

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 500 )  
WARD ROAD TO 162ND AVENUE )  
MP 7.51 TO MP 8.34 ) 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., Wednesday, January 20, 1993, in the Sifton Elementary School Gymnasium, Vancouver, Washington, before John Loeffler, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Edward J. Blodgett, District 4 Project Development Engineer, 4200 Main Street, Vancouver, Washington, 98668

ERNEST L. TOEDTLI, by self, 15106 NE 4th Plain Road, Vancouver, Washington, 98682

CONNIE AND JOANN TOEDTLI, by selves, 15209 NE 4th Plain Road, Vancouver, Washington, 98682

JOE AND GLORIA SLOSAR, by self, 14602 NE 4th Plain Road, Vancouver, Washington, 98682

SCOTT RUTH, by self, 15704 NE 4th Plain Road, Vancouver, Washington, 98682

THOMAS J. MILLER, by self, 810 Lieser Road, Vancouver, Washington, 98664

THOMAS JAY MILLER, by Dick Carroll, Engineer, 5903 NW 169th, Ridgefield, Washington, 98642

LOREN WADE, by self, 9717 NE 81st Street, Vancouver, Washington, 98682

KELLER TRUSTEES, by William M. Keller, 1025 SE Morrison, Portland, Oregon, 97214

KEITH KELLER ET AL TRUSTEES, by John Keller, Attorney, P.O. Box 14746, Portland, Oregon, 97214

ARLON ELMER, by self, 3913 NE Ingle Road, Vancouver, Washington, 98682

ARLON ELMER, by Ned Hall, Attorney, 1109 Broadway, Vancouver, Washington, 98660

DARRELL BURNS, by self, 6913 NE 124th Avenue, Vancouver, Washington, 98682

DARRELL BURNS, by Ned Hall, Attorney, 1109 Broadway, Vancouver, Washington, 98660

GRUBB & ELLIS/KELLER, by Todd Doneffe, 1000 SW Broadway, Portland, Oregon, 97205

K.R. EIESLAND, by self, 204 NE 299th Street, Ridgefield, Washington, 98642

ROD SMITH, by self, 17600 Lewis and Clark Highway, Camas, Washington, 98607

DORA ELLIOTT MILLER, by Mr. and Mrs. Connie Toedtli, 15209 NE 4th Plain Road, Vancouver, Washington, 98682. Dora Elliott Miller: 1319 Elliott Road, Paradise, CA, 95969

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 in Order, the Department of Transportation 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. 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

On May 11, 1979 a plan for the establishment of a limited access highway over a portion of State Route 500 in Clark County, Washington, was ordered under DOT Order 79-S-1 and its amendments thereto.

Such a plans were prepared and entitled "SR 500, VICINITY WARD ROAD, MP 7.40 TO MP 7.67, CLARK COUNTY," sheets 1 and 2 of 2 sheets and "SR 500, WARD ROAD VIC. TO N.E. 162ND AVE. VIC., MP 7.67 TO MP 8.41, CLARK COUNTY", sheets 1 through 4 of 4 sheets. These plan sheets were introduced into evidence marked as Exhibit No. 7, 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. 6.

## III

On December 18, 1992 the State Design Engineer by Order 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

Don Owings, Design Team Leader, Washington State Department of Transportation, issued a Notice of Hearing. On January 4 1993, an exact copy of the Notice of Hearing was mailed to Clark County, various other agencies and other interested parties, and to each of those record owners of property listed on the county tax roll, as depicted in the Affidavit of Service by Mail introduced into evidence marked Exhibit No. 2. Exact copies of the Notice of Hearing were published in The Columbian of Vancouver on January 6, 1993 and January 11, 1993 , as shown by the Affidavit of Publication of Judy Moody, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3, and in The Reflector of Battleground on January 6, 1993 and January 13, 1993 as shown by the Affidavit of Publication of Marvin F. Case, Publisher of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 4.

## V

The plan proposes the establishment of a limited access facility with modified access control for SR 500 from the vicinity Ward Road to N.E. 162nd Ave. between Station 308+00 and Station 322+50, as shown on sheets 1 and 2 of 2 sheets entitled "SR 500, VICINITY WARD ROAD, MP 7.40 TO MP 7.67, CLARK COUNTY" and as shown on sheets 1 through 4 of 4 sheets entitled "SR 500, WARD ROAD VIC. TO N.E. 162ND AVE. VIC., MP 7.67 TO MP 8.41, 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 Collector and the Department of Transportation Policy provides for Modified 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 intersections and approaches.

