

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 502)
NE 21ST CT. TO NE 102ND AVE.) LIMITED ACCESS
MP 2.43 TO MP 6.56) FINDINGS AND ORDER
LIMITED ACCESS HEARING)

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 3:00 P.M. on Wednesday, January 14, 2009 at the Washington State Department of Transportation offices located at 11018 NE 51st Circle, Vancouver, Washington, before Administrative Law Judge (ALJ) Gina Hale.

The interested persons, entities and organizations were represented as follows:

219th LLC, 6710 NE 219th St., Battle Ground WA 98604
Ray and Roohi Abedini, 13597 SW Beach View Terrace, Tigard OR 97223
Reza and Roohi Abedini, 7110 NE 219th St., Battle Ground WA 98604
Cathi and Michael Agard, 2216 NE 219th St., Ridgefield WA 98642
Allie Park LLC, 7702 NE 219th St., Battle Ground WA 98604
Scott Anderson, NOAA National Marine Fisheries Service (NMFS), 7600 Sand Point Way NE, Seattle WA 98115-0070
Ramiro Arellano, 21917 NE 37th Ave., Ridgefield WA 98642
Rep. Brian Baird, US House Of Representatives, 750 Anderson Street, Suite B, Vancouver WA 98661
Leo and Angela Balkowitsch, 22214 NE 29th Ave., Ridgefield WA 98642
Jerry G Barnes, 7520 NE 219th St., Battle Ground WA 98604
Peter and Eileen Bartel, 3131 S 31st Way, Ridgefield WA 98642
Patricia A Bates, 9706 NE 219th St., Battle Ground WA 98604
Patricia A Bates et al, 10008 NE 219th St., Battle Ground WA 98604
David R Becker, 20210 NE 49th St., Vancouver WA 98682
Devon M Bentley, 3413 NE 219th St., Ridgefield WA 98642
Ruth M Berry, 9406 NE 219th St., Battle Ground WA 98604
Marjorie and Frank Bickford, 9516 NE 219th St., Battle Ground WA 98604
Donald K and Cynthia Boespflug, 2101 NE 174th St., Battle Ground WA 98604
Ralph and Elizabeth Bovey, 5406 NE 219th St., Battle Ground WA 98604
Dwight Bradford Et. Al., 6167 Jarvis #209, Newart CA 94560
James Brady, 5700 NE 24th Ave., Vancouver, WA 98663
Susan A Brady, 10613 NE 113th Ave., Vancouver WA 98682

Michael J Brown, 22202 NE 84th Ave., Battle Ground WA 98604
dAve Burlingame, Cowlitz Tribe, 1055 9th Avenue, Suite B, Longview WA 98632
Tony G and Becky Calvert, 8415 NE 219th St., Battle Ground WA 98604
Sen. Maria Cantwell, United States Senate, 1313 Officers Row, Vancouver WA 98661
Marvin Case, The Reflector, PO Box 2020, Battle Ground WA 98604
Cherry Grove Friends Church, PO Box 1300, Battle Ground WA 98604
Mildred J. and Berton W. Claflin, 5619 NE 102nd St., Vancouver WA 98686
Marc Boldt, Steve Stuart, Tom Meilke, Clark County Commissioners, PO Box 5000, Vancouver, WA 98666
Clark County Fire District No. 11, 21609 NE 72nd Ave., Battle Ground WA 98604
Richard D Clark, 22217 NE 72nd Ave., Battle Ground WA 98604
Kenneth L and Sherry L Condon, 15015 NE 219th St., Battle Ground WA 98604
Sylvia Cryblskey, 8919 NE 219th St., Battle Ground WA 98604
Joe and Deborah Cryblskey, PO Box 1227, Battle Ground WA 98604
Donald Davidson, 904 22nd St., La Grande OR 97850
Mark Davis, 12103 SE Eagle Dr., Clackamas OR 97015
Michael J. Defrees, 13023 NE Hwy 99, Vancouver WA 98686
Vernon and Corrine Dollar, PO Box 1914, Battle Ground WA 98604
Rick A Domine, 22215 NE 29th Ave., Ridgefield WA 98642
Dawneen Dostert, Bonneville Power Administration (BPA), 905 NE 11th Avenue, Portland OR 97232
Dorothy Durkee, 1238 NE 4th Ave., Camas, WA 98607
Michael D Engstrom, PO Box 87755, Vancouver WA 98687
Faith Church Of Nazarene, PO Box 516, Battle Ground WA 98604
Clara and Dollie Fambro, 800 NE Tenney Rd., Vancouver WA 98685
Fellowship Bible Church Of Battle Ground, 21810 NE 37th Ave., Ridgefield WA 98642
Donna L Fields Et. Al., PO Box 1802, Auburn WA 98071
First Independent Bank, PO Box 8904, Vancouver WA 98668
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Jon and Susan Gain, 7620 NE 219th St., Battle Ground WA 98604
Jose and Maria Galvan, 3109 NE 219th St., Ridgefield WA 98642
Hilda Galvan, 505 SE 171st Ave., Vancouver WA 98684
Ray Gardner, Chinook Tribe, PO Box 228, Chinook WA 98614
Kenneth and Cathy Gifford, 21913 NE 41st Ct., Ridgefield WA 98642
Curtis Graue, 4512 NE 219th St., Ridgefield WA 98642
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RE and LE Gukeisen Trust, 4608 NE 219th St., Ridgefield WA 98642
R J and Marylin Haasl, PO Box 577, La Center WA 98629
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Angie L and Randy S Hall, 19006 NE 92nd Ave., Battle Ground WA 98604
Dale C and Donna M Hall, 518 NW 116th St., Vancouver WA 98685
Sandra Hall, PO Box 1657, Battle Ground, WA 98604
Martin Hardy, 9911 NE 219th St., Battle Ground WA 98604
Lee and Kathy Harrach, 24808 NE 50th Ave., Ridgefield WA 98642
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Kevin Johnson Etal, 2308 NE 219th St., Ridgefield WA 98642
Glen and Sylvia Kapitanovich, 21514 NE 29th Ave., Ridgefield WA 98642
Paul and Tricia Karvonen, 21209 NE 87th Ave., Battle Ground WA 98604
Terry T and Kimberly K Kinney, 8515 NE 219th St., Battle Ground WA 98604
Kevin and Deborah Knerr, 2606 NE 219th St., Ridgefield WA 98642
Phyllis Kniss and Ardith Morris et al, 7503 NE 219th St., Battle Ground, WA 98604
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Russell and Kelly Krusow, 4101 NE 219th St., Ridgefield WA 98642
KUB Properties LLC, 20802 NE 87th Ave., Battle Ground WA 98604
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Helen J. Laukkonen Trust, represented by Guy Laukkonen, 9729 NE 219th St., Battle Ground WA 98604 and 9801 NE 219th St. Battle Ground, WA 98604
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Ina and Robert Lindsay, 2702 NE 219th St., Ridgefield WA 98642
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Francisco and Aurelia Ramirez, 8918 NE 219th St., Battle Ground WA 98604
John Rankin, 26705 SE Baker Rd., Sherwood, OR 97140
Joe L and Diane C Reed, 4538 NE 219th St., Ridgefield WA 98642
Phyllis Reeder, 8315 NE 219th St., Ridgefield, WA 98604
Phil and Susan Richards, 5606 NE 219th St., Battle Ground WA 98604
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Donoven and Patricia Rogers, 21713 NE 72nd Ave., Battle Ground WA 98604
Michael Roskam, Faith Church of the Nazarene, 203 S Parkway, Battle Ground, WA 98604
Richard Ross, 7316 NE 219th St., Battle Ground, WA 98604
Ross and Ross Properties LLC, 7304 NE 219th St., Battle Ground WA 98604
Ruth Sampson, 22017 NE 21st Ct., Ridgefield WA 98642

Lee and Debra Sanchangrin, 21510 NE 50th Ave., Ridgefield WA 98642
Scott Sandblast, Fellowship Bible Church, 21810 NE 37th Ave., Ridgefield, WA 98642 and 3609 NE 80th St., Vancouver WA 98665
Scott Sawyer, City of Battle Ground, 109 SW 1st Street, Battle Ground, WA 98604
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Dee and Georgetta Skillings, 22114 NE 72nd Ave., Battle Ground WA 98604
Douglas D and Mary K Smithline, 21603 NE 50th Ave., Ridgefield WA 98642
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Tidyman Trust, 6703 NE 239th St., Battle Ground WA 98604
Jannifer and Eugene L VanKoll, 6508 NE 219th St., Battle Ground WA 98604
Douglas A Veach, 7615 NE 219th St., Battle Ground WA 98604
Ted and Florence Veitenheimer, 25621 NE Manley Rd., Battle Ground WA 98604
Jim and Susan D Waldrum, 15310 NE 25th Cir., Vancouver WA 98684
Phil and Marsha Walling, 7719 NE 219th St., Battle Ground WA 98604
Leonard and Iris Walther Trust, 23401 NE 29th Ave., Ridgefield WA 98642
Craig Walther-Kampe, 5909 NE 219th St., Battle Ground WA 98604
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Leona M Ward, 8602 NE 219th St., Battle Ground WA 98604
Washington State Transportation Commission, PO Box 47308, Olympia, WA 98504-7308

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Michael D. and Lisa L. Wentworth, 21406 NE 72nd Ave., Battle Ground WA 98604

Hugo and Gwen Wiebusch, 4702 NE 219th St., Ridgefield WA 98642

Michael R and Lisa M Williams, 7503 BE 219th St., Battle Ground WA 98604

Orville and Cheryl Williams, 5804 NE 219th St., Battle Ground, WA 98604

Robert Woodard, Cherry Grove Friends Church, 9100 NE 219th St., Battle Ground, WA 98604 and 2037 NE 271st St., Battle Ground, WA 98604

Janet and Dan York, 21712 NE 50th Ave., Ridgefield WA 98642

Senator Joseph Zarelli, State of Washington 18th Legislative District, PO Box 40418, Olympia WA 98504-0418

As a courtesy to interested citizens, the Washington State Department of Transportation, hereinafter "the Department" or alternatively, "WSDOT," furnishes a copy of these 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 who provided written or verbal comments, filed a Notice of Appearance, or are listed on the Affidavit of Service by Mailing for the Access Hearing as abutting property owners, 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 in interest to the hearing.

