

BEFORE THE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 525)
SWAMP CREEK INTERCHANGE TO)
164th ST. S.W.)
M.P. 0.17 TO M.P. 1.47)
HEARING ON LIMITED ACCESS)

FINDINGS AND ORDER

The hearing on the above entitled matter was held upon due notice to interested parties beginning at 7:30 P.M., Thursday, May 4, 1978, in the Lynnwood High School Cafetorium, 3001 148th S.W., Lynnwood, Washington, before Edward E. Level, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Scott Neilson, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

LOIS H. EHLERT, by self, 2920 176th S.W., Lynnwood, Washington 98036;

MARY ANN GAGNON, by self, 3103 170th S.W., Alderwood Manor, Washington 98036;

FRED FALLS, by self, 2816 170th S.W., Lynnwood, Washington 98036;

CALVIN E. HUBBARD, by self, 2804 170th S.W., Alderwood Manor, Washington 98036;

MRS. CALVIN E. HUBBARD, by self, 2804 170th S.W., Alderwood Manor, Washington 98036;

ROY ST. CLAIR, by self, 19605 36th N.E., Seattle, Washington 98155;

VICTOR E. MARTIN, by self, P. O. Box 2028, Lynnwood, Washington 98036;

LLOYD S. AMUNDSON, by Larry O. Amundson, son, 20631 82 W. Edmonds, Washington 98020;

WALLACE COGLEY, by self, 3105 169th S.W., Lynnwood, Washington 98036;

E. J. FOOT, by Robert P. Tjossem, Attorney at Law, 1313 Market St., Kirkland Washington 98033;

LEANDER R. STEFFEN, by self, 3104 169th S.W., Lynnwood, Washington 98036;
JOHN CARSON, by self, 306 N. 133rd St., Seattle, Washington 98133;
GOLDA HURD, by Lowell R. Hurd, Son, 16932 Ash Way, Alderwood Manor,
Washington 98036;
J. C. MARTIN, by self, 7303 58th Ave. N.E., Seattle, Washington 98115;
DAVID C. HELLAND, by self, 17525 31st West, Lynnwood, Washington 98036;
RIDGWAY PACKAGING PROFIT SHARING TRUST, by Howard D. Evans, Vice President -
Administration, c/o Ridgeway Packaging Corp., 4111 156th Ave. N.E., Redmond,
Washington 98052;
MR. & MRS. ROBERT TOFT, by self, 2931 - 176th S.W., Alderwood Manor,
Washington 98036;
MARI LOUISE VESTAL, by self, 19815 44th Ave. West, Lynnwood, Washington
98036;
GARTH MILLER, by self, 18402 Butternut Rd., Lynnwood, Washington 98036;
G. & B. J. COLE, by self, 7124 - 156th S.W., Edmonds, Washington 98020;
C. W. NORTON, by self, 6722 163rd Place, S.W., Lynnwood, Washington 98036;
MARCIA Z. MEALEY, by self, 4011 180th S.E., Bothell, Washington 98011;
DENNIS D. and SUSAN F. DAVIS, by self, 3002 172nd S.W., Lynnwood,
Washington 98036;
JOHN CHAN, by self, 1022 N.E. 63rd, Seattle, Washington 98115;
BING CHAN, by self, 1022 N.E. 63rd, Seattle, Washington 98115;
WILLIAM F. GARBER, by self, 17626 33rd Place West, Lynnwood, Washington
98036;
RICHARD WILSON, by Sharon Shoberg, Real Agent - Cameo Properties, 18325
48th W., Lynnwood, Washington 98036;
RICHARD B. WILSON, by self, 3007 176th S.W., Alderwood Manor, Washington
98036;

MARILYN PATTERSON, by self, 3030 176th S.W., Lynnwood, Washington 98036;
JOHN E. WAGNER JR., by self, 17327 32nd Ave. W., Alderwood Manor, Washington
98036;
RALPH E. EATON, by self, 17319 32nd Ave. W., Lynnwood, Washington 98036;
MARY W. HARRISON, by self, 17110 12th Ave. N.W., Seattle, Washington 98177;
THOMAS A. & JUDY B. EDWARDS, by self, 3030 170th Ave. S.W., Lynnwood,
Washington 98036
HENRY P. BRUNS, by self, Box 11653, Atlanta, Georgia 30355;
AGNAR PETTERSEN, by self, 18224 Beech Road, Lynnwood, Washington 98036;
METROPOLITAN INVESTORS, by Lewis G. Brunhaven, 12102 N.E. 33rd St.,
Bellevue, Washington 98005;
JAMES B. MC CLURE, P. O. Box 66, Redmond, Washington 98052;
JAY HOWARD, by Lew Brunhaven, Regional Vice President - Grubb and Ellis,
Plaza 600 Bldg. Suite 210, Seattle, Washington 98101;

