEILD, by self, 6215-143rd. S.W., Edmonds, Washington 98026-3636;

SPEEDWAY SHOPPING CENTER, by Theodore T. Bell, Bell-Walker Engineers, 914 140th Ave. N.E. Ste. 100, Bellevue, Washington 98005;

KEN OSWELL, by self, 10900 N.E. 8th Street Ste. 300, Bellevue, Washington 98004;

SPEEDWAY FOOD EMPORIUM, by Mike Olson, 13619 Mukilteo Speedway, Edmonds, Washington 98037;

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 Lorena Eng, Northwest Region Project Development Engineer, after which witness were called. Evidence was taken by a Court Reporter and thereafter transcribed. Certain exhibits were duly introduced as evidence. Based upon the oral evidence and the exhibits introduced in evidence in 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 a portion of State Route 18 in Snohomish County, Washington, was ordered under Commission Resolution No. 95 and amendments thereto.

Such a plan was prepared and entitled "SR 525, JCT. SR 99 INTERCHANGE TO 132ND ST. S.W., MP 2.59 TO MP 3.38, SNOHOMSH COUNTY," sheets 1 through 9 of 9 sheets, was introduced into evidence into evidence marked as Exhibit No. 5, 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. 4.

III

On April 26, 1996, 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

Robert Aye, Acting Regional Administrator, Washington State Department of Transportation, Northwest Region, issued a Notice of Hearing. On May 3, 1996, an exact copy of this notice was mailed to Snohomish County, Local Legislators, various agencies and other 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. 2. Exact copies of the notice were published in The Seattle Times on May 7, 1996, as shown by Affidavit of Publication of Tom Egan, authorized agent of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3, and in The Herald of Everett on May 14, 1996, as shown by Affidavit of Publication of Laresce Kuaeds, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3-B.

V

The plan proposes the establishment of full and partially controlled limited access control facility for State Route 525 in the vicinity of the junction of SR 525 and SR 99 between STA. 137+00.00 and STA. 178.75.50 as shown on sheets 1 through 9 of 9 sheets entitled "SR 525, JCT. SR 99 INTERCHANGE TO 132ND ST. S.W., MP 2.59 to MP 3.38, SNOHOMISH COUNTY."

VI

This section of State Route 525 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 full and partial 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 efficiency of the highway as a means of moving a maximum volume of traffic in safety is directly related to the control of access to the facility. It has been demonstrated in the past that, as the number of access points to the highway increase, the efficiency of the facility decreases and the highway gradually becomes obsolete. Control of access within established guidelines on interchange cross roads is an integral part of this policy. Therefore, access points should be kept to a minimum consistent with allowing local traffic adequate use of the facility at properly designed intersections and approaches.

The Right of Way and Limited Access Plans for the establishment of limited access control facility on SR 525, Jct. SR 99 Interchange to 132nd St. S.W., introduced into evidence marked Exhibit No. 5, 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-A | Citizen's letter dated May 3, 1996, announcing Access Public Hearing. |
| Exhibit No. 2-B | Address list of abutting property owners. |
| Exhibit No. 6 | Letter dated March 6, 1996, from Snohomish County indicating concurrence with the Access Report for the project. |

- Exhibit Nos. 8, 9, 10 Photographs of approach to Maurice Moe's property, Parcel No. 1-15797, supporting testimony made at the hearing.
- Exhibit Nos. 11, 12, and 13 Proposals A, B and C from Maurice Moe, regarding access for Parcel No. 1-15797 submitted in support of testimony made at the hearing.
- Exhibit No. 14 Detail from Access Hearing Plan highlighting Parcel No. 1-15797 submitted by Maurice Moe in support of testimony made at the hearing.
- Exhibit No. 15 Reserved Exhibit, reply to Mr. Moe regarding Parcel No. 1-15797.
- Exhibit No. 16 Letter, dated May 31, 1996, from C. David Taylor of Ross & Taylor, representing Robert Thompson, Parcel No. 1-15804, presenting objections and suggestions to the proposed plan.
- Exhibit No. 17 Reserved Exhibit, reply to Mr. Thompson regarding Parcel No. 1-15804.
- Exhibit No. 18 Reserved Exhibit, reply to the Speedway Center Limited Partnership regarding Parcel No. 1-15808.
- Exhibit No. 19 Letter, dated May 29, 1996, from Mr. William Cree, regarding Parcel No. 1-15810, presenting objections and suggestions to the proposed plan.
- Exhibit No. 20 Reserved Exhibit, reply to Mr. Cree, regarding Parcel No. 1-15810.
- Exhibit No. 21 Letter, dated June 10, 1996, from Dean A. Messmer of Lasher, Holzapfel, Sperry & Ebberson, representing John and Cherly Prestek, Parcel No. 1-15781, presenting objections and suggestions to the proposed plan.
- Exhibit No. 22 Reserved Exhibit, reply to Mr. Prestek, regarding Parcel No. 1-15781.
- Exhibit No. 23 Reserved Exhibit, reply to Mr. Carson, regarding Parcel No. 1-15798.