Chris Tams, of WSDOT, Columbia Gorge Area Engineer, called the meeting to order under the provisions of chapter 47.52. RCW Hearing guidelines and legal requirements were provided by ALJ Gina Hale, after which witnesses were called. Evidence was taken by a Court Reporter who, thereafter, transcribed the verbal testimony. Certain exhibits were duly introduced and admitted into evidence at the hearing. Additional exhibits were added as necessary to respond to comments received, at or subsequent to the hearing. Based on the oral evidence, the exhibits introduced into evidence, and the additional exhibits entered into the record subsequent to the hearing, and acting under the authority of the Secretary of Transportation for the State of Washington, the Assistant Secretary of Engineering and Regional Operations makes the following findings:

1. PROCEDURAL FINDINGS

On September 16, 1977, limited access between STA. 105+35 RT to STA. 153+65 west of Dollars Corner, as shown on plan Duluth to Dollars Corner sheet 3 of 3, was established

In 2008, a new plan was prepared, superseding all or a portion of the above noted SR 502 plan, entitled: "SR 502, NE 21ST CT. TO NE 102ND AVE., CLARK COUNTY" Access Hearing Plan, as shown on sheets 1 through 23, approved December 5, 2008. These plan sheets were admitted into evidence, marked as Exhibit No. 5, and made part of the hearing record.

This Access Hearing Plan is the subject of this Limited Access Findings and Order.

As part of the preparation of the above described Limited Access Hearing Plans, the Department solicited and received from public agencies concerned with this proposed plan their available data on planning, land use, local traffic, and other information. Thereafter, the Department prepared and submitted to the

appropriate officials an access report entitled "ACCESS REPORT, SR 502 NE 21st Ct. To NE 102nd Ave., MP 2.43 to 6.56," dated December 2008. This report shows that the data received has been taken into account by WSDOT as required by chapter 47.52 RCW. A copy of the Access Report was admitted into evidence, marked as Exhibit No. 4, and made part of the hearing record.

2. NOTICE OF HEARING

On January 8, 2009, the State Design Engineer, by Order of Hearing, proposed said Access Hearing Plan and set a hearing date for January 14, 2009, in accordance with the provisions of chapter 47.52 RCW. The Order of Hearing was admitted into evidence, marked as Exhibit No. 1 and made part of the hearing record.

As part of the notice of Access Hearing, the Department prepared and mailed copies of relevant Access Hearing materials including (1) an introductory cover letter, (2) a blank Notice of Appearance form, (3) a Notice of Access Hearing, and (4) the proposed Access Hearing Plans. These Access Hearing materials were mailed on December 16, 2008 to a list of interested parties and abutting property owners of record, as evidenced by the Affidavit of Service by Mailing signed by Dena Horton on December 29, 2008. The list of the recipients of the mailing is attached as Exhibit A to the Affidavit. The signed Affidavit of Service by Mailing was admitted into evidence marked as Exhibit No. 2 and made part of the hearing record.

On December 24, 2008, an exact copy of the "Notice of Limited Access Control Hearing" was published in The Columbian and The Reflector, as shown in the Affidavits of Publication with the printed ad copy attached, signed by Sandra Burkett on December 26, 2008 and signed by Marvin F. Case on December 24, 2008 respectively. The Affidavits of Publication were admitted into evidence, marked as Exhibit No. 3, and made part of the hearing record.

3. PRESERVATION OF PUBLIC INVESTMENT

This section of the State Route 502 corridor is the main east-west connector between I-5 and the City of Battle Ground. It is a highly congested, high speed, two-lane corridor that is primarily rural in nature and has a significant number of driveway approaches. At its west end, the corridor will start from the new I-5/SR 502 Interchange. It includes a rural commercial center at the intersection of SR 502 and NE 72nd Ave. Toward its east end, the corridor transitions into the County's Urban Growth Boundary and the City of Battle Ground.

The proposed project will improve mobility and safety along SR 502 (NE 219th St.) and improve regional connectivity between Battle Ground, north Clark County, and I-5. Traffic congestion along the corridor has worsened as the population has grown. By the design year of 2034, traffic volumes are anticipated to more than double, intersections will become more congested and travel times from the new interchange to Battle Ground will double without improvements, and freight movement will slow and be more costly. The corridor also has an above average number of severe accidents compared to other state highways. The segment between MP 3.56 to 4.55 (roughly NE 37th Ave. to approximately 0.5 miles east of NE 50th Ave.) is currently listed as a High Accident Corridor by WSDOT.

The proposed access control within the project limits on SR 502 will be established as a Limited Access corridor with Modified Access Control as shown on the proposed Access Hearing Plans and entered into

evidence marked as Exhibit No. 5. In limiting access as shown on the Access Hearing Plans, traffic congestion is reduced, traffic safety is increased, and the highway is preserved for efficient future use, protecting the investment of public funds.

The efficiency of SR 502 within the limited access area, as a means of moving a maximum volume of traffic in an optimal and safe manner, is inversely related to the number of access points. It has been demonstrated in the past that as property owners establish approaches to a state highway for their personal use or business use, the optimum operation and functional integrity of the facility gradually diminishes and becomes obsolete. Therefore, access points should be kept to a minimum consistent with allowing local traffic adequate use of the highway at properly designed intersections.

4. EXHIBITS

The following exhibits were identified and entered into evidence at or subsequent to the hearing and are also made part of the hearing record:

- Exhibit No. 1 Order of Hearing dated January 8, 2009
- Exhibit No. 2 Affidavit of Service by Mailing dated December 29, 2008
- Exhibit No. 3 Affidavits of Publication dated December 24 and 26, 2008
- Exhibit No. 4 Access Report, SR 502 NE 21st Ct. To NE 102nd Ave., MP 2.43 to 6.56, dated December 2008
- Exhibit No. 5 Proposed Access Hearing Plan entitled "SR 502, NE 21st Ct. To NE 102nd Ave., Clark County," Access Hearing Plan, Modified Control, as shown on sheets 1 through 23 of 23 sheets, approved December 5, 2008
- Exhibit No. 6 Printed copies of the presentation slides for the Access Hearing
- Exhibit No. 7 Comment received January 14, 2009 from Robert Woodard, Cherry Grove Friends Church
- Exhibit No. 8 Comment received January 14, 2009 from Ina Lindsay
- Exhibit No. 9 Comment received January 20, 2009 from Penny Moore
- Exhibit No. 10 Comment received January 21, 2009 from Wayne Harris
- Exhibit No. 11 Comment received January 26, 2009 from Phyllis Reeder
- Exhibit No. 12 Comment received from Curtis Holyk
- Exhibit No. 13 Comment received January 27, 2009 from Randy and Shirley Radtke
- Exhibit No. 14 Letter received January 27, 2009 from Ken Condon

- Exhibit No. 15 Comment received January 28, 2009 from Mildred Claflin
- Exhibit No. 16 Comment received January 28, 2009 from Dorothy I. Durkee
- Exhibit No. 17 Letter dated January 27, 2009 by Tom and Doris Martin
- Exhibit No. 18 Email received January 15, 2009 from Douglas Schmitt
- Exhibit No. 19 Email received January 26, 2009 from Michael Mattox, Allie Park LLC
- Exhibit No. 20 Email received January 28, 2009 from Phyllis Kniss
- Exhibit No. 21 Letter dated January 19, 2009 by Michael J. DeFrees, Columbia Rim Corporation
- Exhibit No. 22 Letter dated January 26, 2009 by Mary Henderson, Williams Northwest Pipeline
- Exhibit No. 23 Letter dated January 19, 2009 by Jerry and Virginia Mofford, Mofford Electric, Inc.
- Exhibit No. 24 Letter dated January 19, 2009 by Jerry and Virginia Mofford and Cliff and Julia Mofford
- Exhibit No. 25 Letter dated January 26, 2009 by David R. Becker
- Exhibit No. 26 Letter dated January 26, 2009 by Frank Bickford
- Exhibit No. 27 Letter dated January 27, 2009 by Michael Roskom, Faith Church Of The Nazarene
- Exhibit No. 28 Letter dated January 28, 2009 by Richard Henker, Corner LLC
- Exhibit No. 29 Letter dated January 26, 2009 by Dennis Osborn, City Manager, City of Battle Ground
- Exhibit No. 30 Letter dated January 27, 2009 by Marc Boldt, Chair, Steve Stuart, and Tom Mielke, Clark County Commissioners
- Exhibit No. 31 Letter dated January 13, 2009 by Earl Jackson, Jackson, Jackson, and Kurtz, Inc., P.S., attorney representing Wayne and Betty Idsinga
- Exhibit No. 32 Letter dated January 14, 2009 by Steve C. Morasch, Schwabe, Williamson, and Wyatt, attorneys representing Frank Hunsinger, 219th LLC, and S&I Equipment LLC
- Exhibit No. 33 Letter dated January 26, 2009 by Steve C. Morasch, Schwabe, Williamson, and Wyatt, attorneys representing Skip Ogden, Dan's Tractor, Inc., Dale and Linda Moss, John and Susan Gain, Gerald Martin, Martin's Auto Clinic, Michael Mattox, and Allie Park, LLC

