

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE:	STATE ROUTE 5	)	
	88TH ST. N.E. INTERCHANGE	)	
	MP 200.25 TO MP 201.21	)	FINDINGS AND ORDER
	HEARING ON LIMITED ACCESS	)	

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 7 p.m. Tuesday, November 16, 1993, at the Marysville Town Center Mall, Marysville, Washington, before Robert E. Lundgaard, Hearing Examiner.

The interested persons and organizations were represented as follows:  
DEPARTMENT OF TRANSPORTATION, by Theodore O. Torve, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504-0113;

SNOHOMISH COUNTY PUBLIC WORKS, by Owen Carter, Project Manager, 2829 Rucker, Everett, Washington 98201;

THE TULALIP TRIBES, by Jim Cameron, Project Director, 6700 Totem Beach Road, Marysville, Washington 98271-9715;

COMMUNITY TRANSIT, by Lawrence H. Ingalls, Senior Capital Facilities Planner, 1133 164th Street S.W. Suite 200, Lynnwood, Washington 98037;

LAWRENCE A. WEAVER, by self, 8917 35th Avenue N.E., Marysville, Washington 98270;

HOLGER W. ZINGMARK, by self, 3811 97th Place N.E., Marysville, Washington 98270;

EUGENE C. HINE & ASSOCIATES, by Eugene C. Hine, 15509 91st Avenue S.E., Snohomish, Washington 98290;

GEORGE TANABE, by self, 17914 36th W., Lynnwood, Washington 98307;

SNOHOMISH COUNTY COMMUNITY DEVELOPMENT, 5th Floor County Administration Building, MS 710, 3000 Rockefeller Avenue, Everett, Washington 98201;

SUE GALDE, by self, P.O. Box 1451, Marysville, Washington, 98270-1451;

DAVE AND AMY SAUTER, by selves, 3702 88th Street N.E., Marysville, Washington 98270;

BOB DE NEUI, by self, 4906 Arcadia Road, Marysville, Washington 98271;

ED AND MURELL BARNETT, by selves, 3609 88th Street N.E., Marysville, Washington 98270;

MARYSVILLE GLOBE, by Nevonne McDaniels, 8213 A State Avenue, Marysville, Washington 98271;

GIL EMORY, by self, 3717 88th Street N.E., Marysville, Washington 98270;

DENISE BAKER, by self, 8305 83rd Avenue N.E., Marysville, Washington 98270;

EINO E. STEM, 8925 35th Avenue N.E., Marysville, Washington 98270;

HOWARD HOGUE, by self, 3514 91st Street N.E., Marysville, Washington 98270;

DENNIS W. HILL, by self, 3622 97th Place N.E., Marysville, Washington 98270;

SANDY KEATON, by self, 5611 Parkside Drive, Marysville, Washington 98270;

CHARLES GOETZ, by self, 3710 97th Place N.E., Marysville, Washington 98270;

NORTH SNOHOMISH WEEKLY, by Kristin Kinnamon, P.O. Box 3187, Arlington Washington 98280;

ORVAL AND HELEN SMITH, by selves, 8833 35th Avenue N.E., Marysville, Washington 98270;

ROBERTA J. ARNDT, by self, 8728 36th Avenue N.E., Marysville, Washington 98270;

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 by Lorena Eng, District Project Development Engineer, after which witnesses 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, and acting under the authority of the Secretary of Transportation for the State of Washington, the Assistant Secretary for Program Development makes the following findings:

## I

The plan proposes the revision to existing fully controlled limited access facilities over a portion of State Route 5 in Snohomish County as shown on the following plan entitled:

“SR 5 QUILCEDA CREEK TO PORTAGE CREEK, SNOHOMISH COUNTY, right of way and limited access, Sta. 126+89 and Sta. 139+64 as shown on sheets 1, 5 and 6 of 18 sheets dated September 7, 1966, revised October 11, 1993.

These plan sheets were introduced into evidence marked as Exhibit No. 5, which were made 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 October 25, 1993, 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.

Exhibit No. 6f	Notices of Appearance from Snohomish County Community Development
Exhibit No. 6g	Notices of Appearance from Sue Galde;
Exhibit No. 6h	Notices of Appearance from Dave and Amy Sauter;
Exhibit No. 6i	Notices of Appearance from Bob De Neui;
Exhibit No. 6j	Notices of Appearance Ed and Murell Barnett;
Exhibit No. 6k	Notices of Appearance from Marysville Globe, by Nevonne McDaniels;
Exhibit No. 6l	Notices of Appearance from Gil Emory;
Exhibit No. 6m	Notices of Appearance from Denise Baker;
Exhibit No. 6n	Notices of Appearance from Eino E. Stem;
Exhibit No. 6o	Notices of Appearance from Howard Hogue;
Exhibit No. 6p	Notices of Appearance from Snohomish County Public Works, by Owen Carter, Project Manager;
Exhibit No. 6q	Notices of Appearance from Dennis W. Hill;
Exhibit No. 6r	Notices of Appearance from Sandy Keaton;
Exhibit No. 6s	Notices of Appearance from Charles Goetz;
Exhibit No. 6t	Notices of Appearance from North Snohomish Weekly by Kristin Kinnamon;
Exhibit No. 6u	Notices of Appearance from Orval and Helen Smith;
Exhibit No. 6v	Notices of Appearance from Roberta J. Arndt;
Exhibit No. 7	Copy of hearing presentation slide.
Exhibit No. 8	Letter dated August 19, 1993, from The Tulalip Tribes indicating concurrence with the access report for the project.
Exhibit No. 9	Letter dated September 8, 1993, from Snohomish County indicating concurrence with the access report for the project.
Exhibit No. 10	Design report for the project.
Exhibit No. 11	Letter dated November 24, 1993, from Roberta J. Arndt, property owner, regarding Parcel Number 1-14992 and compensable items in the area of right-of-way and access acquisition.
Exhibit No. 12	Reply to Exhibit No. 11, dated December 8, 1993

## VIII

The Assistant Secretary for Program Development has considered evidence on the entire portion of the above entitled highway and finds the plan introduced into evidence marked Exhibit 5 should be

ADOPTED THIS 31 DAY OF JANUARY, 1994

ASSISTANT SECRETARY FOR  
PROGRAM DEVELOPMENT

E. R. Burch

Approved as to form:

Sheila Love  
Assistant Attorney General