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 through some may not properly be parties to the hearing. For administrative convenience, all persons filing a Notice of Appearance are listed above. The Department of Transportation, 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 Edward E. Level, Hearing Examiner, after which witnesses were called. The 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, and acting under the authority of the Secretary of Transportation, the Deputy

Secretary of Transportation of the State of Washington makes the following findings:

I

Prior to March 24, 1978, a plan for the establishment of a limited access highway over a portion of SR 525 in Snohomish County, Washington, was ordered under Resolution No. 95.

Such plans were prepared and entitled "State Route 525, Swamp Creek Interchange to 164th St. S.W., M.P. 0.17 to M.P. 1.47, Snohomish County". Sheets 1 through 5 of 13 sheets of said plan were introduced into evidence marked Exhibit No. 8A through 8E. The plan also required revising the limited access on State Routes 5 and 405 in the vicinity of the Swamp Creek Interchange as shown on sheets 3, 12 and 13 of 25 sheets entitled "SR 405, King County Line to Jct. SR 5", which were introduced into evidence marked Exhibit No. 9A through 9C; on sheets 8, 9, 10 and 12 of 19 sheets entitled "SR 5, E. 200th St. to Swamp Creek", which were introduced into evidence marked Exhibit 10A through 10D; and on sheets 1 and 13 of 21 sheets entitled "SR 5, Swamp Creek to Jct. SSH No. 2-J", which were introduced into evidence marked Exhibit No. 11A through 11B; which 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 on January 27, 1978, submitted to the appropriate local officials a report showing how those factors has been taken into account and covering other matters required by RCW 47.52.131, et seq. A copy of the Access Report was introduced into evidence marked Exhibit No. 4.

By letter dated February 15, 1978, the Mayor of the City of Lynnwood,

Washington approved the Access Report, and said letter was introduced into evidence marked Exhibit No. 5A.

By letter dated March 1, 1978, the Board of County Commissioners, Snohomish County, Washington approved the Access Report, and said letter was introduced into evidence marked Exhibit No. 5B.

III

On March 24, 1978, the Acting Deputy Secretary of Transportation 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

Mr. V. W. Korf, Acting Deputy Secretary of Transportation, issued a Notice of Limited Access Hearing. On April 17, 1978 an exact copy of this notice was mailed to Snohomish County, the City of Lynnwood, various agencies and other interested parties, and to each of those record owners of property listed in the Affidavits of Services by Mailing introduced into evidence marked Exhibit Nos. 2A and 2B. An exact copy of the aforesaid notice was published in the Seattle Post-Intelligencer on April 18, 1978, as shown by the affidavit of Mary Katica, Credit Secretary of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3-A. An exact copy of the aforesaid notice was published in the Everett Herald on April 19, 1978, as shown by the affidavit of the Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3-B. An exact copy of the aforesaid notice was published in the Lynnwood Enterprise on April 19, 1978, as shown by the affidavit of Jane Holt, Legal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3-C. An exact copy of the

aforesaid notice was published in the Seattle Times on April 19, 1978, as shown by the affidavit of the Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3-D.

V

The plan proposes to establish fully controlled, limited access highway facilities for State Route 525 from Swamp Creek Interchange to 164th St. S.W., between Station LM 119+00 and Station LM 187+70.80 as shown on sheets 1 through 5 of 13 sheets entitled "SR 525, Swamp Creek Interchange to 164th St. S.W., M.P. 0.17 to M.P. 1.47, Snohomish County".

