

BEFORE THE WASHINGTON STATE HIGHWAY COMMISSION

In Re: State Route 5,)
284th Street N.W. to Conway Hill)
(MP 214.12 to 218.79))
Combined Hearing on Design and Limited Access)

FINDINGS AND ORDER

Hearing in the above entitled matter was held upon due notice to all interested parties beginning at 9:00 a.m., February 3, 1970, in the American Legion Hall on Union Street, Stanwood, Washington, before Commissioners George D. Zahn, Robert Mikalson, Harold Walsh and John Rupp, with Howard C. Kafer acting as Examiner.

The parties were represented as follows:

DEPARTMENT OF HIGHWAYS, by BOB JENSEN, Assistant Attorney General, 5800 Capitol Boulevard, Olympia, Washington, 98501.

BENJAMIN S. ASIA, by self, 602 Tower Building, Seattle, Washington, 98101.

KENNETH O. BRANDSTROM, by self, 3005 - 300th Street Southwest, Stanwood, Washington, 98292.

DOROTHY M. LUNDIN, by self, 7805 E. Northland Drive, Scottsdale, Arizona, 85281.

GEORGE E. KIRN and BETTY JANE KIRN, 6912 - 284th Street Northwest, Stanwood, Washington, 98292, by NEWELL SMITH, First National Bank Building, Everett, Washington.

ARCHIE LOSS, by self, Route 3, Box 448, Mt. Vernon, Washington, 98273.

PACIFIC DENKMANN COMPANY, by GLENN L. SPENCER, Route 4, Box 230, Arlington, Washington, 98223.

PACIFIC DENKMANN COMPANY, 1828 Washington Building, Seattle, Washington, 98101, by DUNCAN A. BAYNE, c/o Davis, Wright, Todd, Riese & Jones, 4200 Seattle First National Bank Building, Seattle, Washington, 98104.

EDWIN W. PALMER AND LINNEA PALMER, by LINNEA PALMER, Route 3, Box 451, Mt. Vernon, Washington, 98273.

LINDTNER TWIET, by self, P. O. Box 5029, 6501 - 24th Avenue Northwest, Seattle, Washington, 98107.

CLAIR A. SNUGGS, by CHARLES T. COLE, Attorney, P. O. Box 378, Stanwood, Washington, 98292.

FREEBORN FIRE DEPARTMENT, Snohomish County F.P.D. 14, Station 2, 3231 - 300th Street Northwest, Stanwood, Washington, 98292.

THOMAS J. RODIN, by self, 4104 - 324th Street Northwest, Stanwood, Washington, 98298.

CONWAY FIRE DISTRICT #3, Conway, Washington, by NELS HEGERBERG, Route 5, Mt. Vernon, Washington, 98273.

PETE ARSANTO, by self, 18716 - 40th West Alderwood Manor, Washington, 98036.

As a courtesy to interested citizens, the Commission furnishes a copy of its 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 its 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 the Examiner, after which witnesses were called. The evidence was taken by a stenographer and thereafter transcribed. Certain exhibits were duly introduced in evidence. All witnesses testified under oath as in the Superior Court of the State of Washington. Based upon the oral evidence and the exhibits introduced in evidence, the Highway Commission of the State of Washington makes the following findings:

I

Heretofore and prior to December 18, 1969, the Commission in its Resolution No. 95 and the amendments and supplements thereto instructed the Director of Highways to prepare a plan for the establishment of a limited access highway over an existing portion of State Route 5, located in Snohomish and Skagit Counties, Washington. That such plan was prepared and entitled "State Route 5, 284th Street, N.W. to Conway Hill, (MP 214.12 to MP 218.79)." That Sheets 1 through 11 of 28 sheets of said plan were introduced into evidence marked as Exhibits No. 6A through 6K, which exhibits are by this reference made part of these findings.

II

The Department of Highways received from the public agencies concerned with the proposed plan their available data on planning, land use, local traffic and such other information required, and thereafter in February, 1970, prepared and submitted to the appropriate local officials a report showing how those factors had been taken into account and the other matters required by RCW 47.52.131 et seq., and that a copy of the aforementioned Access Report was introduced into evidence marked Exhibit No. 10.

By letters dated October 22, 1969 and October 31, 1969, the Skagit County Engineer of Skagit County, Washington, and the Assistant County Engineer of Snohomish County, Washington, consented to the establishment of limited access on State Route 5 in Snohomish and Skagit Counties, in accordance with the plan contained in said Access Report, and said letters were introduced into evidence marked Exhibits No. 5A and 5B.

III

On December 18, 1969, the Assistant Director for Highway Development by Order tentatively approved said plan and set a hearing date in accordance with the provisions of RCW 47.52.131, et seq., a copy of said Order being introduced into evidence marked Exhibit No. 1.

IV

Lorenz Goetz, Secretary of the Washington State Highway Commission, prepared and issued a Notice of Hearing. On January 5, 1970 and January 12, 1970, exact copies of the aforesaid notice were mailed to Snohomish and Skagit Counties and to each of those record owners of property listed in the affidavit of service by mailing introduced into evidence marked Exhibits No. 2A and 2B. An exact copy of the aforesaid notice was published in the Stanwood News on January 1, 1970, the Everett Daily Herald on December 31, 1969 and January 14, 1970, and in the Skagit Valley Herald on January 14, 1970, as shown by the affidavits of Marjorie M. Gjertsen, Office Manager, Jerry Distefano, Finance Officer and Susan Carpenter, respectively, of said newspapers, which affidavits were introduced into evidence marked Exhibits No. 3A, 3B, and 3C.

