

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 14 S. E. 164TH AVE. INTERCHANGE VIC. MP 7.84 TO MP 9.20 HEARING ON LIMITED ACCESS)	FINDINGS AND ORDER
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The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 7 p.m., Wednesday, May 12, 1993 in the Wy'east Middle School Auditorium, Vancouver, Washington, before Bob Lundgaard, Hearing Examiner.

The interested persons and organizations were represented as follow:

DEPARTMENT OF TRANSPORTATION, by Steve Klasinski, Assistant Attorney General, Temple of Justice, Olympia, Washington 98054;

WAYNE McBROOM, by self, 17001 S.E. 39th St., Camas, Washington 98607;

CATHERINE KRICK, by self, 7330 Fairview Rd. S.W., Olympia, Washington 98512;

C. T. BEALS, by self, 3280 N.W. 2nd Ave., Camas, Washington 98607;

RODNEY H. SMITH, by self, 17600 Lewis & Clark Highway, Camas, Washington 98607;

BOB BURNS JR., by self, 16502 S.E. 39th St., Camas, Washington 98607;

JOSEPH R. McBROOM, by self, 17003 S.E. 39th St., Camas, Washington 98607;

HARRY B. AUBREY, by self, P.O. Box 572, Battle Ground, Washington 98604-0572;

N. J. WIRSCHING, by self, 15836 S.E. Evergreen Hwy., Vancouver, Washington 98684;

VISTA DEL RIO, by Walter Reece, 17401 S.E. 39th St. #76, Camas, Washington 98607;

DON DAUBENSPECK, by self, 17210 S.E. 38th Cir., Camas, Washington 98607;

KEITH BROWN, by self, 17119 S.E. Evergreen Hwy., Camas, Washington 98607;

NICK BENTON, by Ira C. Cook, 22806 N.E. 67th Ave., Battle Ground, Washington 98604;

F. EMMETT SCOTT, by self, 16500 S.E. 39th St., Camas, Washington 98607;

GILBERT WESTERN CO., by Alan Park, 17700 S.E. Evergreen Hwy, Camas, Washington 98607;

ESTATE OF ARTHUR DECKERT, Elise Deckert, Personal Representative, by Elizabeth A. Perry, Attorney for the Estate, P. O. Box 1086, Vancouver, Washington 98666;

GAIL D. DECKERT, by Margartet Phelan, Attorney, Horenstein & Duggan, P.S., 900 Washington Street, Suite 900, Vancouver, Washington 98666;

GINGER K. STEWART, by Margartet Phelan, Attorney, Horenstein & Duggan, P.S., 900 Washington Street, Suite 900, Vancouver, Washington 98666;

ELONNE A. DECKERT, by Margartet Phelan, Attorney, Horenstein & Duggan, P.S., 900 Washington Street, Suite 900, Vancouver, Washington 98666;

As a courtesy to interested citizens, the Department of Transportation will furnish 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 Edward J. Blodgett, District 4 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. The following findings were made:

I

On April 17, 1952, and December 14, 1953 a plan for the establishment of a limited access highway over a portion of State Route 14 in Clark County, Washington, was ordered under Commission Resolutions No. 26, and 117 respectively, and ammendments thereto.

Such a plan was prepared and entitled "S.E. 164TH AVE. INTERCHANGE VIC, MP 7.84 to MP 9.20, CLARK COUNTY," sheets 1 through 7 of 7 sheets. These sheets were introduced into evidence marked as Exhibit No. 6, which were made 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 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. 5.

III

On April 9, 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.

IV

Regina L. Chambers, Design Engineer, Washington State Department of Transportation, issued a Notice of Hearing. On April 26, 1993, an exact copy of this notice was mailed to Clark County, the City of Vancouver, various agencies and other interested parties, and to each of the owners of record of property listed on the County Tax Roll, as depicted in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 2. Exact copies of the notice were published in The Columbian of Vancouver on April 28, 1993 and May 4, 1993, as shown by The Affidavit of Publication of Jaci Stoddard Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3, and in the Post-Record of Camas on May 4, 1993 and May 11, 1993, as shown by the Affidavit of Publication of Michael Gallagher, publisher of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 4.

V

The plan proposes the establishment of fully controled limited access facilities for State Route 14 in the vicinity of S. E. 164th Ave. Interchange between Sta. 414+00 to Sta. 486+00 as shown on sheets 1 through 7 of the sheets entitled "SR 14, S.E. 164TH AVE. INTERCHANGE VIC., MP 7.84 TO MP 9.20, CLARK COUNTY.

VI

This section of State Route 14 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 Principal Arterial and the Department of Transportation Policy provides for Fully controlled limited access 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 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 and intersections.

The Right of Way and Limited Access Plans for the establishment of limited access control on SR 14/S.E. 164th Avenue Interchange, introduced into evidence marked Exhibit No. 6, will facilitate travel, reduce accident rates, preserve public investment, and sustain the highway as a modern transportation facility.