- Exhibit No. 34 Letter dated January 26, 2009 by Peter K. Jackson, Jackson, Jackson, and Kurtz, Inc., P.S., attorney representing Susan Brady
- Exhibit No. 35 Letter dated January 28, 2009 by Randall B. Printz, Landerholm, Memovich, Lansverk, & Whitesides, P.S., attorney representing Ted and Florence Veitenheimer
- Exhibit No. 36 Letter dated January 28, 2009 by Randall B. Printz, Landerholm, Memovich, Lansverk, & Whitesides, P.S., attorney representing Guy T. Laukkonen
- Exhibit No. 37 Letter dated January 28, 2009 by Randall B. Printz, Landerholm, Memovich, Lansverk, & Whitesides, P.S., attorney representing Jake and Juliette Swalling
- Exhibit No. 38 Letter dated January 28, 2009 by Hann Lee, P.E.. H. Lee and Associates, engineer representing Skip Ogden, Dan's Tractor, Inc., Dale and Linda Moss, John and Susan Gain, Gerald Martin, Martin's Auto Clinic, Michael Mattox, and Allie Park, LLC
- Exhibit No. 39 Public testimony received on January 14, 2009, prior to access hearing from: Cathi Agard, Richard G. Lingle, and Douglas Schmitt
- Exhibit No. 40 Supplemental Information--Non-Access Issues
- Exhibit No. 41 Department's response to Exhibit No. 29
- Exhibit No. 42 Department's response to Exhibit No. 30
- Exhibit No. 43 Department's response to Exhibit Nos. 30, 32, 33, and 38

5. SPECIFIC ACCESS RESPONSES

The Assistant Secretary of Engineering and Regional Operations has considered the comments of abutting property owners and public agencies as part of the Access Hearing process and responds to each as follows:

1. Penny Moore, Parcel No. 4-07783, in a comment received January 20, 2009, Exhibit No. 9, expresses the requests and concerns catalogued below. Following Ms. Moore's statement is the Department's response:

1.) "During the meeting on January 14th, 2009 it was stated that my property had two accesses. I would like to object to that. I only have one access point to my property. I would like to keep the current access, not the access that has been proposed by the State. My property is identified as 4-07783 the State (WSDOT) has proposed an access at 136+50 LT. I want to keep the current (and only) access at approximately 135+20"

The Department agrees that there is currently only one access point to this parcel. WSDOT will authorize one Type A, residential approach to Parcel No. 4-07783 at Sta. L 135+20 LT.

2. Wayne Harris, Parcel No. 4-07896, in a comment received January 21, 2009, Exhibit No. 10, expresses the requests and concerns catalogued below. Following Mr. Harris' statement is the Department's response:

- 1.) *"The State should check, if they haven't done so to make sure all properties have legal access on private easements or private roads along side their properties, before their access is closed off from 219th St."*

As part of the right of way acquisition process, WSDOT performs all necessary research to verify property ownerships through a review of deeds and easements for adjacent and affected properties in the corridor.

3. Curtis Holyk, Parcel No. 4-07831, in a comment, Exhibit No. 12, expresses the requests and concerns catalogued below. Following Mr. Holyk's statement is the Department's response:

- 1.) *"We own property on the north side of 502 between 92nd Avenue and the current Battle Ground city limits. Clark County has our property zoned "mixed use employment." We are planning to use the property as a site for a commercial building to its use commensurate with the present zoning. As such we will need a driveway access that would accommodate this type of use. Therefore, we are requesting commercial access to our property."*

The Department concurs with Mr. Holyk's position. WSDOT will authorize one Type D commercial approach to Parcel No. 4-07831 at Sta. L 269+93 LT to reflect the best use of the current zoning of Mixed Use.

4. Ken Condon, Parcel No. 4-07716, in a letter dated January 26, 2009, Exhibit No. 14, and Exhibit 39 in verbal comment recorded prior to the hearing, Limited Access Hearing Transcript page 74, expresses the requests and concerns catalogued below. Following Mr. Condon's statement is the Department's response:

- 1.) *"I had talked to you at the Jan. 14 limited access control hearing just prior to the start of the meeting. I had asked you the question about having my driveway access moved from where it is now to our east property line. You had told me it would not be a problem. That, in fact, it would help WDOT if they combined two properties making one wider access off 502." "I want my driveway moved from the west side of my property to the east side boundary line."*

WSDOT will relocate the proposed Type A, residential approach for Parcel No. 4-07716 to Sta. L 159+30 RT and eliminate the existing approach at Sta. L 157+95 RT.

5. Mildred Claflin, Parcel No. 4-07822, in a comment received January 28, 2009, Exhibit No. 15, expresses the requests and concerns catalogued below. Following Ms. Claflin's statement is the Department's responses:

- 1.) *"I would like to move the proposed access to my parcel to the west side of the parcel approximately 50 feet east of the west property line or approximate Sta. 244+07."*

The Department will relocate the approach per Ms. Claflin's request. WSDOT will authorize one Type A approach for Parcel No. 4-07822 at Sta. L 244+07 LT

6. Dorothy Durkee, Parcel No. 4-07734, in a comment received January 28, 2009, Exhibit No. 16, expresses the requests and concerns catalogued below. Following Ms. Durkee's statement is the Department's response:

1.) *"My sisters, Ardith Morris and Phyllis Kniss, and I own 10.08 acres adjacent to Dollars Corner on the south side of SR 502. It is designated as commercial and single family residence. Your plan has access to the property at the far west side on an easement we sold to a neighbor who was landlocked. The historic access is on the eastern side where a gate in the fence is very prominent. We presently have the property for sale. We believe access for commercial property would be much better served with the historic access and request that this access be retained. A copy of sheet 14 of 23 sheets is enclosed with the historic access marked."*

The Department will locate the approach at the requested location. WSDOT will authorize one Type D commercial approach that may also be used as a Type A residential approach for Parcel No. 4-07734 at the historic access location, Sta. L 211+20 RT.

7. Douglas Schmitt, Parcel No. 4-07791, in an e-mail received January 15, 2009, and in a verbal comment recorded prior to the hearing, Exhibit Nos. 18 and 39, pages 73 and 74 of the Limited Access Hearing Transcript, expresses the requests and concerns catalogued below. Following each of Mr. Schmitt's statements are the Department's responses:

1.) *"I noticed on the map that there was a big purple X over our access, but I heard you say that WSDOT would not land lock us on this parcel. Thanks for that encouragement. A funny point to this is that the gateway into the site (through an old gate in the 219th fencing) is not exactly where the approved and constructed access is located (a touch further east). This is due to a fairly expensive gate being installed before we constructed the access (permit no 10907, approved April 21, 1994, and constructed soon thereafter, with construction acceptance recorded July 19, 1994). We just continued to use the old point rather than the new point of access. We can surely begin using the point approved April 21, 1994 if WSDOT wishes."*

2.) *"23516 NE 120th Court, Battle Ground. I was contacted by Chris Tams asking that I provide public testimony today expressing the importance of maintaining our access from parcel number 228114. This access provides the only access to this parcel of property, and is used daily by users of that property who board horses, and provide maintenance. That access also provides the only access to the barn also like on the other property. The access was improved in accordance with Permit No. 10907, which was recorded July 19, 1994. I wish we could help more, but we just can't lose that access, there is no other access to that piece of property."*

The Department concurs that Mr. Schmitt's position. WSDOT will authorize one Type A residential approach for Parcel No. 228-114 (WSDOT Parcel No. 4-07791) at Sta. L 158+00 LT.

8. Mary Henderson (on behalf of North West Pipeline), Parcel No. 4-07749, in a letter dated January 26, 2009, Exhibit No. 22, expresses the requests and concerns catalogued below. Following Ms. Henderson's statement is the Department's response:

1.) *"Our current driveway width is approximately 129' at the flare and approx. 31' where it necks down. WDOT permitted and inspected this current access. We need this current access to be able to get out of traffic when turning left in and out of the office and yard..."*

"...Please understand we are a federally regulated interstate natural gas pipeline company with many large deliveries of pipe and equipment. We need our access to remain as unchanged as possible..."

The Department understands the importance of maintaining a usable approach for this business. The WSDOT will authorize a Type D commercial approach at the same location as the existing approach at Sta. L 248+78 RT and will be at least as wide as the existing approach, which is currently 31 feet at the right of way line. The new Type D commercial approach together with the proposed roadway section (twelve-foot lanes with a ten-foot shoulder width increased from an existing four-foot shoulder width), will provide sufficient width for vehicles currently using this access to turn right into the property.

9. Jerry and Virginia Mofford (Mofford Electric, Inc.), Parcel No. 4-07751, in a letter dated January 19, 2009, Exhibit No. 23, expresses the requests and concerns catalogued below. Following each of the Mofford's statements is the Department's response:

1.) *"We are concerned that our business won't be able to stay here when you remove the residence because of county codes."*

WSDOT will authorize one Type D commercial approach for Parcel No. 4-07751 at Sta. L 233+83 RT to reflect the current zoning of Commercial.

2.) *"...Also, we need to make sure our driveway is wide enough for large delivery trucks and our vans."*

The proposed Type D commercial approach can be up to 50 feet in width and will replace the existing driveway in kind.

10. Michael J. DeFrees, Parcel No. 4-07729, in a letter dated January 19, 2009, Exhibit 21, expresses the requests and concerns catalogued below. Following each of Mr. DeFrees's statements are the Department's responses:

1.) *"Access and viable parking are crucial to the success of a restaurant property I own on the SW Corner of SR 502 and NE 78th Street (sic). The current plan, as I understand it, involves the condemnation of frontage and a potential median in the center of 72nd Avenue. Both of these could have a tremendous devastating effect on the viability of the business, value of the asset and my ability to further develop the property in the future."*

Restriction of access to any retail facility does irreparable harm. My entire ability to operate a profitable business at this location will be harmed should any of these changes take effect. I want to make it clear and part of the public record that compromising my location by the condemnation of property, reduction of usable square feet, devaluation of the asset, and the potential of limited access will compromise the property in such a way that I can't properly convey."

WSDOT intends to acquire limited access along a portion of the frontage of this parcel; however, the existing driveway is located beyond the limits of access control and will remain in its current location. The median curb that will be installed on NE 72nd Avenue will not extend as far south as the driveway that serves this parcel. With respect to issues involving land acquisition, Federal and State laws require just compensation to be paid for the purchase of property or property rights, including access and improvements. If less than an entire parcel is acquired, just compensation also includes losses in value or damages, if any, to the remaining property. These issues will be addressed by the appraiser during the appraisal process.