The plan for the establishment of modified controlled limited access facilities for State Route 500 in Clark County, introduced into evidence marked Exhibit No. 7, 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 Slides of the Right of Way and Limited Access Plans, "Vicinity Ward Road" sheets 1 and 2, and "Ward Road Vic. to NE 162nd Ave. Vic." sheets 1 through 4, and "NE 162nd Ave. Vicinity" sheet 2 of 3.
- Exhibit No. 9 Letter, dated January 28, 1993, from Clark County Board of Commissioners to Gerald E. Smith and E.J. Blodgett, expressing appreciation for the opportunity to review and comment on the subject access report.
- Exhibit No. 10 Letters, dated December 29, 1992, and January 14, 1993 from Dora Elliott Miller to Gerald E. Smith, District Administrator, expressing her concern about the proposed drainage system and proposed tree removal.
- Exhibit No. 10A Reserved Exhibit to reply to Exhibit No. 10 and 11.
- Exhibit No. 11 Letter, dated January 14, 1993, from Dora Elliott Miller to Mike Clark, Mr. Gilda and Mr. Ray, expressing her opposition to tree removal and the purchase of her property for right of way. Also requested maintenance of the present access to her property.

- Exhibit No. 12 Letter, dated January 29, 1993, from James L. Sellers, Sellers and Jacobs Attorneys, representing Ron and Loren Wade, expressing his clients opposition to limited access along SR 500 and requesting access to his clients property from SR 500.
- Exhibit No. 12A Reserved Exhibit to reply to Exhibit No. 12.
- Exhibit No. 13 Letter, dated January 29, 1993, from James L. Sellers, Sellers and Jacobs Attorneys, representing Connie Toedtli, expressing his clients opposition to limited Access along SR 500 and concern about proposed widening on the south side of SR 500.
- Exhibit No. 13A Reserved Exhibit to reply to Exhibit No. 13.
- Exhibit No. 14 Letter, dated January 27, 1993, and one photo from Thomas Miller, requesting a commercial approach to his property and requesting investigation of the drainage in the NW corner of the intersection of 162nd Avenue and SR 500.
- Exhibit No. 14A Reserved Exhibit to reply to Exhibit No. 14.
- Exhibit No. 15 Letter, dated January 29, 1993, and two photos from Ernest L. Toedtli, expressing opposition to the proposed use of a single access approach for access to his two properties.
- Exhibit No. 15A Reserved Exhibit to reply to Exhibit No. 15.
- Exhibit No. 16 Letter, dated January 30, 1993, from Trust Established By Frances M. Keller to Gerald Smith, District Administrator, requesting two type "E" commercial approaches to their property. Also included is a drawing of proposed improvements to the property.
- Exhibit No. 16A Reserved Exhibit to reply to Exhibit No. 16.
- Exhibit No. 17 Reserved Exhibit to reply to request made at the hearing by Connie Toedtli on page 22 of the hearing transcript.

## 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 7 should be modified as hereinafter set forth and shown on Exhibit "A" attached.

1. Revise plan sheet 2 of 2 sheets to redesignate the Type B approach at Sta. 321+72 Rt. to a Type D approach for Parcel No. 4-06133, as requested by Mr. John Keller on page 27 of the hearing transcript and in Exhibit No. 16 and as recommended by the Department of Transportation in Reserved Exhibit No. 16A.
2. Revise plan sheets 2 of 4 sheets to add a Type A approach at Sta. 330+00 Rt. for Parcel No. 4-06135, as requested by Connie Toedtli on page 22 of the hearing transcript and as recommended by the Department of Transportation in Reserved Exhibit No. 17.
3. Revise plan sheets 2 of 4 sheets to add a Type D approach at Sta. 324+50 Rt. for Parcel No. 4-06133, as requested by Mr. John Keller on page 27 of the hearing transcript and in Exhibit No. 16 and as recommended by the Department of Transportation in Reserved Exhibit No. 16A.
4. Revise plan sheets 2 of 4 sheets to add a Type A approach at Sta. 324+80 Lt. for Parcel No. 4-06134, as requested by Ernest Toedtli, on page 23 and in Exhibit No. 15 and as recommended by the Department of Transportation in Reserved Exhibit No. 15A.

5. Revise plan sheet 3 of 4 sheets to relocate the Type A\* approach from Sta. 339+00 Lt. to Sta. 338+50 Lt. and add a Type A approach at Sta. 339+60 Lt. for Parcel No. 4-06136, as requested by Dora Elliott Miller, in Exhibit No. 11 and as recommended by the Department of Transportation in Reserved Exhibit No. 11A.
6. Revise plan sheet 3 and 4 of 4 sheets to redesignate the Type A approach at Sta. 344+50 Rt. to a Type D; and redesignate the Type A approach at Sta. 349+44 Rt. to a Type D and relocate that approach to Sta. 350+00 Rt. for Parcel No. 4-06137, as requested by Mr. James L. Sellers in Exhibit No. 12 and as recommended by the Department of Transportation in Reserved Exhibit No. 12A.
7. Revise plan sheet 4 of 4 sheets to add a Type D approach at Sta. 350+00 Lt. for Parcel No. 4-06140 as requested by Mr. Tom Miller on pages 23 through 26 of the hearing transcript and in Exhibit No. 14 and as recommended by the Department of Transportation in Reserved Exhibit No. 14A.
8. Revise plan sheets 1 and 2 of 2 sheets and plan sheets 1 through 4 of 4 sheets to make minor revisions, to correct ownerships and parcel details, area computations, and right of way details.

