

BEFORE THE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 500)
JCT. SR 5 AT 39th STREET TO N.E. 66th AVE.)
SR 500 M.P. 0.23 TO M.P. 2.95) FINDINGS AND ORDER
HEARING ON LIMITED ACCESS)

The Hearing in the above entitled matter was held upon due notice to interested parties beginning at 7:30 P.M., Thursday, July 27, 1978, in the Washington Elementary School located at 2908 "S" Street, Vancouver, Washington before Robert Lundgaard, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by William Attridge, Assistant Attorney General, Highway-License Building, Olympia, WA 98504;

DANIEL C. TIMMINS, by self, 3503 N.E. 54th Ave., Vancouver, WA 98661;

ROBERT D. DAVIS, by self, 1412 E. 39th Street, Vancouver, WA 98663;

PATRICK MILTON, by self, 3801 "P" Street, Vancouver, WA 98663;

MARY A. BEITEY, by self, 3915 "T" Street, Vancouver, WA 98663;

JESUS NAME CHURCH, by James Long, 820 S.E. 122nd Ave., Vancouver, WA 98664;

BETTY J. SUESENS, by self, 3411 N.E. 54th Ave., Vancouver, WA 98661;

A. DEARINGER, by self, 2610 E. 33rd Street, Vancouver, WA 98661;

JAMES STANDIFORD, by self, 3801 "Q" Street, Vancouver, WA 98663;

PAMELA R. SWIFT, by self, 3416 N.E. 54th Ave., Vancouver, WA 98661;

JEAN S. MENG, by self, 3416 N.E. 54th Ave., Vancouver, WA 98661;

JOHN COOP, by self, 3616 N.E. 66th Ave., Vancouver, WA 98661;

CHARLES W. DOWNS, by self, 4607 N.E. 38th Street, Vancouver, WA 98661;

LEE K. BERDINNER, by self, 1310 N.E. 45th Street, Vancouver, WA 98663;

NANCY HUSE, by self, 1318 N.E. 45th Street, Vancouver, WA 98663;

DORMAN W. & OLIVE HOLCOMB, by self, 3517 N.E. 54th Ave., Vancouver, WA 98661;

CHARLES PAETH et al., by self, 2804 N.E. Arnold Road, Vancouver, WA 98663;
MR. & MRS. MARK NULPH, by self, 1005 N.E. 45th Street, Vancouver, WA 98663;
MS. KAREN J. PETERSON, by self, 3815 N.E. Falk Road, Vancouver, WA 98661;
BRUCE M. COSTELLO, by self, 1100 N.E. 45th Street, Vancouver, WA 98663;
KENNETH KNOTTS, by self, 3516 N.E. 62nd Ave., Vancouver, WA 98661;
MARTHA SIEBOLD, by self, 3404 Grand Blvd., Vancouver, WA 98661;
GRACE & LeROY PETERS, by self, 11213 N.E. Stutz Ave., Vancouver, WA 98665;
HOWARD R. & MAXINE B. NEWFIELD, by self, 4403 N.E. 39th Street, Vancouver,
WA 98661;
HERBERT COOPER, by self, 8009 Florida Dr., Vancouver, WA 98664;
GREGG R. ROTHENBERGER, by self, 3812 Nicholson Road, Vancouver, WA 98661;
D. F. & A. A. SHATTUCK, by Mr. & Mrs. Lee K. Berndinner, 1310 N.E. 15th,
Vancouver, WA 98663;
JOHN R. HAROLD, JR., by self, 30910 N.W. 51st Ave., Ridgefield, WA 98642;
GARY W. SHOWALTER, by self, 1800 E. 39th Street, Vancouver, WA 98663;
LYNN A. BARKER, by Ed Limmeroth, 3615 N.E. 62nd Ave., Vancouver, WA 98661;
RON WELLS, by self, 10306 N.E. 119th Street, Vancouver, WA 98662;
COURTNEY W. & LOUISE L. BACKSTROM, by self, 506 N.W. Wildwood Drive,
Vancouver, WA 98665;
LLOYD CARLSON, by self, 3605 N.E. 54th Ave., Vancouver, WA 98661;
JOSEPH J. MICICHOWSKI, by self, 10603 N.W. 22nd Ave., Vancouver, WA 98665;
HAROLD H. CLARK, by Mrs. W. N. Keefer, P. O. Box 2615, Vancouver, WA 98661;
NICHOLSON ROAD COMMITTEE, by Timothy Ash, 4218 Nicholson Road, Vancouver,
WA 98661;
EVA J. ANDERSON, by Karl O. Anderson, 3926 "G" Street, Vancouver, WA 98663;
GORDON E. MISSICK & MARK H. ZOLLER, by self, 1407 "C" Street, Vancouver,
WA 98663;

