

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 5)
164th STREET SW INTERCHANGE)
MODIFICATIONS) FINDINGS AND ORDER
LIMITED ACCESS HEARING) (Relating to Limited Access)

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 7:00 p.m. Wednesday, May 19, 1998 at the Lynnwood High School Cafeteria, 3001 184th St. SW, Lynnwood, Washington, before Gordon W. Griggs, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Deborah L. Cade, Assistant Attorney General, PO Box 40113, Olympia, Washington 98504-0113;

CHEVRON CORPORATION, by Greg Wanket, 5531 NW Pioane Ave, Portland , OR 97210;

JIM HAM, by self, 1420 Fifth Ave., Suite 2200, Seattle, WA 98101-2333;

WAYNE HOSKIN, by self, 1606 164th SW, Lynnwood, WA ;

ROB HOSKIN, by self, PO Box 3098, Arlington, WA 98223;

JERRY BURTONSHAW, by Bill Dunning with Washington Land Design, 9709 Third Avenue NE , Suite 203, Seattle, WA 98115.

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 the RCW 47.52 by Bill Carter, Assistant Regional Administrator for Development, Northwest Region, after which witness were called. Evidence was taken by a Court Reporter who, thereafter, transcribed the verbal testimony. Certain exhibits were duly introduced into 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 a portion of State Route 525 in Snohomish County, Washington, was ordered under Commission Resolution No. 95 and amendments thereto.

Such a plan was prepared and entitled "SR 525, 164th ST.SW TO SR 99 INTERCHANGE, MP 1.57 TO MP 3.43, SNOHOMISH COUNTY," sheets 7 and 8 of 8 sheets. These plan sheets were introduced into evidence marked Exhibit No. 5, which was made a part of the hearing record.

Prior to March 22, 1961, a plan for the establishment of a limited access highway over a portion of State Route 5 in Snohomish County, Washington, was ordered under Commission Resolution No. 1071 and amendments thereto.

Such a plan was prepared and entitled "SR 5, SWAMP CREEK TO JCT. SSH NO. 2-J, SNOHOMISH COUNTY," sheets 1 through 4 and 13 of 15 sheets. These plan sheets were introduced into evidence marked Exhibit No. 5, which was made a part of the hearing record.

"SNOHOMISH COUNTY SUNDRY SITE PLANS, MARTHA LAKE INTERCHANGE PARK & RIDE LOT" sheet 24, approved May 19, 1995, was also marked Exhibit No. 5 and 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 May 1, 1998 the Deputy State Engineer by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52, *et seq.* The Order of Hearing was introduced into evidence marked Exhibit No. 1.

IV

Michael A. Cotten, P. E., Project Engineer, Washington State Department of Transportation, Northwest Region, issued a Notice of Hearing. On May 19, 1998 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 Affidavits of Service by Mailing that were introduced into evidence marked Exhibit No. 2. Exact copies of the notice were published in The Seattle Times on May 3, 1998 and May 13, 1998, which affidavits were introduced into evidence marked Exhibit No. 3.

V.

The plan proposes the establishment of a limited access control facility with full access controlled for State Route 5 in the vicinity of 164th Street Interchange, as shown on sheets 1 through 4 and 13 of 15 sheets of the right of way plan entitled "SR 5, SWAMP CREEK TO JCT. SSH NO. 2-J, SNOHOMISH COUNTY" dated March, 14 1961, revised April 23, 1998; and as shown on sheets 7 and 8 of 8 sheets of right of way and limited access plan entitled "SR 525, MP 1.57 TO MP 3.43, 164TH ST. SW TO SR 99 INTERCHANGE, SNOHOMISH COUNTY" dated January 15, 1970, revised April 23, 1998; and as shown on sheet 24, SNOHOMISH COUNTY SUNDRY SITE PLAN, entitled "MARTHA LAKE INTERCHANGE PARK & RIDE LOT" dated May 19, 1995, revised April 23, 1998.