The plan also proposes to revise the fully controlled limited access facilities on State Route 5 and 405 in the vicinity of the Swamp Creek Interchange as shown on sheets 3, 12 and 13 of 25 sheets of the right of way plans entitled "SR 405, King Co. Line to Jct. SR 5, Snohomish County", dated July 13, 1965; on sheets 8, 9, 10 and 12 of 19 sheets of the right of way plans entitled "SR 5, E. 200th St. to Swamp Creek, King and Snohomish Counties", dated March 28, 1961; and on sheets 1 and 13 of 21 sheets of the right of way plans entitled "SR 5, Swamp Creek to Jct. SSH No. 2-J, Snohomish County", dated March 14, 1961.

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 cost. It is functionally classified as a Principal Arterial and Department of Transportation policy provides for full control of access on all highways of this type. In doing so, the investment of public funds is protected by preserving the highway for future use.

The projected average daily traffic volumes for the design year of 1990 indicate that there will be approximately 17,600 vehicles per day traveling between the Swamp Creek and Ash Way Interchanges. This volume will reduce to approximately 10,275 vehicles per day north of the Ash Way Interchange.

An accident history and projection has not been prepared for this segment of highway. This is a new facility and cannot be compared to anything that is functioning similarly in this area.

The efficiency of the highway as a means of moving a maximum volume of traffic in safety is directly connected with 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 problems of increased accident potential and lowered capacity, due to interference from these roadside approaches, become increasingly greater 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 designated interchanges.

The plan for limited access on State Route 525 in Snohomish County introduced into evidence marked Exhibit Nos. 8A through 8E will facilitate travel, 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 a part of the hearing record:

Exhibit No. 3E

Reserved by Department of Transportation for Affidavit of Publication in the Western Sun. An affidavit was not received. The Western Sun is a local edition of the Everett Herald and separate affidavits are not issued.

- Exhibit No. 6 Final Environmental Impact Statement for State Route 525, Swamp Creek Interchange to SR 99, approved and adopted by the FHWA on October 20, 1977.
- Exhibit No. 7 Aerial photograph of Swamp Creek area showing alignment.
- Exhibit No. 12 Reserved exhibit, the Department's response to a statement by Mr. Hubbard regarding acquisition of private property for benefit of private enterprise.
- Exhibit No. 13 Letter, received at the hearing signed by Wallace H. Cogley.
- Exhibit No. 14 Reserved exhibit, the Department's response to Exhibit No. 13.
- Exhibit No. 15 Letter, received at the hearing, signed by Marvin Sims.
- Exhibit No. 16 Reserved exhibit, the Department's response to Exhibit No. 15.
- Exhibit No. 17 Reserved exhibit, the Department's response to statement at the hearing by Mr. Tjossem.
- Exhibit No. 18 Reserved exhibit, the Department's response to statement at the hearing by Mr. Martin.
- Exhibit No. 19 Reserved exhibit, the Department's response to statement at the hearing by Mr. St. Clair.
- Exhibit No. 20 Reserved exhibit, the Department's response to statement at the hearing by Mr. Hubbard.
- Exhibit No. 21 Letter, received subsequent to the hearing, by Leander R. and Frances G. Steffen.
- Exhibit No. 22 Reserved exhibit, the Department's response to Exhibit No. 21.

VIII

The Deputy Secretary of Transportation has considered evidence on the entire portion of the above entitled highway and finds the plan introduced into evidence marked Exhibit Nos. 8A through 8E, Exhibit Nos. 9A through 9C and Exhibit Nos. 10A through 10D should be modified as hereinafter set forth and as shown on Exhibit "A" hereto attached.

1. Revise plan sheets 2 and 3 of 13 sheets to relocate the right of way and limited access boundary from 180 feet to 100 feet right of way base line on SR 525 in the vicinity of Station LM 134+00 to vicinity of Station LM 143+00 as a recommended plan change by the Department of Transportation at the hearing. (Page 30 of the Hearing Transcript)
2. Revise plan sheet 4 of 13 sheets to add the right of way required to extend 28th Avenue W. from 168th St. S.W. to 170th St. S.W. and to reconstruct 28th Avenue W. from 168th St. S.W. to 164th St. S.W. as a recommended plan change by the Department of Transportation at the hearing. (Pages 41 and 42 of the Hearing Transcript)
3. Revise plan sheet 1 of 21 sheets to delete the acquisition of right of way from Parcel 1-10457 in the vicinity of SR 5 Station 585+50 as a recommended plan change by the Department of Transportation at the hearing. (Page 63 of the Hearing Transcript)
4. Revise plan sheet 12 of 25 sheets to reflect the revised right of way line on SR 405 from Station LM 84+45.12 to Station LM 92+60.03, on the right, and Station LM 98+22.16 to Station LM 102+43.41, on the right, as a recommended plan change by the Department of Transportation at the hearing. (Page 59 of the Hearing Transcript)
5. Revise plan sheets to make minor plan revisions to correct ownership parcel details, area computation, and right of way details. (Plan sheets 1 through 5 of 13 sheets; 3, 12, and 13 of 25 sheets; 8, 9, 10 and 12 of 19 sheets; and 1 and 13 of 21 sheets)