HUGH J. & MARY LOU POTTER, by self, 3900 N.E. 54th Ave., Vancouver, WA 98661;

J. G. LOGGAN, by self, 3518 N.E. 54th Ave., Vancouver, WA 98661;

FRANK L. & ARLENE G. PRICE, by self, 1503 Lord Street, Kelso, WA 98626;

CLARA COURTNEY et al., by self, 3204 N. Falk Road, Vancouver, WA 98661;

JOANNE A. GALLOWAY, by self, 3707 Nicholson Road, Vancouver, WA 98661;

W. J. DAILEY, by self, 1315 E. 39th Street, Vancouver, WA 98663;

MERLE MUNGER, by self, 15617 S.E. Mill Plain Road, Vancouver, WA 98664;

FORREST R. HUTTON, by L. R. Hutton, 1202 E. 29th Street, Vancouver, WA 98660;

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 of Transportation, 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 Robert Lundgaard, Hearing Examiner, 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, the Deputy Secretary of Transportation of the State of Washington makes the following findings:

I

Prior to June 2, 1978, a plan for the establishment of a limited access highway over a portion of State Route 500 in Clark County, Washington was

ordered under Commission Resolution No. 95.

Such a plan was prepared and entitled "SR 500, JCT. SR 5 AT 39th STREET TO N.E. 66th AVE., M.P. 0.23 TO M.P. 2.95, CLARK COUNTY", sheets 1 through 8 of 17 sheets. These sheets were introduced into evidence marked as Exhibit No. 9, 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 as required, and thereafter prepared and submitted to the appropriate local officials a report showing how those factors have been taken into account and the other matters required by RCW 47.52.131 et seq. A copy of the aforementioned Access Report was introduced into evidence marked Exhibit No. 5.

By letter dated May 23, 1978, the City of Vancouver approved the Access Report subject to certain modifications which are agreed to by the Department of Transportation. Said letter from the City was introduced into evidence marked Exhibit No. 7 and the State's letter of agreement with the City modifications marked Exhibit No. 7-A.

By letter dated June 12, 1978, the Clark County Board of Commissioners approved the Access Report. The County's letter was introduced into evidence marked Exhibit No. 6.

III

On June 16, 1978, the Design Engineer by order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52.121 et seq., said order was introduced into evidence marked Exhibit No. 1.

IV

Mr. V. W. Korf, Deputy Secretary of Transportation, issued a Notice of Hearing which was introduced into evidence marked Exhibit No. 2. On July 11, 1978, an exact copy of this notice was mailed to each of those record owners of property listed in the Affidavits of Service by Mailing introduced into evidence marked Exhibit No. 3. An exact copy of the notice was published in the Vancouver Columbian on July 5 and July 12, 1978, as shown by the Affidavit of Publication of Lynn Jackson, Principal Clerk of said newspaper. This affidavit was introduced into evidence marked Exhibit No. 4.

V

The plan proposes the establishment of a partially controlled, limited access highway facility for State Route 500 from Sta L 99+30.95 to Sta. L 244+74.76 as shown on sheets 1 through 8 of 17 sheets entitled, "SR 500, JCT. SR 5 AT 39th STREET TO N.E. 66th AVENUE, M.P. 0.23 TO M.P. 2.95, CLARK COUNTY".

VI

This section of State Route 500 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 a Principal Arterial providing direct access to both Interstate 5 and Interstate 205. Department of Transportation policy provides for partial control of access on Principal Arterial highways. In so doing, the investment of public funds is protected by preserving the highway for future use.

The projected 1990 average daily traffic volume on State Route 500 between Interstate 5 and St. Johns Boulevard is 33,100 vehicles; east of

St. Johns Boulevard to N.E. 54th Avenue, 29,900 vehicles; and from N.E. 54th Avenue to Andresen Road, 32,300 vehicles. This section of State Route 500 represents a substantial expenditure in construction costs. It is vital in planning highways to provide adequate capacity for increased traffic demands in order to prevent the facility from becoming obsolete in a relatively short period of time.

The efficiency of highways 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 problems of increased accident potential and lowered capacity, due to interference from these roadside approaches, become 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 interchanges and intersections.