As announced in the Notice of Hearing, the effects of the proposed plan on social, environmental and economic features were discussed at the public hearing. Information was made available concerning the project scheduling and concerning right of way acquisition procedures, including relocation assistance available to displaced individuals or businesses.

V

The plan hereinbefore referred to proposes to improve State Route 5, in Snohomish and Skagit Counties, by imposing fully controlled limited access between Highway Engineers Station L^R 303+90 on the north line of the Southwest Quarter, Southeast Quarter of Section 14, Township 32 North, Range 4 East, W.M., and Highway Engineers Station L^R 547+90 in the Northwest Quarter, Northeast Quarter, Section 32, Township 33 North, Range 4 East, W.M., a distance of 4.67 miles.

VI

In conformance with provisions outlined in the notice of hearing, the following exhibits were entered subsequent to the hearing and by this reference are admitted into evidence:

- Exhibit No. 15 Estimate for ramp construction (Reserved for Department of Highways at hearing)
- Exhibit No. 16 Letter from Palmer Sather, Sec. Pro. Tem, Commissioner of Fire Protection District #14.
- Exhibit No. 17 Letter from Duncan A. Bayne of Davis, Wright, Todd, Riese and Jones
- Exhibit No. 18 Letter from K. O. Brandstrom
- Exhibit No. 19 Letter from Mr. and Mrs. Rodney Barber
- Exhibit No. 20 Letter from Sam S. Eaton

VII

The section of State Route 5 herein concerned is an important part of the highway system of the State of Washington because it forms a part of the interstate system. As the entire highway is completed and the surrounding area develops, it will become an increasingly heavily traveled artery of transportation from one part of the state to another.

The estimated 1975 average daily traffic volume south of Freeborn Road Interchange is 11,300. Between Freeborn Road Interchange and Bonnieview Interchange, the volume is 10,800 and north of Bonnieview Interchange, the volume is 11,300. It is vital in planning highways to provide adequate capacity for increasing traffic demands in order to prevent the facility from becoming obsolete within a short period of time.

The section of State Route 5 herein concerned represents a substantial expenditure in construction costs. Since this highway is a part of the interstate system, it is anticipated that federal funds will be available for its construction and it is a requirement of the federal government that before such funds can be allocated, the state shall have prepared plans for the ultimate full control of access on the highway section in question, in order to provide a safe and convenient network of highways across the nation for military, commercial, tourist and other transportation purposes. In addition, the investment of public funds is protected by preserving the highway for future use.

During the period from January 1, 1967 to September 1, 1969, there were 87 accidents on this stretch of road, which is approximately 4.67 miles in length, including 1 fatality and 44 injuries, with an accident rate of 1.3 per million vehicle miles. Natural control of access to this highway section because of lack of residential and commercial development at the present time has helped to maintain a low accident rate on this section. It is the desire of the Department of Highways to preserve and to improve upon this favorable record as traffic increases and as the surrounding area develops.

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 problem becomes increasingly great 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.

The plan for limiting access on State Route 5, in Snohomish and Skagit Counties introduced into evidence marked Exhibits No. 6A through 6K will facilitate travel, reduce accident rates, preserve the public investment and sustain the highway as a modern transportation facility.

VIII

The Commission further finds that the plan introduced in evidence marked Exhibits No. 6A through 6K should be modified as hereinafter set forth and as shown on Exhibit "A" hereto attached:

1. Include dimensions and areas to complete data necessary for full description of right of way requirements as requested by the Department of Highways.

It was requested by Duncan A. Bayne representing Pacific Denkman Company, Nels Hegeberg representing Conway Fire District #3, Don Gear representing Freeborn Fire Department and others, that the ramps at the Freeborn Road Interchange be completed at this time.

The ramps will be constructed during the initial stage of construction. No revisions of plans are required.

IX

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 that hereto attached and marked Exhibits No. 6A through 6K, is required by the public convenience and necessity.

Based upon the foregoing findings and the evidence supporting them, the Highway Commission of the State of Washington

ORDERS:

I

That the section of State Route 5, over an existing state highway in Snohomish and Skagit Counties, described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Highway Engineer's Station L^R 303+90 on the north line of the Southwest Quarter, Southeast Quarter of Section 14, Township 32 North, Range 4 East, W.M., and Highway Engineer's Station L^R 547+90 in the Northwest Quarter, Northeast Quarter, Section 32, Township 33 North, Range 4 East, W.M.

II

That the plan set forth in Exhibits 6A through 6K for establishment of access control on said highway section be revised as follows and as shown on Exhibit "A" hereto attached and by this reference made a part hereof:

1. Add right of way dimensions and areas to the plans.

III

That the plan entitled "State Route 5, 284th Street N.W. to Conway Hill, (MP 214.12 to MP 218.79)," Sheets 1 through 11 of 28 sheets, dated December 18, 1969, and as shown on Exhibit "A" hereto attached and by this reference made a part hereof, be and the same is hereby adopted.

IV

That the Director of Highways be and is hereby directed to take the necessary steps to acquire the access rights in accordance with the plan outlined in Exhibits 6A through 6K together with such property as may be necessary to make said improvement, as provided by the laws of the State of Washington.