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 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 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 plans for the establishment of fully controlled limited access facilities for SR 5, 164th Street SW Interchange Vicinity, 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. 6 Snohomish County letter dated May 13, 1998 and signed by Jack Bilsborough, County Engineer, indicating their general concurrence of the access report
- Exhibit No. 7 Reserved Exhibit for the Notices of Appearances
- Exhibit No. 8 Reserved Exhibit, response to comments contained on pages 19 through 24 of the hearing transcript

VIII

The Assistant Secretary of Environment and Engineering has considered the following requests and made the following findings:

1. Greg Wanket, representing Chevron Corporation, Wayne Hoskin, Service Station owner, and Rob Hoskin, on pages 19 through 23 of the hearing transcript, expressed concerns over the proposed implementation of limited access control that would eliminate access to Parcel No. 1-15733 (owned by Arthur Munson and leased by the Chevron Corporation) and force the closure of the service station located on that parcel. Greg Wanket also requested that a single curb-cut allowing right turn in and right turn out be considered as an alternative to closing the station.

As stated by the Department of Transportation in Reserved Exhibit No. 8, the Department is aware of the impact to Mr. Hoskin's business, with that consideration in mind, other alternatives were considered and evaluated through different studies, this alternative was the best one to facilitate the requirements of the proposed improvement. Compensation and/or damages due to the limitation of access control will be considered at the time of right of way negotiations.

IX

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. Minor revisions that correct ownerships and parcel details, area computations, and right of way details (See plan sheets 1 through 4 and 13 of 15 sheets; and 7 and 8 of 8 sheets; and sheet 24)

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 sections of State Route 5 and SR 525 in Snohomish County described as follows are hereby designated as limited access highway facilities of the fully controlled type:

Between Sta. LR 634+92.10 and Sta. ML 29+40, Sta. LR 83+60 and Sta. LL 634+92.10 Lt. and Sta. ML 25+25 and ML 29+40, and Sta. ML 83+87 and Sta. 14+04.27, as shown on sheets 1 through 4 and 13 of 15 entitled "SR 5, SWAMP CREEK TO JCT. SSH NO. 2-J, SNOHOMISH COUNTY".

Between Sta. ML 80+68 and Sta. ML 82+47 Lt. and Sta. ML 80+68 and Sta. 83+60 Rt. As shown on sheets 7 and 8 of 8 sheets entitled "SR 525, 164TH ST. SW TO SR 99 INTERCHANGE, SNOHOMISH COUNTY".

As shown on sheet 24, SNOHOMISH COUNTY SUNDRY SITE PLAN entitled "MARTHA LAKE INTERCHANGE PARK & RIDE LOT".

II

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

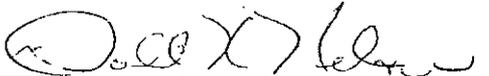
1. Show minor revisions that correct ownerships and parcel details, area computations, and right of way details (See plan sheets 1 through 4 and 13 of 15 sheets; and 7 and 8 of 8 sheets; and sheet 24)

III

That the plans entitled "SR 5, SWAMP CREEK TO JCT. SSH NO. 2-J, SNOHOMISH COUNTY" sheets 1 through 4 and 13 of 15 sheets; and that the plans entitled "SR 525, 164TH ST. SW TO SR 99 INTERCHANGE, SNOHOMISH COUNTY", sheets 7 and 8 of 8 sheets; and that the plan entitled SNOHOMISH COUNTY SUNDRY SITE PLAN "MARTHA LAKE INTERCHANGE PARK & RIDE LOT", sheet 24; as revised reflected in Exhibit "A", are hereby adopted.

ADOPTED THIS 30th DAY OF November, 1998

ASSISTANT SECRETARY OF
ENVIRONMENT AND ENGINEERING
SERVICE CENTER



Approved as to form:


Assistant Attorney General