The plan for the establishment of access control for State Route 500 introduced into evidence marked Exhibit No. 9, 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 a part of the hearing record:

- | | |
|----------------|---|
| Exhibit No. 8 | Final Environmental Impact Statement, SR 500, 39th Street to Junction SR 503, approved and adopted by the FHWA February 11, 1976. |
| Exhibit No. 10 | Letter, dated July 30, 1978, submitted by Richard D. Paeth, representing Charles A. Paeth Sr. and his sister and brothers, relative to the use of Arnold Road as the entrance to Arnold Park. |

- Exhibit No. 10A Reserved Exhibit, the Department of Transportation's response to Exhibit No. 10.
- Exhibit No. 11 Reserved Exhibit, the Department of Transportation's response to a proposal by Mr. Dailey regarding the alleys between M, N, and O Streets.
- Exhibit No. 12 Reserved Exhibit, the Department of Transportation's response to a question by Mr. Jim Maddick regarding noise attenuation in the vicinity of Nicholson Road and 42nd Avenue.
- Exhibit No. 13 Reserved Exhibit, the Department of Transportation's response to questions by Mr. Berdinner, Mr. Brown and Mr. Costello concerning the steep grade on N.E. 45th Street at N.E. 15th Avenue.
- Exhibit No. 14 Letter dated August 4, 1978, from David Rodin regarding the roadway design for the FR Line, and also requesting the State to rotate the cul-de-sac at the end of the FR Line.
- Exhibit No. 14A Reserved Exhibit, the Department of Transportation's response to Exhibit No. 14 and Exhibit No. 15
- Exhibit No. 15 Letter from Gary W. and Kathy Showalter protesting roadway design on FR Line and Leverich Park access road.
- Exhibit No. 16 Letter dated July 25, 1978, from John E. Coop, Jr. regarding existing drainage problems on N.E. 66th Avenue.
- Exhibit No. 16A Reserved Exhibit, the Department of Transportation's response to Exhibit No. 16.

VIII

The Deputy Secretary of Transportation has considered evidence on the entire portion of the above entitled highway and finds the plans introduced into evidence marked Exhibit No. 9 should be modified as hereinafter set forth and as shown on Exhibit "A" hereto attached.

1. Revise plan sheet 3 of 17 sheets to extend access control on 39th Street to Station 24+50 as recommended by the Department of Transportation on page 40 of the Hearing Transcript.
2. Revise plan sheet 3 of 17 sheets to allow a pedestrian access through the right of way fence at the cul-de-sacs on "N" and "O" Streets to Leverich Park as requested by Mr. Dailey on page 44 of the Hearing Transcript and recommended by the Department of Transportation.

3. Revise plan sheets 1 and 4 of 17 sheets to leave existing Arnold Road undisturbed at this time as requested by Mr. R. D. Paeth in Reserved Exhibit No. 10 and provide access to Bonneville Power Administration property from the end of existing Arnold Road as recommended by the Department of Transportation in Reserved Exhibit No. 10-A. There are no present plans for development of Arnold Park which would require widening of existing Arnold Road. In the event future development requires street improvement, Arnold Road will be constructed to County Urban Standards.
4. Revise plan sheet 8 of 17 sheets to relocate the approach and intersection of N.E. 45th Street with N.E. 15th Avenue. This was requested by Mr. Berdinner on page 82 of the Hearing Transcript and by Mr. Brown on page 84 of the transcript and by Mr. Costello on page 89 of the Hearing Transcript and recommended by the Department of Transportation in Reserved Exhibit No. 13.
5. Revise plan sheets 1 through 8 of 17 sheets (Exhibit No. 9) to make minor plan revisions, to correct ownership and parcel details, area computations, and right of way details.

IX

The Deputy Secretary of Transportation also considered the following requests for changes in the plan, and makes the following findings:

1. Mr. Rodin on page 98 of the transcript and in Exhibit No. 14, and Mr. and Mrs. Showalter on page 99 of the transcript and in Exhibit No. 15 requested a reduction in the design width of the FR Line.

It has been determined (Reserved Exhibit No. 14-A) that a reduction in the design width would seriously affect the capacity of the road to carry traffic volumes from possible future development and would restrict the ability of emergency and service vehicles to serve the properties. The Department will retain the proposed thirty-four (34) foot roadway width, with sidewalk, which is based on current Clark County road standards.

2. Mr. Rodin, in Exhibit No. 14, requested that the cul-de-sac at the end of the FR Line be rotated to the south because of possible involvement with Burnt Bridge Creek.