IX

The Deputy Secretary of Transportation also considered the following requests for changes in the plan, but denies them for the following reasons:

1. Mr. Cogley, pages 44, 45, 46, 71 and 72 of the transcript and in Exhibit No. 13 and Mr. and Mrs. Steffans in Exhibit No. 21 requested relocation of the right of way/limited access line and proposed fence adjacent to their properties to provide a buffer area between their properties and the highway.

The present location of the right of way line was established to provide a visual and noise buffer zone approximately 50 feet between the highway and the right of way line as requested by the public. In order to meet this commitment and to assure that the area in question will not be used for other purposes, the Department of Transportation in Reserved Exhibit No. 14 recommends that the right of way/limited access line remain as shown. (Reserved Exhibit Nos. 14 and 22)

2. Mr. and Mrs. Sims page 73 of the transcript and in Exhibit No. 15 requested relocation of the M Line to lessen the impact on their property and that a utility easement on their property also be relocated.

The M Line location is controlled by the design criteria governing the configuration of the AE ramp and the location of the M Line - F1 line intersection. The design criteria preclude the possibility of moving the M Line to lessen its impact on this property. The easement shown for this parcel is an existing easement that was established by a previous owner of the property. The State was not involved in the establishment of this easement and cannot relocate it. (Reserved Exhibit No. 16)

3. Mr. Tjossem pages 74 and 75 of the transcript requested that a half diamond interchange be added to SR 525 on the south side of Martha Lake Road (164th Street S.W.) to allow travel on SR 525 between the Ash Way Interchange and 164th Street S.W.

The primary reason for relocating and upgrading SR 525 to a limited access highway is to provide a safe and direct connection between SR 5 and SR 405 for traffic travelling through the area. Adding an interchange at 164th Street S.W. to provide for freeway travel to and from the Ash Way Interchange, which is a distance of approximately one-half mile, would reduce the safety and operational efficiency of the through lanes on SR 525 and is more logically handled by the local road network. (Reserved Exhibit No. 17)

X

The Deputy Secretary also considered the following evidence presented at the hearing and makes the following findings:

1. Mr. St. Clair on pages 36, 82 and 83 of the hearing transcript requested an access to the remainder of Parcel No. 1-10475 from 28th Avenue W. (Ash Way).

Since traffic movement will be permitted under the highway structures at Sta. LM 141+00 P.O.C. and that the right of way fence will be connected to the corners of the bridge, access to 28th Avenue (Ash Way) from Parcel No. 1-10475 will not be restricted.

2. Mr. Hubbard, pages 42 and 43 of the hearing transcript, stated the opinion that the State was acquiring private property along 28th Avenue W. to benefit private enterprise by providing access for the Lynnwood Mall.

The extension of 28th Avenue W. will improve access to the Lynnwood area in general, not just to the Lynnwood Mall. The extension is also required to provide access to properties that would otherwise lose access due to construction of the highway. (Reserved Exhibit No. 12)

3. Mr. Martin, page 78 of the hearing transcript, objected to the total plan because he considers it an unnecessary expenditure of taxpayers dollars.

Numerous studies have been prepared which indicate that relocating and upgrading SR 525 to a limited access highway is essential to provide a safe direct route for traffic traveling through the study area. The development of the project has also been closely coordinated with local officials and citizens groups and has been included as a part of the City of Lynnwood and Snohomish County Comprehensive Plans for the area. (Reserved Exhibit No. 18)

4. Mr. Hubbard page 83 of the hearing transcript questioned why the right of way for 28th Avenue W. is 60 feet wide north of 168th Street S.W., but is 120 feet wide south of 168th Street S.W.