VII

In addition to the exhibits previously mentioned above, the following exhibits were entered into evidence at or subsequent to the hearing and made a part of the hearing record:

- Exhibit No. 7 Envelope with seven transparencies showing the access plans for this project, "S.E. 164TH AVE. INTERCHANGE VIC, MP 7.84 to MP 9.20, CLARK COUNTY," sheets 1 through 7 of 7 sheets.
- Exhibit No. 8 Letter dated May 4, 1993, from the Board of County Commissioners, Clark County, Washington, concurring with the Access Report.
- Exhibit No. 9 Reserved for the City of Vancouver's response to the hearing packet.
- Exhibit No. 9A Reserved for our response to Exhibit No. 9.
- Exhibit No. 10 Comment sheet, no date, from Ira Cook for Nick and Kimberlee Benton, property owners, concerning storm water runoff flowing onto their property, extending the noise barrier further east to include their property, and a question of compensation for right of way acquisition.
- Exhibit No. 10A Reserved Exhibit to reply to Exhibit No. 10.
- Exhibit No. 11 Letter no date from Gary Hartsell property owner, stating he is losing his driveway

and access to 164th Avenue and needs access to Evergreen Highway or other points.

- Exhibit No. 11A Reserved Exhibit to reply to Exhibit No. 11.
- Exhibit No. 12 Comment sheet, no date, from Don Daubenspeck recieved at the access hearing requesting that SE 39th Street not be closed to 164th Avenue.
- Exhibit No. 12A Reserved Exhibit to reply to Exhibit No. 12.
- Exhibit No. 13 Letter dated, May 24, 1993, from Dale Anderson concerning the purchasing of 10 feet of right of way from his property in an area approved for a drainfield.
- Exhibit No. 13A Reserved Exhibit to reply to Exhibit No. 13.
- Exhibit No. 14A Reserved Exhibit to reply to comments made at the hearing by Rodney Smith.
- Exhibit No. 15 Letter dated September 21,1993, from Margaret Phelan, Attorney, representing the Arthur Deckert property
- Exhibit No. 15A Reserved Exhibit to reply to Exhibit No. 15.

VIII

The evidence on the entire portion of the above entitled highway has been considered. The Right of Way and Limited Access Plan introduced into evidence marked Exhibit No. 6 should be modified as hereinafter set forth and shown on Exhibit "A" attached.

1. Revise plan sheets 1, 6 and of 7 to delete Parcel No. 4-06201, as recommended by the Department of Transportation in Reserved Exhibit No. 15A.
2. Revise plan sheet 4 of 7 to relocate the right of way and limited access line between Sta. 16+46.91 and Sta. 15+67.58 to allow for road approach from Parcel 4-06191 to Evergreen Highway, as requested by Gary Hartsell in Exhibit No. 11, and as recommended by the Department of Transportation in Reserved Exhibit No. 11A.
3. Revise plan sheet 6 of 7 to delete Parcel No. 4-06199 as recommended by the Department of Transportation in Reserved Exhibit No. 13A.
4. Revise plan sheets 1 through 7 of 7 to make minor revisions, to correct ownerships and parcel detail area computations, and right of way details.

IX

The following requests were considered and the following findings made:

Mr. Rodney Smith at the hearing on pages 27 and 28 of the hearing transcript expressed his concerned that he will have no ingress / egress to his property, Parcel No. 4-06202, once his road approach is closed off at Station 480+00 on the left.

As stated in Reserved Exhibit 14A , The Department has meet with Mr. Smith and was informed that there is undeveloped alternative access to Parcel No. 4-06202. Compensation and/or damages due to the limitation of access control will be considered at the time of right of way negotiations.

X

The Assistant Secretary for Program Development particularly 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 for Program Development for the Department of Transportation of the State of Washington.

ORDERS:

That the section of State Route 14 in Clark County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Sta. 414+00 and Sta. 486+00 as shown on sheets 1 through 7 of 7 sheets entitled, "SR 14, S.E. 164TH AVE. INTERCHANGE VIC., MP 7.84 TO MP 9.20, CLARK COUNTY," dated April 5, 1993

II

That the plan set forth in Exhibit No. 6 for the establishment of access control of 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 sheets 1, 6 and of 7 to delete Parcel No. 4-06201
2. Revise plan sheet 4 of 7 to relocate the right of way and limited access line between Sta. 16+46.91 and Sta. 15+67.58 to allow for road approach from Parcel 4-06191 to Evergreen Highway.
3. Revise plan sheet 6 of 7 to delete Parcel No. 4-06199.
4. Revise plan sheets 1 through 7 of 7 to make minor revisions, to correct ownerships and parcel details, area computations, and right of way details.

III

That the plans entitled, "SR 14, S.E. 164TH AVE. INTERCHANGE VIC., MP 7.84 TO MP 9.20, CLARK COUNTY," sheets 1 through 7 of 7 sheets, dated April 5, 1993, as revised above and as shown in Exhibit "A", and be the same is hereby adopted.

That the following plans are hereby superseded:

"SR 14, VANCOUVER TO FISHER ROAD", PLANS SHOWING ACCESS, CLARK COUNTY, sheet 5(Pt.) of 5 sheets , approved April 29, 1952.

"SR 14, VANCOUVER TO FISHER ROAD", RIGHT OF WAY, CLARK COUNTY, 16 and 17 of 17 sheets, approved April 29, 1952.

"SR 14, FISHER ROAD TO CAMAS", PLANS SHOWING ACCESS, CLARK COUNTY, sheet 1(Pt.) of 3 sheets , approved November 24, 1953.

"SR 14, FISHER ROAD TO CAMAS", RIGHT OF WAY, CLARK COUNTY, sheets 1 and 2(Pt.) of 6 sheets, approved January 12, 1954.

ADOPTED THIS 11th DAY OF October, 1993

ASSISTANT SECRETARY FOR
PROGRAM DEVELOPMENT

E. R. Burch

Approved as to form:

Stephen Klasiel : OCT. 25, 1993
Assistant Attorney General