11. Marjorie Bickford, represented by son Frank Bickford, Parcel No. 4-07829, in a letter dated January 26, 2009, Exhibit No. 26, expresses the requests and concerns catalogued below. Following each of Ms. Bickford's statements are the Department's responses:

1.) "I am writing this letter on behalf of Marjorie Bickford (my Mother), lot number 407829. Her property is in the urban growth boundary and when annexed by the city of Battle Ground the zoning for the said property will be mixed use employment. I would like to ask for the access to the said property be reconsidered. It is currently listed as a type A access. I am petitioning for a type D access. This access would ensure that the property would have commercial access, equal to the future zoning of the property."

The Department concurs with Ms. Bickford's position. WSDOT will delete the Type A residential approach at Sta. L 266.39 LT and authorize one Type D commercial approach to Parcel No. 4-07829 at Sta. L 265+67 LT to reflect the best use of the current zoning of Mixed Use.

2.) "Faith Church of the Nazarene owns the parcel to the west of #407829, their parcel # is 4-07834. The church has been given type A access. I have talked with the church Pastor and asked if they would agree to have their access at the east property line, and the Bickford access to the west property line. This would make a 60ft-combined access, 30 feet on each property. This access should be given a type D access, to allow the church commercial access for future building. A type A access would not allow the church to build a building for their use, and would render the property useless to them as a future expansion site."

The Department is agreeable to this request. WSDOT will move the proposed Type D commercial approach for Parcel No. 4-07829 to Sta. L 265+67 LT and eliminate the existing Type A residential approach at Sta. L 266+39 LT.

12. Michael Roskam, treasurer for the Faith Church of the Nazarene, Parcel No. 4-07834, in a letter dated January 27, 2009, Exhibit No. 27, expresses the requests and concerns catalogued below. Following Mr. Roskam's statement is the Department's response:

- 1.) *"As the treasurer for Faith Church of the Nazarene, I have met with and am in agreement with Frank Bickford's request for a combined, Type D access to our property parcel #407829. He has suggested moving the proposed access to the east side of our property and moving the access on his mother's property to the west side of her property."*

The Department is agreeable to this request. WSDOT will authorize one Type D commercial approach to Parcel No. 4-07834 at Sta. L 265+27 LT.

13. Richard Henker, managing member for Corner, LLC, owner, Parcel No. 4-07741, in a letter dated January 28, 2009, Exhibit No. 28, expresses the requests and concerns catalogued below. Following Mr. Henker's statement is the Department's response:

- 1.) *"I request that the 3 existing road approaches for the 3 separate Corner LLC properties be maintained and be allowed to continue to be used during and after re-construction of SR-502. Approval of this request will not result in any additional traffic onto the State Highway, and since all 3 approaches are existing (and have been in existence for many years) this request will not result in new access points onto SR-502."*

The Department concurs that Corner LLC does own three separate properties. Therefore, WSDOT will allow the continued use of the three existing approaches for Corner LLC, Parcel No. 4-07741. One Type A residential approach will be authorized at Sta. L 212+81 RT; one Type D commercial approach will be authorized at Sta. L 213+85 RT; and one Type C approach will be authorized at Sta. L 214+90 RT.

14. Dennis Osborn, City Manager for City of Battle Ground, in a letter dated January 27, 2009, Exhibit No. 29, expresses the requests and concerns catalogued below. Following Mr. Osborn's statement is the Department's response:

- 1.) *"The access designations within the City's Urban Growth Area added in 2007, as proposed by WSDOT, are predominantly Farm (Type B) on the south side of the corridor and Single-Family (Type A) on the north side. These proposed designations are counter to the Urban Growth Boundary Comprehensive Plan and the City's current zoning designations along the corridor."*

The City of Battle Ground's Urban Growth Boundary includes land west of the City limits on the north side of SR-502 with a Comprehensive Plan designation of Mixed-Use Employment. Additionally, a recent annexation on the west side of the City has added land zoned Regional Center Commercial on the south side of SR-502. (See attachment A)

To conform to current zoning in the City, the Comprehensive Plan designation in the Urban Growth Boundary and future growth and use, it is critical to designate the aforementioned section of the SR-502 corridor as Type D-Commercial."

As detailed in Exhibit 41, the Department's response to Mr. Osborn, WSDOT will be authorizing Type D commercial approaches to reflect the best use and the current zoning designation within the Urban Growth Boundary.

WSDOT will authorize one Type D commercial approach to each of the following parcels to reflect the current zoning of Commercial (south side of SR 502 within the Battle Ground city limits): Parcel No. 4-07755 at Sta. L 259+79 RT, Parcel No. 4-07753 at Sta. L 273+09 RT, Parcel No. 4-07902 at Sta. L 275+97 RT, Parcel No. 4-07754 at Sta. L 280+00 RT, and Parcel No. 4-07752 at Sta. L 276+62 RT.

WSDOT will authorize one Type D commercial approach to each of the following parcels to reflect the best use of the current zoning of Mixed Use (north side of SR 502 east of NE 92nd Avenue): Parcel No. 4-07834 at Sta. L 265+27 LT, Parcel No. 4-07831 at Sta. L 269+93 LT, Parcel No. 4-07830 at Sta. L 270+23 LT, Parcel No. 4-07829 at Sta. L 265+67 LT, Parcel No. 4-07827 at Sta. L 262+99 LT, Parcel No. 4-07833 at Sta. L 279+12 LT, Parcel No. 4-07832 at Sta. L 280+99 LT, and Parcel No. 4-07828 at Sta. L 283+00 LT.

2.) *"...In addition, RCW 47.52.131 states*

"When the department is planning a limited access facility through a county or an incorporated city or town, the department or its staff, before any hearing, shall give careful consideration to available data as to the county or city's comprehensive plan, land use pattern, present and potential traffic volume of county roads and city streets crossing the proposed facility, origin and destination traffic surveys, existing utilities, the physical appearance the facility will present, and other pertinent surveys and, except as provided in RCW 47.52.134, shall submit to the county and city officials for study a report showing how these factors have been taken into account and how the proposed plan for a limited access facility will serve public convenience and necessity, together with the locations and access and egress plans, and over and undercrossings that are under consideration. This report shall show the proposed approximate right-of-way limits and profile of the facility with relation to the existing grade, and shall discuss in a general manner plans for landscaping treatment, fencing, and illumination, and shall include sketches of typical roadway sections for the roadway itself and any necessary structures such as viaducts or bridges, subways, or tunnels.

Conferences shall be held on the merits of this state report and plans and any proposed modification or alternate proposal of the county, city, or town in order to attempt to reach an agreement between the department and the county or city officials. As a result of the conference, the proposed plan, together with any modifications, shall be prepared by the department and presented to the county or city for inspection and study."

We do not believe this process has occurred."

The Department's complete response to this comment is detailed in Exhibit No. 41.

15. The Clark County Commissioners (Marc Boldt (Chair), Steve Stuart, and Tom Mielke), in a letter dated January 27, 2009, Exhibit No. 30, expresses the requests and concerns catalogued below. Following each of the Commission's statements is the Department's response:

1.) *"Dollar's Comer is an important Rural Center to Clark County. As specified in the County's Comprehensive Plan, the County's goals and policies for Rural Centers include maintaining the character of Dollars Comer and providing a focus for the surrounding area to provide*

opportunities for commercial and industrial lands for jobs growth, as well as services to tourists and visitors recreating in the area. Maintaining adequate access for businesses is key to reaching these goals and policies.

WSDOT and Clark County need to address the issue of preserving the ability for the Rural Center to function as intended and to provide adequate emergency service access. So far, these issues have not been adequately addressed in the SR 502 Widening Project work.

In order to provide cross circulation at the west end of Dollar's Comer, the County amended its arterial atlas on December 16, 2008, to provide for a circulation plan and to redesignate NE 67th Avenue. The purpose was to facilitate full access at NE 67th Avenue. It has been brought to our attention that the same situation exists on the east end of Dollar's Comer, and the County will be investigating this with the property and business owners. We would therefore request that you delay your decision on this portion of SR-502 until after this issue can be thoroughly investigated...

"...Clark County proposes that the hearing process be suspended, the technical work be remanded back staff to reconsider under a new Dollars Corner circulation plan process, and that a formal technical process between Clark County, WSDOT, and property owners of Dollars Comer be put in place that jointly develops a circulation plan that maintains the integrity of the Rural Center designation of Dollars Corner.

We would like to see the following alternatives evaluated through the remanded technical work/process and circulation plan process: 1) center left turn lane option through Dollars Comer with median only at signalized intersection approaches and 2) full access at least one point east and west of NE 72nd Avenue with a frontage road system to provide full access to as many commercial properties as possible."

WSDOT's response to this comment is detailed in Exhibit Nos. 41, 42, and 43.

16. Frank Hunsinger, represented by attorney Steve C. Morasch, Schwabe, Williamson & Wyatt, Parcel No. 4-07800, in a letter dated January 14, 2009, Exhibit No. 32, expresses the requests and concerns catalogued below. Following Mr. Hunsinger's statement is the Department's response:

- 1.) *"When WSDOT is planning a limited access facility through a county, RCW 47.52.131 requires WSDOT to "give careful consideration to available data as to the county or city's comprehensive plan, land use pattern, present and potential traffic volume of county roads and city streets crossing the proposed facility, origin and destination traffic surveys, existing utilities, the physical appearance the facility will present, and other pertinent surveys [emphasis added]." Under this RCW provision, WSDOT must give careful consideration to the existing land use patterns and to Clark County's comprehensive plan. See also WAC 468-58-100(l)(a)(i).*

In this case, there are several county comprehensive plan provisions calling for full access at NE 67th Avenue. First, Dollar's Corner is listed as a rural center in Clark County's Comprehensive Plan. See page 3-4. Table 3.3 on page 3-5 of the County's Comprehensive Plan states that Dollar's Corner consists of 330 acres, 216 of which are residential and 115 of

which are commercial. The County's Comprehensive Plan further provides that commercial activities in rural centers are intended to provide rural residents with an opportunity to meet many of their daily needs without going into one of the cities. Bisecting Dollar's Corner without providing adequate cross circulation frustrates this land use goal because residents living north of SR-502 and west of 72nd Avenue will not be able to access the southern portions of Dollar's Corner without driving west to 50th Avenue and making a U-turn.