## IX

The Assistant Secretary of Program Development also considered the following requests and makes the following findings:

1. Mr. James L. Sellers representing Ron and Loren Wade and Mr. Connie Toedtli, in Exhibit Nos. 12 and 13 respectively expressed his opposition to limited access control along this portion of SR 500 and his expectation of compensation for property purchased from him.

Limited access control will be established along this portion of SR 500 to maintain a safe highway. Limited access control will protect traffic from interference caused by unlimited access to the highway and will protect the highway from future strip-type development. Compensation will be given for any property purchased.

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## 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 500 in Clark County described as follows is hereby designated as a limited access highway of the modified controlled type:

Between STA. 308+00 and STA. 322+50 as shown on sheets 1 and 2 of 2 sheets entitled, "SR 500, VICINITY WARD ROAD, MP 7.40 TO MP 7.67, CLARK COUNTY," dated October 7, 1977, revised December 11, 1992; and

Between STA. 322+50 and STA. 361+66.42 as shown on sheets 1 through 4 of 4 sheets entitled, "SR 500, WARD ROAD VIC. TO N.E. 162ND AVE. VIC., MP 7.67 TO MP 8.41, CLARK COUNTY," dated December 11, 1992.

## II

That the plan set forth in Exhibit No. 7 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 sheet 2 of 2 sheets to redesignate the Type B approach at Sta. 321+72 Rt. to a Type D approach for Parcel No. 4-06133.
2. Revise plan sheets 2 of 4 sheets to add a Type A approach at Sta. 330+00 Rt. for Parcel No. 4-06135.
3. Revise plan sheets 2 of 4 sheets to add a Type D approach at Sta. 324+50 Rt. for Parcel No. 4-06133.
4. Revise plan sheets 2 of 4 sheets to add a Type A approach at Sta. 324+80 Lt for Parcel No. 4-06134.
5. Revise plan sheet 3 of 4 sheets to relocate the Type A\* approach from Sta. 339+00 Lt. to Sta. 338+50 Lt. and add a Type A approach at Sta. 339+60 Lt. for Parcel No. 4-06136.
6. Revise plan sheet 3 and 4 of 4 sheets to redesignate the Type A approach at Sta. 344+50 Rt. to a Type D; and redesignate the Type A approach at Sta. 349+44 Rt. to a Type D and relocate that approach to Sta. 350+00 Rt. for Parcel No. 4-06137.
7. Revise plan sheet 4 of 4 sheets to add a Type D approach at Sta. 350+00 Lt. for Parcel No. 4-06140.
8. Revise plan sheets 1 and 2 of 2 sheets and plan sheets 1 through 4 of 4 sheets to make minor revisions, to correct ownerships and parcel details, area computations, and right of way details.

## III

That the plans entitled, "SR 500, VICINITY WARD ROAD, MP 7.40 TO MP 7.67, CLARK COUNTY," sheets 1 and 2 of 2 sheets, dated October 7, 1977, revised December 11, 1992 and "SR 500, WARD ROAD VIC. TO N.E. 162ND AVE. VIC., MP 7.67 TO MP 8.41, CLARK COUNTY," sheets 1 through 4 of 4 sheets, dated December 11, 1992 as revised above and as shown in Exhibit "A", and be the same is hereby adopted.

That the following plans are hereby superseded:

"SR 500, ORCHARDS-CAMAS RD. F.M. #125", Right of Way, CLARK COUNTY, sheet 1 of 3(Pt) sheets, approved June 15, 1935.

"SR 500, ORCHARDS-CAMAS ROAD LATERAL HIGHWAY NO. 20, Right of Way, CLARK COUNTY, unnumbered sheet, approved May 1932.

"SR 500, VICINITY N.E. 162ND AVE." Right of Way, CLARK COUNTY, sheet 2 of 2 sheets, approved September 2, 1977.

ADOPTED THIS 20<sup>TH</sup> DAY OF July, 1993

ASSISTANT SECRETARY FOR  
PROGRAM DEVELOPMENT

E. R. Burch

Approved as to form:

Sheldon J. [Signature]  
Assistant Attorney General