It has been determined (Reserved Exhibit No. 14-A) there is no involvement with Burnt Bridge Creek and to move the cul-de-sac to the south would increase grading costs and change right of way requirements on the property to the south (4-0457). The Department will retain the cul-de-sac in its original location.

3. Mr. Dailey on page 46 of the Hearing Transcript requested that something be done to keep the alleys between "M", "N", and "O" Streets from being dead-ended.

Originally the State proposed an auxiliary road extending from "M" Street to "O" Street paralleling 39th Street. This would have

provided continuity to the City streets and maintained access to the alleys. Due to comments at the Design Hearing, the City of Vancouver requested that cul-de-sacs be constructed on "M", "N", and "O" Streets rather than constructing the auxiliary road. In effect this dead-ended all three City streets on a cul-de-sac and left the alleys dead-ended with no turn around. Mr. Dailey's concerns were discussed with the City and their preference is that the cul-de-sacs remain as shown at the Access Hearing. As these will remain City streets, the Department accedes to the City in this matter and will leave the plan unchanged.

4. Mr. and Mrs. Showalter, in Exhibit No. 15, requested a sidewalk be constructed on Leverich Park Way from 45th Street to Leverich Park.

It has been determined (Reserved Exhibit 14-A) that in order to provide a safer pedestrian access to the park from 45th Street the Department will widen the shoulder for pedestrian users on the east side of Leverich Park Way, from N.E. 45th Street south to the upper park area from Leverich Park.

5. Mr. John E. Coop, Jr., page 77 of the transcript and in Exhibit No. 16 requested that provisions be made to ensure that the Highway construction will not restrict the existing drainage and that an access from his remaining property to N.E. 66th Avenue to be allowed.

It has been determined (Reserved Exhibit 16-A) that a potential drainage problem does exist, but ample drainage facilities will be included in the highway construction. An approach to the cul-de-sac on N.E. 66th Avenue will be provided.

6. Mr. Maddick, pages 63, 64 and 65 of the transcript expressed concern regarding expected noise levels and attenuation measures south of SR 500 in the vicinity of 42nd Avenue.

The Department plans to use earthen berms (Reserved Exhibit 12) in this area to attenuate the traffic noise from State Route 500.

X

The Deputy Secretary of Transportation 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 Deputy Secretary of Transportation of the State of Washington,

ORDERS:

I

That the section of State Route 500 in Clark County described as follows is hereby designated as a limited access highway of the partially controlled type:

Between Station L 99+30.95 and L 244+74.76 as shown on sheets 1 through 8 of 17 sheets, entitled "SR 500, Jct. SR 5 at 39th Street to N.E. 66th Ave., M.P. 0.23 to M.P. 2.95, Clark County", dated June 2, 1978.

II

That the plan set forth in Exhibit No. 9 for establishment of access control on said highway be revised as follows, and as shown on Exhibit "A" hereto attached and by reference made a part hereof:

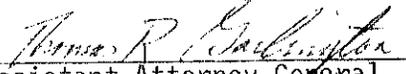
1. Revise plan sheet 3 of 17 sheets to extend access control on 39th Street to Station 24+50.
2. Revise plan sheet 3 of 17 sheets to allow pedestrian access through the right of way fence at the cul-de-sacs on "N" and "O" Streets.
3. Revise plan sheets 1 and 4 of 17 sheets to leave existing Arnold Road undisturbed and add an access to Bonneville Power Administration property from the end of the existing Arnold Road.
4. Revise plan sheet 8 of 17 sheets to relocate the approach and intersection of N.E. 45th Street with N.E. 15th Avenue.
5. Revise plan sheets 1 through 8 of 17 sheets to make minor plan revisions, to correct ownership and parcel details, area computations, and right of way details.

III

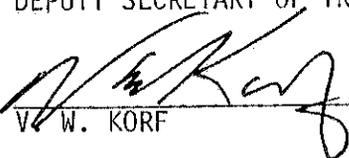
That the plan entitled "SR 500, Jct. SR 5 at 39th Street to N.E. 66th Ave., M.P. 0.23 to M.P. 2.95, Clark County", sheets 1 through 8 of 17 sheets dated June 2, 1978, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

ADOPTED THIS 12th day of March, 1979.

APPROVED AS TO FORM:


Assistant Attorney General

DEPUTY SECRETARY OF TRANSPORTATION


V. W. KORF