The County's goal for rural centers is to "maintain the character of the designated rural centers." Page 3-17. See also Policy 3.2.1 designating Dollar's Corner as a rural center. bisecting Dollar's Corner without providing adequate cross circulation is contrary to the County's goal of maintaining the character of Dollar's Corner because it will have a devastating effect on the existing businesses located there, which comprise more than a third of the total acreage of the rural center.

Further, in response to WSDOT's proposal to widen SR-502 as a limited access facility, Clark County initiated a process to amend its arterial atlas in order to implement the Dollar's Corner Circulation Plan (CPZ 2008-00012). This circulation plan was adopted by Ordinance No. 2008-12-15 on December 16, 2008 by unanimous vote of the Clark County Board of Commissioners.

The Dollar's Corner Circulation Plan was explained in an October 24, 2008 memorandum from Mike Mabrey, Transportation Planner, to the Clark County Board of County Commissioners. As explained on page 1 of Mr. Mabrey's memorandum, the Dollar's Corner Circulation Plan arterial atlas amendment was initiated in response to WSDOT's proposal to widen SR-502 as a limited access facility.

Mr. Mabrey's memorandum notes that NE 67th Avenue extends south of SR-502 and connects to NE 72nd Avenue via 209th Street, but that no other connecting public streets are available or planned in this rural center to provide cross circulation. Based on that "the memorandum further recommends that if NE 67th Avenue is re-classified as a rural collector, the intersection with NE 219th Street (SR-502) should be a full access intersection." Mabrey Memorandum, page 2. Thus, although the Mabrey memo acknowledges that WSDOT is the decision-maker on the issue of whether NE 67th Avenue is a full access intersection, the Mabrey memo clearly states that it should be a full access intersection and the purpose of reclassifying NE 67th Avenue as a rural collector is to facilitate that. Finally, the Mabrey memo notes that without adequate cross circulation, the proposed widening of SR-502 will have adverse affects on the viability of businesses in Dollar's Comer and add to emergency response times. Mabrey memo, page 3.

Both the Board of County Commissioners and the County Planning Commission unanimously approved the Dollar's Comer circulation plan - CPZ 2008-00012. The Planning Commission discussed this matter in detail. The Planning Commission minutes note that the purpose of the circulation plan for the Dollar's Corner area is "to increase circulation and mitigate the impacts of right in, right out access." Planning Commission Minutes, Thursday, August 21, 2008, page 4.

Further, the motion to adopt the Dollar's Corner circulation plan contained a specific

amendment asking WSDOT to give consideration to a full access intersection at NE 67th Avenue. Planning Commission Minutes, Thursday, August 21, 2008, page 9. The Planning Commission's motion, as amended, passed unanimously, and was adopted by the Board of County Commissioners unanimously.

Thus, the Clark County Comprehensive Plan contains both general and specific provisions requiring adequate cross circulation in Dollar's Corner, and the County specifically amended its plan to ensure that WSDOT gives careful consideration to full access at NE 67th Avenue.

Finally, SR-502 is being proposed as a modified controlled limited access highway. Under WAC 468-58-10(3), a modified controlled limited access highway is a highway where access is "controlled to give preference to through traffic to such a degree that most approaches, including commercial approaches, existing and in use at the time of the establishment [of the limited access highway] may be allowed." Thus, a modified controlled limited access highway gives preference to preserving existing approaches.

Since NE 67th Avenue is an existing public approach and WAC 468-58-10(3), requires preference be given to preserving existing approaches, the burden is on WSDOT to demonstrate why NE 67th Avenue should be closed as a full access intersection through the establishment of a modified controlled limited access highway. WSDOT has not satisfied this burden. Preserving full access at NE 67th Avenue will not sacrifice safety or mobility in this 35mph stretch of SR502 bisecting the Rural Center of Dollars Corner.

More importantly, RCW 47.52.131 and WAC 468-58-100(1)(a)(i), require WSDOT to "give careful consideration" to the County's Comprehensive Plan, which in this case was specifically amended to facilitate full access at the NE 67th Avenue intersection in order to preserve the character of Dollars Corner consistent with the goals of the County's comprehensive plan. Based on the above, full access must be preserved at NE 67th Avenue."

WSDOT's response to this comment is detailed in Exhibit No. 43.

17. Skip Ogden, Dan's Tractor, Inc., Dale and Linda Moss, John and Susan Gain, Gerald Martin, Martin's Auto Clinic, Michael Mattox, and Allie Park, LLC, represented by attorney Steve C. Morasch, Schwabe, Williamson & Wyatt, in a letter dated January 26, 2009, Exhibit No. 33, express the requests and concerns catalogued below. Following their statement is the Department's responses:

- 1.) *"When WSDOT is planning a limited access facility through a county, RCW 47.52.131 requires WSDOT to "give careful consideration to available data as to the county or city's comprehensive plan, land use pattern, present and potential traffic volume of county roads and city streets crossing the proposed facility, origin and destination traffic surveys, existing utilities, the physical appearance the facility will present, and other pertinent surveys [emphasis added]." Under this RCW provision, WSDOT must give careful consideration to the existing land use patterns and to Clark County's comprehensive plan. See also WAC 468-58-100(1)(a)(i).*

In this case, there are several county comprehensive plan provisions calling for full access at NE 79th Court. First, Dollar's Corner is listed as a Rural Center in Clark County's Comprehensive Plan. See page 3-4. Table 3.3 on page 3-5 of the County's Comprehensive Plan states that Dollar's Corner consists of 330 acres, 216 of which are residential and 115 of which are commercial. The County's Comprehensive Plan further provides that commercial activities in Rural Centers are intended to provide rural residents with an opportunity to meet many of their daily needs without going into one of the cities. Bisecting Dollar's Corner without providing adequate cross circulation frustrates this land use goal because residents living north of SR-502 and east of 72nd Avenue will not be able to access Battle Ground or the southern portions of Dollar's Corner without driving west to 72nd Avenue and making a U-turn. Also, it is not possible for rural traffic traveling eastbound on SR 502, northbound on NE 72nd Avenue, and southbound on NE 72nd Avenue to access businesses north of SR 502 and east of NE 72nd Avenue. This is a contradictory to the County's Comprehensive Plan policy of rural centers providing goods and service to rural residents without going into cities such as Battle Ground.

The County's goal for Rural Centers is to "maintain the character of the designated Rural Centers." Page 3-17. See also Policy 3.2.1 designating Dollar's Corner as a Rural Center. Bisecting Dollar's Corner without providing adequate cross circulation is contrary to the County's goal of maintaining the character of Dollar's Corner because it will have a devastating effect on the existing businesses located there, which comprise more than a third of the total acreage of the Rural Center.

Policy 3.2.2 states that Rural Centers should provide a focus for the surrounding area and provide opportunities for commercial and industrial lands for jobs growth, as well as services to tourists and visitors recreating in the area. Policy 3.2.7 encourages resource based industrial development which will generate truck traffic. Thus, the Clark County Comprehensive Plan contains both general and specific provisions requiring adequate cross circulation in Dollar's Corner, for both passenger vehicles and trucks, as well as school buses and emergency vehicles."

"...Finally, with full access intersection at NE 79th Court, several private approaches on SR-502 could be eliminated. Our clients are willing to work cooperatively together to provide cross easements through their various properties in order that they may all access SR-502 through a full access intersection at NE 79th Court, rather than accessing SR-502 directly. It is unknown at this time how many private accesses can be removed with the development of a frontage road system tying into a full access at NE 79th Court but our clients are very willing to work through a process with Clark County and WSDOT in developing this frontage road and the likely solution will reduce the overall number of driveways from the current WSDOT proposal. Thus, there are significant benefits to the state highway system from providing a full access intersection at NE 79th Court.

Finally, SR-502 is being proposed as a modified controlled limited access highway. Under WAC 468-58-10(3), a modified controlled limited access highway is a highway where access is "controlled to give preference to through traffic to such a degree that most approaches, including commercial approaches, existing and in use at the time of the establishment [of the limited access highway] may be allowed." Thus, a modified controlled limited access highway

gives preference to preserving existing approaches.

Since NE 79th Court is an existing public approach and WAC 468-58-10(3), requires preference be given to preserving existing approaches, the burden is on WSDOT to demonstrate why NE 79th Court should be closed as a full access intersection through the establishment of a modified controlled limited access highway. WSDOT has not satisfied this burden. Preserving full access at NE 79th Court will not sacrifice safety or mobility in this 35mph stretch of SR-502 bisecting the Rural Center of Dollars Corner.

More importantly, RCW 47.52.131 and WAC 468-58-100(1)(a)(i), require WSDOT to "give careful consideration" to the County's Comprehensive Plan, which in this case contain provisions supporting full access at the NE 79th Court intersection in order to preserve the character of Dollars Corner consistent with the goals of the County's comprehensive plan. Based on the above, full access must be preserved at NE 79th Court. In the alternative, WSDOT should eliminate the median and provide for a continuous left turn lane. This would better serve the needs of the Dollar's Corner Rural Center, and the 35 mph speed limit coupled with the urban, commercial nature of Dollar's Corner makes this an appropriate solution."

WSDOT's response to this comment is detailed in Exhibit No. 43.

