

BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

IN RE: State Route 5  
220th Street S. W. Interchange  
Milepost 178.80 to Milepost 179.40  
Hearing on Limited Access

FINDINGS AND ORDER

The hearing on the above entitled project was held, upon due notice to interested parties, beginning at 7:30 p.m., Tuesday, June 14, 1983 in the Mountlake Terrace Elementary School Gymnasium, located at 22001 52nd Avenue West, Mountlake Terrace, Washington, before Douglas R. Hartwich, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, Michael Nicefaro, Assistant Attorney General, Temple of Justice, Olympia, Washington, 98504;

ARENA DEVELOPMENTS, LTD., 1145 West 7th Avenue, Vancouver, British Columbia, Canada, V6H 1B5;

JOYCE BARRY, by self, 5906 221st. S.W., Mountlake Terrace, Washington, 98043;

DORIS CLARK, by self, 4701 228th S.W., Mountlake Terrace, Washington, 98043;

MIKE ECHELBARGER, by self, P.O. Box 6070, Lynnwood, Washington, 98036;

DARLA ELDER, by self, 23108 54th West, Mountlake Terrace, Washington, 98043;

GEOFFREY G. GESE, by self, 23001 67th S.W., Mountlake Terrace, Washington, 98043;

WALTER HIMPLE, by self, 5904 221st S.W., Mountlake Terrace,  
Washington, 98043;

HAROLD KNOX; by self, 22015 54th Ave. W. Mountlake Terrace,  
Washington, 98043;

LOIS M. KNOX, by Harold A. Knox, 22015 54th Ave. W.,  
Mountlake Terrace, Washington, 98043;

PATRICK McMAHON, Councilman, 23204 58th W., Mountlake  
Terrace, Washington, 98043;

BRYCE E. McMURRY, JR., by self, 22002 56th W., Mountlake  
Terrace, Washington, 98043;

PAUL C. McRILL, by self, 4802 219th S.W., Mountlake Terrace,  
Washington, 98043;

TOM O'BRIEN, Councilman, 22706 57th Avenue W. Mountlake  
Terrace, Washington, 98043;

KAREN OLSON, by self, 22105 48th W. Mountlake Terrace  
Washington, 98043;

ELLEN M. PERSEN, by self, 22202 60th Ave. W., Mountlake  
Terrace, Washington, 98043;

WILLIAM R. QUADE, by self, 22209 62nd Ave. W., Mountlake  
Terrace, Washington, 98043;

THOS P. ROSE, by self, 23305 66th W., Mountlake Terrace,  
Washington, 98043;

NAN STONE, by self, 22305 60th W., Mountlake Terrace,  
Washington, 98043;

KEN TAKEI, by self, 5909 221st S.W., Mountlake Terrace,  
Washington, 98043;

THE ENTERPRISE, by Pamela J. Woodroffe, Reporter, P.O. Box  
977, Lynnwood, Washington, 98036;

GORDON WALL AND CHRISTINE WALL, by selves, 22106 60th Ave.W.,  
Mountlake Terrace, Washington, 98043.

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 meeting was called to order by Ron Bockstruck, District Administrator, after which witnesses were called. The evidence was taken by a Court Reporter and thereafter transcribed. Certain exhibits were duly introduced as evidence. The undersigned members of the Transportation Commission have personally considered the transcript of the hearing. Based upon the oral evidence and the exhibits introduced in evidence, the Transportation Commission of the State of Washington makes the following findings:

I

A revision to the limited access plan entitled "SR 5, E. 200TH ST. TO SWAMP CREEK, KING AND SNOHOMISH COUNTIES," established April 13, 1961 under Commission Resolution No. 1081, was approved by the Project Development Engineer on May 11, 1983. Sheets 3,4,10 and 11 of 12 sheets, of this plan were introduced into evidence marked as Exhibits Nos.6-1 through 6-4, 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, 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 June 1, 1983, the City of Mountlake Terrace approved the Access Report and access hearing plan, and said letter was introduced into evidence and was marked Exhibit No. 5.

## III

On May 11, 1983, the Project Development Engineer 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 May 31, 1983, an exact copy of this notice was mailed to the City of Mountlake Terrace and to each of those record owners of property listed on the Snohomish County tax roll as depicted in the Affidavit of Service by Mailing, introduced into evidence marked

as Exhibit No. 3-2. On May 27, 1983, an exact copy of the limited access hearing plans were mailed to the City of Mountlake Terrace and to each of those record owners of property listed on the Snohomish County Tax Roll as depicted in the affidavit of service by mailing, introduced into evidence and marked as Exhibit No. 3-1. The list of parties that received both the hearing notice and the limited access hearing plans was also introduced into evidence and marked Exhibit No. 7. An exact copy of the notice was published in The Herald on May 27, 1983, as shown by the Affidavit of Publication of Doris Jackson, 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 Seattle Times and Seattle Post-Intelligencer on May 27, 1983, as shown by the Affidavit of Publication of S. Koenig, Principal Clerk of the Seattle Times Company, Publisher of the Seattle Times and representative of the Seattle Post-Intelligencer, which affidavit was introduced into evidence marked Exhibit No. 2-2.

#### V

The plan proposed revisions of the fully controlled limited access facilities for State Route 5 at the 220th Street S.W. Interchange between station L<sub>R</sub> 371+66 and station L<sub>R</sub> 403+34, as shown on sheets 3,4,10 and 11 of 12 sheets entitled "SR 5, E. 200TH ST. TO SWAMP CREEK, KING AND SNOHOMISH COUNTIES".

#### VI

The 220th Street S. W. Interchange on State Route 5 is an important part of the highway system of the State of Washington.