The portion of the F1 Line roadway north of 168th Street S.W. is an existing road which will require only minor reconstruction, so a 60 foot wide right of way is adequate. The portion of the F1 Line south of 168th Street S.W. will be an entirely new roadway in rolling terrain which will require roadway excavation, embankment construction and drainage. A 120 foot wide right of way is necessary for construction of this portion of the F1 Line roadway. (Reserved Exhibit No. 20)

XI

The Deputy Secretary of Transportation particularly finds in the case of each abutting ownership that the adoption of the plans for making said highways limited access facilities, said plans being attached hereto and marked Exhibit "A", is required for public convenience and necessity.

Based upon the foregoing findings and the supportive evidence, the Deputy Secretary 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 limited access highway of the fully controlled type:

Between Station L_M 119+00 and Station L_M 187+70.80 as shown on sheets 1 through 5 of 13 sheets entitled, "SR 525, SWAMP CREEK INTERCHANGE TO 164th ST. S.W., M.P. 0.17 TO M.P. 1.47, SNOHOMISH COUNTY", dated March 24, 1978.

II

That the fully controlled limited access facilities on State Routes 5 and 405 in the vicinity of Swamp Creek Interchange be revised as shown on sheets 3, 12 and 13 of 25 sheets entitled, "SR 405, KING CO. LINE TO JCT. SR 5, SNOHOMISH COUNTY", dated July 13, 1965 revised March 24, 1978; on sheets 8, 9, 10 and 12 of 19 sheets entitled "SR 5, E. 200th ST. TO SWAMP CREEK, KING AND SNOHOMISH COUNTIES", dated March 28, 1961 revised March 24, 1978; and on sheets 1 and 13 of 21 sheets entitled "SR 5, SWAMP CREEK TO JCT. SSH NO. 2-J, SNOHOMISH COUNTY", dated March 14, 1961 revised March 24, 1978.

III

That the plans set forth in Exhibit Nos. 8A through 8E, 9A through 9C, 10A through 10D and 11A through 11B should be revised as follows, and as shown on Exhibit "A" hereto attached and by this reference made a part hereof;

1. Revise plan sheets 2 and 3 of 13 sheets to relocate the right of way and limited access line from 180 feet to 100 feet right of the base line on SR 525 in the vicinity of Station LM 134+00 to vicinity of Station LM 143+00.
2. Revise plan sheet 4 of 13 sheets to add the right of way required to extend 28th Avenue W. from 168th St. S.W. to 170th St. S.W. and to reconstruct 28th Avenue W. from 168th St. S.W. to 164th St. S.W.
3. Revise plan sheet 1 of 21 sheets to delete the acquisition of right of way from Parcel 1-10457 in the vicinity of SR 5 Station 585+50.
4. Revise plan sheet 12 of 25 sheets to reflect the revised right of way line on SR 405 from Station LM 84+45.12 to Station LM 92+60.03, on the right and Station LM 98+22.16 to Station LM 102+43.40, on the right.
5. Revise plan sheets to make minor plan revisions to correct ownership parcel details, area computation, and right of way details (plan sheets 1 through 5 of 13 sheets; 3, 12 and 13 of 25 sheets, 8, 9, 10 and 12 of 19 sheets; and 1 and 13 of 21 sheets).

IV

That the plan entitled "SR 525, SWAMP CREEK INTERCHANGE TO 164th ST. S.W., M.P. 0.17 TO M.P. 1.47, SNOHOMISH COUNTY" sheets 1 through 5 of 13 sheets dated

March 24, 1978, as revised above and as shown on Exhibit "A" be and the same is hereby adopted.

V

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

"SR 5, E. 200th St. to Swamp Creek, King and Snohomish Counties", Sheets 8, 9, 10 and 12 of 19 Sheets, approved March 28, 1961, revised March 24, 1978.

"SR 5, Swamp Creek to Jct. SSH No. 2-J, Snohomish County", Sheets 1 and 13 of 21 Sheets, approved March 14, 1961, revised March 24, 1978.

"SR 405, King County Line to Jct. SR 5, Snohomish County", Sheets 3, 12, and 13 of 25 Sheets, approved July 13, 1965, revised March 24, 1978.

ADOPTED THIS 13th of March, 1979.

DEPUTY SECRETARY OF TRANSPORTATION

APPROVED AS TO FORM:

Thomas R. Burlington
Assistant Attorney General

V. W. Korf
V. W. KORF