18. Susan Brady, represented by attorney Peter Jackson, Jackson, Jackson & Kurtz, Inc., P.S., Parcel No. 4-07730, in a letter dated January 26, 2009, Exhibit No. 34, expresses the requests and concerns catalogued below. Following Ms. Brady's statement is the Department's response:

- 1.) *"Susan Brady's property is located in the Southwest corner of the intersection of SR 502 and NE 72nd Avenue whereon she owns and operates O'Brady's Drive In, a restaurant business that has been in the community for decades.*

Susan Brady objects to the SR 502 road widening project, as proposed, because it would take away all access to and from her property and would destroy her business and livelihood and the livelihood of her employees.

You indicated that there was no flexibility or alternative where WSDOT would allow access to her property, yet the drive in restaurant business located at the northeast corner of the intersection of SR 502 and NE 10th Avenue continues to have access both off of SR 502 and NE 10th Avenue, in spite of the road widening, so it is not unreasonable to expect that access could be provided for Susan's restaurant too.

If direct access to the Brady property from SR 502 and NE 72nd Avenue are indeed precluded by engineering restraints, notwithstanding prior written representations provided by WSDOT to the contrary, WSDOT could still provide SR 502 access to Susan Brady's property across the adjoining property owned by Fambro to the West, since the Fambro property will continue to have SR 502 access under the proposed plan.

NE 72nd Avenue access to the Brady property could be provided across the adjoining property south of the Brady property on NE 72nd Avenue that WSDOT proposes to acquire. You stated that the channel of the existing creek traversing NE 72nd Avenue was going to be re-routed

and a bridge across the creek to serve the Brady property was simply not going to happen. Yet you also mentioned that the long range plan was to widen NE 72nd Avenue into four lanes, so placing a bridge or culvert would necessarily happen sometime in the future anyway. Why could that not happen now to maintain NE 72nd Avenue access to the Brady property?

To remain viable the restaurant business needs to have continued access both to SR 502 and to NE 72nd Avenue. Cutting off either access, especially if no left hand turn from either road is allowed, would be too detrimental to the operation of the business.

Conflict points at major intersections are reduced by restricting access points within a minimum of 130 feet of the intersection. The accesses for the drive-in restaurant at the corner of NE 10th Avenue and SR 502 are located outside of these 130-foot limits.

The current project design accommodates future growth as envisioned in the County's Comprehensive Plan. This results in a large project footprint along the corridor and will require a partial land acquisition of Parcel No. 4-07730 for the NE 72nd Avenue intersection. Due to the orientation and size of the remaining property, the 130-foot limits cannot be met within the property lines; therefore no access can be authorized.

With respect to issues involving land acquisition, Federal and State laws require just compensation to be paid for the purchase of property or property rights, including access and improvements. If less than an entire parcel is acquired, just compensation also includes losses in value or damages, if any, to the remaining property. These issues will be addressed by the appraiser during the appraisal process.

19. Ted and Florence Veitenheimer, represented by attorney Randall B. Printz, Landerholm, Memovich, Lansverk & Whitesides, P.S., Parcel No. 4-07754, in a letter dated January 28, 2009, Exhibit No. 35, expresses the requests and concerns catalogued below. Following the Veitenheimer's statement is the Department's responses:
- 1.) *"In WSDOT's efforts to widen SR 502 (NE 219th Street) from I-5 to the City of Battle Ground city limits, WSDOT has created an Access Hearing Plan titled NE 21st Ct. to NE 102nd Avenue. Sheet 19 of 23 identifies Ownership #4-07754 and summarizes that the 43 acre site has been assigned a Type B-2 access. Sheet 17 of 23 defines a Type B-2 access as follows:*
- Type B approach is an off and on approach in legal manner, to exceed 50 feet in width for use necessary to the normal operation of a farm, but not for retail marketing. It may be reserved by abutting owner for specified use at a point satisfactory to the state at or between designated highway stations.*
- No.2: This approach is to be used to serve more than one owner and/or utility, for only those ownerships listed on the access approach schedule.*
- This property has a Comprehensive Plan designation of Regional Commercial Center with a zoning designation of Regional Commercial and has been the focus of a large home improvement store. WSDOT has been involved in that process to some extent. This property is within the city limits of Battle Ground and the property owner has been working extensively*

with the City and the large home improvement store for about a year and a half. Continued efforts on this site plan, or one substantially similar to it, will continue with the City of Battle Ground. Attached hereto is a preliminary site plan depicting a right in/ right out access and an access to the east that is signalized.

WSDOT's designated Access Approach Type for this property needs to reflect not only the current use, single family residential and farm/agricultural, but must also take into account the underlying zone and anticipated commercial uses on the property. Based upon the underlying zoning and current planning processes, we request that a right in/right out commercial access be granted at approximately Sta. L 280. We recognize that such access will require a deceleration lane. Additionally, WSDOT indicates that they will allow a signalized intersection at NW 29th Avenue and will allow commercial development of this parcel to access that signal."

WSDOT will authorize one Type D commercial approach to Parcel No. 4-07754 at Sta. L 280+00 RT to reflect the current zoning of Regional Commercial Center.

20. Guy T. Laukkonen, represented by Randall B. Printz, Landerholm, Memovich, Lansverk & Whitesides, P.S., Parcel No. 4-07753, in a letter dated January 28, 2009, Exhibit No. 36, and on page 56-57 of the Limited Access Hearing Transcript, expresses the requests and concerns catalogued below. Following Mr. Laukkonen's statement is the Department's responses:

- 1.) *"In WSDOT's efforts to widen SR 502 (NE 219th Street) from I-5 to the City of Battle Ground city limits, WSDOT has created an Access Hearing Plan titled NE 21st Ct. to NE 102nd Avenue. Sheet 18 of 23 identifies Ownership #4-07753 and summarizes that the 64.40 acre site has been assigned a Type B access. Sheet 17 of 23 defines a Type B access as follows:*

Type B approach is an off and on approach in legal manner, not to exceed 50 feet in width for use necessary to the normal operation of a farm, but not for retail marketing. It may be reserved by abutting owner for specified use at a point satisfactory to the state at or between designated highway stations.

Mr. Laukkonen owns two parcels, as identified above, that have Comprehensive Plan Designations of Regional Center Commercial and Mixed Use Residential, respectively, with zoning designations of Regional Commercial and Mixed Use Residential within the City of Battle Ground. The assigned Type B Access Approach does not take into account the underlying zones for these properties.

The Access Approach for these properties needs to reflect not only the current uses, single family residential and farm/agricultural, but must also take into account the underlying zone and anticipated commercial and mixed uses on the property.

We ask that the Access Approach Type be changed from a Type "B" to a Type "D", as defined on page 17 of 23, NE 21st Ct. to NE 102nd Ave. of the Access Hearing Plans, provided that such access type will also allow the residential uses associated with the portion of the property that is zoned mixed use. The location of the access shall be at a point that is mutually

determined by WSDOT, and the property owner, based upon environmental constraints and transportation issues."

- 2.) *"My address is 9805 NE 219th Street. The bridge to the property is 9729 NE 219th Street. The frontage, which is roughly 20 acres is zoned mostly commercial, the back portion of the property is approximately 40 acres, which is zoned for mixed use residential, which allows up to 25 percent commercial. Currently approved for single family residences. Any taking will affect both parcels in some manner. There's no other means to access available.*

It is my understanding that the access has to be consistent with current zoning. The plan indicates that access would be limited to farm use, that neither represents the best use of the property toward zoning which is in place. The property is zoned. I feel that adequate retail access, which is commensurate with the overall size of the property should be allowed."

WSDOT will authorize one Type D commercial approach to Parcel No. 4-07753 at Sta. L 273+09 RT to reflect the current zoning of Regional Center Commercial.

21. Jake and Juliette Swalling, represented by Randall B. Printz, Landerholm, Memovich, Lansverk & Whitesides, P.S., Parcel No. 4-07720, in a letter dated January 28, 2009, Exhibit No. 37, expresses the requests and concerns catalogued below. Following the Swalling's statement is the Department's responses:

- 1.) *"In WSDOT's efforts to widen SR 502 (NE 219th Street) from I-5 to the City of Battle Ground city limits, WSDOT has created an Access Hearing Plan titled NE 21st Ct. to NE 102nd Avenue. Sheet 10 of 23 identifies Ownership #4-07720 and summarizes that the 17.0 acre site has been assigned a Type B access. Sheet 17 of 23 defines a Type B access as follows:*

Type B approach is an off and on approach in legal manner, to exceed 50 feet in width for use necessary to the normal operation of a farm, but not for retail marketing. It may be reserved by abutting owner for specified use at a point satisfactory to the state at or between designated highway stations.

The property owner is currently processing a short plat application with the County. Upon completion of that process, the property would contain three residential lots. The Property Owner has provided an attached exhibit noting the proposed parcel configuration and access. The approximate location of this access is centered on Sta. L 167.5. Only one access is requested and proposed. Easements will be necessary to serve both adjacent lots and will be provided for through the short plat process.

We ask that the Access Approach Type assigned to this parcel allow three single family houses to utilize a single access point. This would be accomplished on sheet 17 of sheet 23 under Access Notes, Note 2 by providing that three residential lots may utilize the access."

WSDOT will authorize one Type A residential approach to Parcel No. 4-07720 at Sta. L 167+50 RT to serve three residential lots. When the short plat is completed and if the short plat limits the Type A access to use by three parcels only, WSDOT will revise the Right of Way plan to add the

additional parcels and authorize use of the Type A-2 approach at Sta. L 167+50 RT for all three parcels.

22. Skip Ogden, Dan's Tractor, Inc., Dale and Linda Moss, John and Susan Gain, Gerald Martin, Martin's Auto Clinic, Michael Mattox, and Allie Park, LLC, represented by engineer Hann Lee, H. Lee & Associates, in a letter dated January 28, 2009, Exhibit No. 38, expresses the requests and concerns catalogued below. Following their statement is the Department's responses:

"The main focus of this memorandum is to show the need to maintain full access along SR 502 east of NE 72nd Avenue with the SR 502 Widening Project. The WSDOT project documentation to date has neglected to include the local land use issues within the commercial areas of Dollars Corner that support the need for full access along SR 502. Also, the WSDOT project documentation does not adequately consider the potential land use trip generation for commercial land along SR 502 east of NE 72nd Avenue. These issues have been recognized by the Board of Clark County Commissioners as specified in their January 27, 2009 comment letter that has been attached to this memorandum as Attachment A.