State Route 5 is functionally classified as an Interstate highway and Commission policy provides for access control on 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 designed intersections and approaches.

The plan for the establishment of fully controlled limited access highway facilities for this interchange on State Route 5 in Snohomish County, introduced into evidence marked Exhibit Nos. 6-1 through 6-4 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 make a part of the hearing record:

|                 |   |
|-----------------|---|
| Exhibit No. 8-1 | Draft Environmental Impact Statement for Interstate 5, 220th St. S. W. Interchange, Snohomish County, Washington, approved and adopted by the FHWA on April 23, 1982. |
| Exhibit No. 8-2 | Final Environmental Impact Statement for Interstate 5, 220th St. S. W. Interchange, Snohomish County, Washington, approved and adopted by FHWA on May 6, 1983.        |
| Exhibit No. 9   | Notice of Appearance filed by Darla Elder.  |
| Exhibit No. 10  | Reserved Exhibit - Department of Transportation's response to comments received at the hearing.   |
| Exhibit No. 11  | Notice of Appearance filed by Doris Clark.  |
| Exhibit No. 12  | Notice of Appearance filed by Karen Olsen.  |
| Exhibit No. 13  | Notice of Appearance filed by Mike Echelbarger.   |
| Exhibit No. 14  | Notice of Appearance filed by Harold Knox.  |
| Exhibit No. 15  | Notice of Appearance filed by Nan Stone.  |
| Exhibit No. 16  | Notice of Appearance filed by Ellen M. Persen.  |
| Exhibit No. 17  | Notice of Appearance filed by Geoffrey G. Gese.   |
| Exhibit No. 18  | Notice of Appearance filed by Walter Himple.  |
| Exhibit No. 19  | Notice of Appearance filed by William R. Quaade.  |
| Exhibit No. 20  | Written Statement submitted by Darla Elder at the hearing.  |

### VIII

The Commission has considered evidence on the entire portion of the above entitled highway and finds the plans

introduced into evidence marked Exhibit Nos. 6-1 through 6-4 should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheet 3 and 10 of 12 sheets to relocate the right of way and limited access line to delete the acquisition of right of way from Parcel Nos. 1-12069 and 1-12070 as recommended by the Department of Transportation in Reserved Exhibit No. 10.
2. Revise plan sheet 4 of 12 sheets to relocate the turn-back line on the X<sub>3</sub> line from Station X<sub>3</sub> 28+00 to Station X<sub>3</sub> 25+00 and from Station X<sub>3</sub> 12+78.8 to Station X<sub>3</sub> 15+00 as recommended by the Department.
3. Revise plan sheets 3,4,10 and 11 of 12 sheets to make minor plan revisions to correct ownership and parcel details, area computations, and right of way details.

#### IX

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

1. Ms. Ellen Persen, on page 46 of the hearing transcript, requested that her property (Parcel No. 1-12069) be acquired in total instead of just a partial take.

The Department of Transportation in Reserved Exhibit No. 10 recommended a design modification allowing the retaining wall to be relocated away from her parcel lessening the impact on her property. Consequently, the right of way line was relocated back to its original position with respect to this property.

2. Mr. Tom O'Brien, on page 51 of the hearing transcript, requested that property owners affected by partial takes with remainders of less than 7,200 square feet be compensated for the hardship of selling a piece of property that would be less than the City's minimum lot size requirement of 7,200 square feet.

The Department has determined reserved Exhibit No. 10 that the reduction of a single lot size will not usually result in a total loss in value nor change in use, except in extreme cases. Compensation and/or damages

will be handled with each affected property owner at the time right of way negotiations are made.

X

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 fully controlled limited access facilities on SR 5 in the Mountlake Terrace vicinity be revised as shown on sheet 3,4,10 and 11 of 12 sheets entitled "SR 5, E. 200TH ST. TO SWAMP CREEK, KING AND SNOHOMISH COUNTIES," dated March 28, 1961, revised May 11, 1983.

II

That the plan set forth in Exhibit No. 6-1 through 6-4 for the revision to the established access control on said highway 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 and 10 of 12 sheets to relocate the right of way and limited access line to delete the acquisition of right of way from Parcels No. 1-12069 and 1-12070.

2. Revise plan sheet 4 of 12 sheets to relocate the turnback line on the X<sub>3</sub> Line from Station X<sub>3</sub> 28+00 to Station X<sub>3</sub> 25+00 and from Station X<sub>3</sub> 12+78.8 to Station X<sub>3</sub> 15+00.
3. Revise plan sheets 3,4,10 and 11 of 12 sheets to make minor plan revisions to correct ownership and parcel details, area computations, and right of way details.

### III

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

SR 5, E. 200TH ST. TO SWAMP CREEK, KING AND SNOHOMISH COUNTIES, sheets 3,4,10 and 11 of 12 sheets approved March 28, 1961, revised May 11, 1983.

ADOPTED this 22<sup>nd</sup> day of September, 1983

WASHINGTON STATE  
TRANSPORTATION COMMISSION

Richard Odabashian  
RICHARD ODABASHIAN, CHAIRMAN

Pat Wanamaker  
PAT WANAMAKER, MEMBER

Vaughn Hubbard  
VAUGHN HUBBARD, MEMBER

Albert D. Rosellini  
ALBERT D. ROSELLINI, MEMBER

Jerry Overton  
JERRY OVERTON, MEMBER

Bernice Stern  
BERNICE STERN, MEMBER

Leo B. Sweeney  
LEO B. SWEENEY, MEMBER

ATTEST:

Lue Clarkson  
LUE CLARKSON, ADMINISTRATOR

APPROVED AS TO FORM:

Thomas R. Buchanan  
ASSISTANT ATTORNEY GENERAL