VIII

The Assistant Secretary of Environment and Engineering also considered the following requests and makes the following findings:

1. Mr. Robert Thompson, on pages 39 to 42 of the hearing transcript and C. David Taylor, Attorney representing Mr. Thompson, in Exhibit No. 16, requested a second access to Parcel No. 1-15804.

As stated by the Department of Transportation in Reserved Exhibit No. 17, a second access will not be provided to Parcel No. 1-15804. The Limited Access restriction will be reduced approximately 110 feet to accommodate one 50 foot right-in, right out commercial approach.

2. Mr. Moe, on pages 43 to 48 of the hearing transcript and in Exhibits No. 8-14 requested an additional access to Parcel No. 1-15797 from Lincoln Way.

As stated by the Department in Reserved Exhibit No. 15, a second access will not be provided to Parcel No. 1-15797. The potential for congestion at the entrance of the requested access and the location along the acceleration lane make this access undesirable.

3. Representatives from Speedway Center Limited Partnership requested right-out access to SR 525 from Parcel No. 1-15808 on pages 48-57 of the hearing transcript.

As stated by the Department in Reserved Exhibit No. 18, right-out access to SR 525 will not be provided to Parcel No. 1-15808.

4. Representatives from Speedway Center Limited Partnership regarding Parcel No. 1-15808, within pages 48-57 of the hearing transcript, requested a reduction of the limited access on the east side of SR 525 to meet the limit on the west side.

As stated by the Department in Reserved Exhibit No. 18, limited access will not be reduced on the east side of SR 525. Limited access was extended further north along the east side of SR 525 to eliminate access conflicts with the acceleration on the east side of SR 525.

5. The Presteks are requesting a right-in, right-out access to Lincoln Way from the south side of Parcel No. 1-15781 in Exhibit No. 21.

As stated by the Department in Reserved Exhibit No. 22, a second access will not be provided to Parcel No. 1-15781. Approaches within 130 feet of intersections are undesirable and not permitted.

IX

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

Plan sheets 1 through 9 of 9 sheets dated April 26, 1996 will be replaced with new plan sheets with the same title. Sheets 1 through 9 will include the following changes:

1. Parcel No. 1-15811 has been added to the plan as shown on sheets 3 and 6 of 9 sheets as recommended by the Department at the hearing.
2. The right-of-way and limited access line was relocated between Sta. 161+31.86 and Sta. MSW 247+09.32 on the left as shown on sheets 3 and 6 of 9 sheets. This relocation is the result of the reduction of the lane width from 12 to 11 feet; narrowing the bike lane and sidewalk from 6 feet to 5 feet; and construction of a retaining wall. This revision was requested by Mr. John Prestek and Ms. Prestek in Exhibit No. 21 and is recommended by the Department of in Reserved Exhibit No. 22.
3. Parcel No. 1-15812 has been added to the plan as shown on sheets 4 and 5 of 9 sheets as recommended by the Department at the hearing.
4. The access control on SR 525 has been revised from Full access to Modified access control beginning at Sta. 165+00 and ending at Sta. 170+90 on the right; add a Type D* approach located at Sta. 166+50, as shown on sheet 4 of 9 sheets. This revision is in response to requested by Ms. Johnson, Mr. Bell and Mr. Olson on pages 48-57 of the

hearing transcript and is recommended by the Department in Reserved Exhibit No. 18, requested by Mr. Cree in Exhibit No. 19 and responded to by the Department in Reserved Exhibit No. 20, and requests posed by Mr. Prestek regarding Parcel No. 1-15781 and summarized in Exhibit No. 21 and responded to by the Department in Reserved Exhibit No. 22.