There are two options that we would like WSDOT to reconsider for a solution east of NE 72nd Avenue. First, consideration should be given for a center left turn option through Dollars Corner with medians only at signalized intersections. Second as a compromise alternative, full local access east of NE 72nd Avenue can be consolidated at NE 79th Court with a frontage road system east and west of NE 79th Court. Some parcels may be able to have access to NE 79th Court from inter-parcel access. These alternatives provide a safer access than trying to accommodate U-Turn movements for truck/trailers, emergency vehicles, and school buses at signalized intersections at NE 92nd Avenue, NE 72nd Avenue, and NE 50th Avenue.

Based on the SR 502 Corridor Widening Transportation Discipline Report - Revised), SR 502 is currently classified as a Managed Access highway. The SR 502 Corridor Widening project plans to reclassify SR 502 as a Modified Limited Access corridor. Chapter 1435 of WSDOT Design Manual gives the following guidance to any process to reclassify a Managed Access highway:

"WSDOT, RTPOs, MPOs, or other entities such as a city, town, or county may initiate a review of managed access classifications per the process identified by WAC 468-52. In all cases, WSDOT shall consult with the RTPOs, MPOs, and local agencies and take into consideration comments received during the review process."

As detailed by a January 14, 2009 letter submitted by Mr. Steve Morasch of Schwabe, Williamson and Wyatt, on the behalf of Mr. Frank Hunsinger, when the issue was brought to the attention of Clark County, the Board of Commissioners initiated a process to reclassify NE 67th Avenue to a rural minor collector. This was conducted in an effort to encourage WSDOT to maintain NE 67th Avenue as a full access. On December 16, 2008, the Clark County Board of Commissioners adopted the Dollars Corner circulation plan which reclassified NE 67th Avenue to a minor collector. Recently, the Board of Commissioners was made aware of a similar situation on the east side of NE 72nd Avenue along SR 502. In response to this issue, the Board of Commissioners has written a letter to WSDOT which addresses their concern to preserve the viability of commercial land in Dollars Comer with full access. See Attachment A

to reference the Board of Commissioners letter. The point here is that the local agency, Clark County, has commented to see two full access alternatives evaluated through the remand of technical work process.

While we are not specifically opposed to reclassifying SR 502 to a Modified Limited Access, we are opposed to this process if WSDOT does not create some full access along SR 502 east of NE 72nd Avenue to accommodate commercial businesses. A major consideration in the reclassification process has to be the local land use planning policies as well as current and potential land use as specified in Chapter 1435 of the WSDOT Design Manual. In addition, the Design Manual states the following:

"The number and location of approaches on a highway with Modified Control must be carefully planned to provide a safe and efficient highway compatible with present and potential land use."

The major land use compatibility and safety issues within the Dollars Corner area are as follows:

** Area is a rural center - Clark County policy states that the intent of rural centers is to provide rural residents with their daily needs without traveling to cities; limiting access significantly reduces this function.*

** The area from just east of NE 82nd Avenue to five parcels west of NE 79th Court has a zoning designation of CR-2 (rural commercial district) and has a high potential of future trip generation. This area, as defined by Figure 1, is approximately 34 acres. At full build out, this area has a potential of generating 7,949 daily trips, 191 A.M. peak hour trips, and 694 P.M. peak hour trips as will be justified later in this memorandum.*

** Several businesses along SR 502 east of NE 72nd Avenue including Dan's Tractor generate a significant number of truck/trailer trips during its operation. Not providing full access would create out of direction travel that is potentially unsafe because of U-Turn movements currently proposed by WSDOT at NE 92nd Avenue, NE 72nd Avenue, and NE 50th Avenue have conflicting movements with right turn movements. These exclusive right turn lanes are needed to operate efficiently due to high future volumes. If U-Turn movements significantly delay the right turn movements, then it defeats the purpose of the exclusive right turn lanes. We do not find WSDOT's restriction of right turn on red movements at the signals as a realistic solution because it reduces signal efficiency significantly by eliminating the ability to overlap the exclusive right turn lanes with the cross-street left turn phasing.*

** The accident analysis provided in the SR 502 Corridor Widening Transportation Discipline Report - Revised does not mention that there are specific safety problems in the Dollars Corner area east of NE 72nd Avenue.*

** Safety and mobility can be improved by consolidating private accesses through a frontage road system and by utilizing public intersections and turn lanes for access and queuing rather than private driveways.*

** The SR 502 corridor in the Dollars Comer area is proposed to have a 35 mph speed limit. This speed limit is compatible to the rural center designation and commercial uses in the Dollars Corner area. The speed limit is a function of the type of accesses and land uses along SR 502 which is coincidentally compatible with the full access for the commercial areas east of NE 72nd Avenue.*

Furthermore, there is an exception process for commercial areas. Below is a direct quote from the WSDOT Design Manual in this regard:

"Exceptions. Where Modified Control is to be established, developed commercial areas may be excepted from control when all or most of the abutting property has been developed to the extent that few, if any, additional commercial approaches will be required with full development of the area."

By remanding the technical work/study process to consider looking at full access options east of NE 72nd Avenue, a superior solution can be developed that preserves full access at critical points but also reduces the number of direct accesses along SR 502. Based on discussions with our clients, they are very open to consolidating private accesses through inter-parcel accesses as well as the development of frontage roads.

POTENTIAL TRIP GENERATION OF COMMERCIAL AREA EAST OF NE 72ND AV

Based on a survey of the Clark County GIS database, the land area and zoning of the properties that could be served by a frontage road east of NE 72nd Avenue were determined. As previously referenced, Figure 1 shows the parcels that could potentially be serviced by a frontage road that has full access at NE 79th Court. Below is a list of these properties:

- * Figure 1 Map #1 - Account No. 228276-000, CR-2 zoning, 2.00 acres*
- * Figure 1 Map #2 - Account No. 228307-000, CR-2 zoning, 4.82 acres*
- * Figure 1 Map #3 - Account No. 228292-000, CR-2 zoning, 0.75 acres*
- * Figure 1 Map #4 - Account No. 228311-000, CR-2 zoning, 0.77 acres*
- * Figure 1 Map #5 - Account No. 228275-000, CR-2 zoning, 5.09 acres*
- * Figure 1 Map #6 - Account No. 228274-000, CR-2 zoning, 5.00 acres*
- * Figure 1 Map #7 - Account No. 228305-000, CR-2 zoning, 5.00 acres*
- * Figure 1 Map #8 - Account No. 121291-000, CR-2 zoning, 4.80 acres*
- * Figure 1 Map #9 - Account No. 121290-000, CR-2 zoning, 4.80 acres*
- * Figure 1 Map #10 - Account No. 121270-000, CR-2 zoning, 1.11 acres*

All of these properties are zoned as CR-2 (rural commercial district). The total acreage of the CR-2 parcels is 34.14 acres.

The CR-2 zoning designation is a rural commercial district zoning. An investigation of Clark County Code (CCC reveals that there are many outright permitted uses that could generate trips similar to a shopping center. For example, the code outright permits a general retailer of less than 25,000 square feet; a single purpose/specialty retailer of less than 10,000 square feet; markets between 5,000 and 25,000 square feet; restaurants; hardware, home repair, and supply stores under 25,000 square feet; event center less than 10,000 square feet; branch

banks; and professional offices less than 10,000 square feet. Based on the above, it is clear that the Dollars Comer rural commercial area has the potential to expand significantly in its uses and trip generation similar to that of a shopping center. Therefore, to estimate the potential trip generation of the land area zoned CR-2, the ITE Shopping Center (ITE Land Use 820) rate was utilized.

Based on an assumption that each parcel is 50 percent buildable and a full build out FAR would be 0.25, there is a possibility of 185,130 square feet of commercial development.

The trip generation associated with this full build out of commercial properties (based on Shopping Center trip generation rate) is 7,949 daily trips, 191 A.M. peak hour trips, and 694 P.M. peak hour trips.

TRAFFIC OPERATIONS AND ACCESS MANAGEMENT ISSUES

There are several traffic operations issues that should be considered with providing full access along SR 502 east of NE 72nd Avenue. First, the traffic signal to the east at SR 502/NE 92nd Avenue will create gaps in traffic that will provide sufficient opportunities for full access movements.

Second, by eliminating U-Turns at the SR 502/NE 92nd Avenue, SR 502/NE 72nd Avenue, and SR 502/NE 50th Avenue intersections by creating a full access options east of NE 72nd Avenue, traffic safety as well as traffic operations will be improved. U-Turns by truck/trailers, emergency vehicles, and school buses by land uses east of NE 72nd Avenue would negatively impact the SR 502/NE 92nd Avenue, SR 502/NE 72nd Avenue, and SR 502/NE 50th Avenue intersections if full access were not provided to the commercial properties east of NE 72nd Avenue. Third, the spacing between NE 79th Court/NE 82nd Avenue and NE 72nd Avenue meets Clark County's full access spacing standards for arterials. This should be a major consideration to leave some full access east of NE 72nd Avenue because of the Clark County land use policies, zoning, and standards within the Dollars Comer Area that supports the viability of commercial uses.

Other considerations include that the accident record does not identify SR 502 east of NE 72nd Avenue as having a safety issue. Sight distance at any full access intersection will only be improved with the widening of SR 502 and reconstruction any full access intersection. Also, an center left turn lane east of NE 72nd Avenue improves safety by providing a refuge lane for turning movements. Consolidating private accesses along a public roadway, developing a frontage road, and reducing the number of driveways along SR 502 is the state of the practice access management technique that is being proposed as an alternative to WSDOT's current solution east of NE 72nd Avenue.