5. The limited access line between Sta. MSW 244+76.25 and Sta. MSW 245+26.25 has been relocated as shown on sheet 6 of 9 sheets. This revision was requested by Mr. Moe in Exhibits No. 8 through 14 and pages 43 to 48 of the hearing transcript and is recommended by the Department in Reserved Exhibit No. 15.
6. The cul-de-sac located on the MSW Line at approximate Sta. MSW 242+05.65 has been deleted as shown on sheet 6 of 9 sheets. This revision is the result of comments made by Mr. Carson on pages 59 and 60 of the hearing transcript and is recommended by the Department in Reserved Exhibit No. 23.
7. The right-of-way and limited access line was relocated between Sta. MSW 244+76.25 and Sta. 388+70.15, to lessen the impact on Parcel No. 1-15798, as shown on sheet 6 of 9 sheets. This revision was requested by Mr. Carson on pages 59-60 of the Access Hearing transcript and is recommended by the Department of in Reserved Exhibit No. 23.
8. The limited access line has been deleted from Sta. 367+38 to Sta. 368+47.25 on the right to accommodate a commercial approach for Parcel No. 1-15804 as shown on plan sheet 7. This revision was requested by Mr. Thompson in pages 39 to 42 of the hearing transcript and C. David Taylor representing Mr. Thompson in Exhibit No. 16 and is recommended by the Department in Reserved Exhibit No. 17.
9. Minor revisions that correct ownerships and parcel details, area computations, and right-of-way details. (See plan sheets 1 through 9 of 9 sheets)

X

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 525 in Snohomish County described as follows is hereby designated as a limit access highway of the fully, partially, and modified controlled type:

Between Station 137+00 and Station 178+75.5 as shown on sheets 1 through 9 of 9 sheets entitled "SR 525, JCT. SR 99 INTERCHANGE TO 132ND ST. S.W., MP 2.60 to MP 3.39, SNOHOMISH COUNTY,"

II

That the plan set forth in Exhibit No. 5 for the establishment of access control of said highway be revised as follows, and as shown on Exhibit "A" hereto attached and by this reference made a part hereof.

Plan sheets 1 through 9 of 9 sheets, dated April 26, 1996, will be replaced with new plan sheets, 1 through 9 of 9 sheets, using the same title but reflecting in Exhibit "A" the changes specified below:

1. Show that Parcel No. 1-15811 has been added to the plan as shown on sheets 3 and 6 of 9 sheets .
2. Show that the right-of-way and limited access line has been relocated between Sta. 161+31.86 and Sta. MSW 247+09.32 on the left as shown on sheets 3 and 6 of 9 sheets.
3. Show that Parcel No. 1-15812 has been added to the plan as shown on sheets 4 and 5 of 9 sheets.
4. Show that the access control on SR 525 has been revised from Full access to Modified access control beginning at Sta. 165+00 and ending at Sta. 170+90 on the right; the addition of a Type D* approach located at Sta. 166+50, as shown on sheet 4 of 9 sheets.
5. Show the limited access line between Sta. MSW 244+76.25 and Sta. MSW 245+26.25 has been relocated as shown on sheet 6 of 9 sheets.
6. Show that the cul-de-sac located on the MSW Line at approximate Sta. MSW 242+05.65 has been deleted as shown on sheet 6 of 9 sheets.
7. Show that the right-of-way and limited access line was relocated between Sta. MSW 244+76.25 and Sta. 388+70.15 as shown on sheet 6 of 9 sheets.
8. Show that the limited access line has been deleted from Sta. 367+38 to Sta. 368+47.25 on the right as shown on plan sheet 7.
9. Show minor revisions that correct ownerships and parcel details, area computations, and right-of-way details. (See plan sheets 1 through 9 of 9 sheets)

III

That the plan entitled, "SR 525, JCT. SR 99 INTERCHANGE TO 132ND ST. S.W., MP 2.60 to MP 3.39, SNOHOMISH COUNTY" sheets 1 through 9 of 9 sheets, as revised reflected in Exhibit "A", is hereby adopted.

That the following plans are hereby superseded:

"SR 525, 164TH ST. SW TO SR 99 INTERCHANGE, Right of Way and Limited Access plan sheets 5 and 6 of 8 sheets, approved January 15, 1970;

"SR 99, OAK ROAD TO BEVERLY PARK", Right of Way, sheet 5 of 13 sheets, approved March 17, 1931;

"SR 525, MUKLITEO TO JUNCTION P.S.H. NO 1", Right of Way, approved September 29, 1942.

ADOPTED THIS 17th DAY OF OCTOBER, 1996

ASSISTANT SECRETARY OF
ENVIRONMENT AND ENGINEERING
SERVICE CENTER

E. R. Burch

Approved as to form:

[Signature]

Assistant Attorney General