It is our understanding that WSDOT has a preliminary concept to put a stormwater facility on the Mattox parcel (Account No. 228274-(00) which is directly west of NE 79th Court. This proposal would eliminate the opportunity for a frontage road to tie commercial properties west of NE 79th Court into NE 79th Court. This frontage road concept is a critical alternative to WSDOT's current plans to meet commercial property owner interests of some type of full access. ELD Engineering has evaluated an alternative location for the stormwater facility. The

ELD Engineering analysis can be referenced in Attachment B.

Based on the discussion above, there are ample reasons to study full access alternatives within Dollars Corner through a remanded technical work process. By working through a process that includes Clark County, commercial property owners, and WSDOT, a superior solution than currently proposed by WSDOT can be developed that meets the needs of all interested parties. Commercial property owners and the Clark County land use planning, zoning, and standards dictate that the Dollars Comer businesses need to remain viable as a rural center. This requires some type of full access to SR 502 east of NE 72nd Avenue. As a compromise, state of the practice access management techniques such as inter-parcel access to consolidate private accesses and frontage roads can further minimize access points along SR 502."

WSDOT's response to this comment is detailed in Exhibit 43.

23. Mancil Ogden, Parcel No. 4-07813, on page 53 of the Limited Access Hearing Transcript, expresses the requests and concerns catalogued below. Following Mr. Ogden's statement is the Department's responses:

1.) "...And I would also like the State to consider to move my access at the east end of my parcel to the west end for better access from the rear lot where semis can't -- pending further studies on parking and access from the property."

After further discussions between WSDOT engineers and Mr. Ogden, both parties agreed that the proposed access approaches will remain at the current locations according to the Access Hearing Plan. One Type C special purpose approach will be authorized at Sta. L 223+55 LT, and one Type D commercial approach will be authorized at Sta. L 226+45 LT for Parcel No. 4-07813.

24. Jennifer VanKoll, Parcel No. 4-07797, on page 55-56 of the Limited Access Hearing Transcript, expresses the requests and concerns catalogued below. Following Ms. VanKoll's statement is the Department's responses:

1.) "You're taking away the driveway at the west end, which if you're leaving us that property we need that to rebuild the house down there. The easement behind the barn that you say you're giving us, is out of the question. If you look at it right now the ground is wet, there's no driving across that to get back to where that little barn is at the west end. And also if you need it for pond water, you know, you're leaving yourself the best part of the property there with access. So, anyway, that's the whole thing. The west end we need that driveway, if you're going to take everything else, which you told us already, so we need that west driveway to get to that barn there at that end and rebuild our home there."

As part of the access control for this project, only one direct access to SR 502 from each abutting property will be provided, unless reasonable access can be provided by way of an existing easement or another public road which abuts the property. In such case, no direct access to SR 502 will be granted. For this property, access will be provided by way of the county road, NE 67th Avenue, which abuts the property; therefore, WSDOT will not grant direct access to NE 219th Avenue for Parcel No. 4-07797.

25. Tom Martin, Parcel No. 4-07815, on page 58 of the Limited Access Hearing Transcript, expresses the requests and concerns catalogued below. Following Mr. Martin's statement is the Department's responses:

1.) *"Our property is located between Dan's Tractor Company, which Mr. Ogden spoke about, and also next to the Martin's Auto Clinic, which we have no part of, it just happens to be a similar name. You are saying that we would have to enter our property off of NE 82nd Avenue, which is a county road right of way. We have a concern if we come in off of 82nd Avenue how we could access our property we are going to be right on top of or very, very close to our well, which is if you look at the property is located just – the well is located east of this little building that you show as a garage. We also have a concern about how close the property line is going to be to the house itself. It may possibly be so close that it might make the house uninhabitable. We have a concern also that any emergency vehicle that would have to access our property would have to come from Battle Ground, which is a considerable more distance that it would be at the present time from Dollars Corner. Our main concern, however, is with the well, and the problems that could arise from access off of 82nd Avenue."*

Emergency vehicle response times are discussed in Exhibit 40. With respect to issues involving land acquisition, Federal and State laws require just compensation to be paid for the purchase of property or property rights, including access and improvements. If less than an entire parcel is acquired, just compensation also includes losses in value or damages, if any, to the remaining property. These issues will be addressed by the appraiser during the appraisal process.

26. Robert Hale, Parcel No. 4-07772, on page 59 of the Limited Access Hearing Transcript, expresses the requests and concerns catalogued below. Following Mr. Hale's statement is the Department's responses:

1.) *"...I actually have two tax lots, and if you take my driveway then one tax lot becomes landlocked. So that's a concern."*

The Department agrees that Mr. Hale does own two tax lots; therefore WSDOT will authorize one Type A residential approach at Sta. L 115+20 LT to serve Lot 2 of Parcel No. 4-07772.

2.) *"My second concern is I own a business, MCR, Incorporated, been there since 1989, we too have big semi trucks, not as frequently as Skip, but we have them probably twice a month, 45-footers, and without an access from 219th onto 37th that's not going to happen. They would have to pull U-turns in the middle of 50th, and I don't see that as being a safe concern."*

Due to the installation of a median barrier on SR 502, left turns on and off of NE 37th Avenue will not be possible. Since this project is not designed to accommodate u-turns for very large vehicles, such as the one referenced in the comment, the truck route must be altered to use parallel facilities.

27. Tim McCuiston, Parcel No. 4-07686, on page 59-60 of the Limited Access Hearing Transcript, expresses the requests and concerns catalogued below. Following Mr. McCuiston's statement is the Department's responses:

1.) *"We're just in the process of subdividing in acres, and we had to go through all this with the county, they wouldn't let us come on to 219th, which was okay. Now they're saying that we can keep the access of 219th to the front parcel. Now you're saying you're going to take it."*

WSDOT will authorize one Type A residential approach to Parcel No. 4-07686 at Sta. L 81+64 RT. Access to the south parcel will be off of NE 22nd Ave, beyond the extent of limited access.

28. Frank Hunsinger, Parcel No. 4-07800, on page 60-62 of the Limited Access Hearing Transcript, expresses the requests and concerns catalogued below. Following Mr. Hunsinger's statement is the Department's responses:

1.) *"...but along with that in the documentation I'm supporting Clark County Land Use Planning and zoning centers were not considered in limiting the access and it's been demonstrated that Clark County has adopted policies and standards to support the full access intersection there at 67th..."*

"...so the documentation that I'm submitting to you today obviously shows a lot more data, also shows Clark County Commissioners how they adopted a plan to keep that as a full access, and I'll submit that for your review, and hopefully will reconsider that and keep that a full access intersection."

WSDOT's response to this comment is detailed in Exhibit 43.

29. Cathy Agard, Parcel No. 4-07760, on page 72 of the Limited Access Hearing Transcript, expresses the requests and concerns catalogued below. Following Ms. Agard's statement is the Department's responses:

1.) *"Address is 2216 NE 219th Street, Ridgefield; parcel number 4-07760. And it is residential property, and we have a semi truck and trailer that we park here. It's a freight liner century truck with a 40 foot, plus a 24-foot trailer. And we're concerned about the access into our driveway. We will not be able to make a left turn, we would have to go down to 29th make a U-turn, and then turn right into our driveway, and I don't think the access is wide enough to do that. The other concern we have is about the ability to make a U-turn at 29th Avenue. Is there enough room there to be able to do that with the truck and two trailers. That's basically our concern."*

Due to the installation of median barrier on SR 502, access to and from Parcel No. 4-07760 will be possible only through a right-in and right-out turning movement. Since this project is not designed to accommodate u-turns for very large vehicles, such as the one referenced in this comment, the truck route must be altered to use parallel facilities such that the property can be accessed through right-turns.

The proposed Type A residential approach at Sta. L 80+41 LT., together with the proposed roadway section (twelve-foot lanes with a ten-foot shoulder width increased from an existing four-foot shoulder width), will have sufficient width for this vehicle to turn right into the property.

6. ISSUES NOT RELATED TO ACCESS

WSDOT received comments from the following parties pertaining to non-access-related issues including speed limits, real estate acquisitions and property values, Two-Way-Left-Turn Lanes, safety of u-turns, and median barriers:

Name	Exhibit #
Frank Bickford	26
Vernon Dollar	Access Hearing Transcript Page 68-69
Dorothy Durkee	16
Dollie and Clara Fambro represented by John Rankin	Access Hearing Transcript Page 62-65
Robert Hale	Access Hearing Transcript Page 59
Wayne Harris	10
Frank Hunsinger, 219 th LLC, SandI Equipment LLC, and comments from representative Steve Morasch	32, Access Hearing Transcript Page 60-62
Wayne and Betty Idsinga represented by Earl Jackson	31
Phyliss Kniss	20
Carl Krehbiel	Access Hearing Transcript Page 54-55
Don Krehbiel, represented by John Rankin	Access Hearing Transcript Page 62-65
Ina Lindsay	8
Richard Lingle	39, Access Hearing Transcript Page 65-66
Tom Martin	Access Hearing Transcript Page 58
Michael Mattox	19
Jerry and Virginia Mofford and Cliff and Julia Mofford	24
Jerry and Virginia Mofford	23
Marcy Nelson	Access Hearing Transcript Page 57
Mancil Ogden	Access Hearing Transcript Page 53-54
Randy Radtke	13
Phyllis Reeder	11
Richard Ross	Access Hearing Transcript Page 66-67
Chuck Stillman	Access Hearing Transcript Page 54
Eugene and Jennifer VanKoll, represented by John Rankin	Access Hearing Transcript, Page 62-65
Tom and Doris Martin	17
David R. Becker	25

These topics are not directly related to highway limited access and official responses are not included in the text of the Findings and Order; however, supplemental information regarding these issues is provided in Exhibit 40.

7. PROPOSED LIMITED ACCESS PLAN MODIFICATIONS

- A. The Assistant Secretary of Engineering and Regional Operations has considered the evidence on the entire portion of the "SR 502, NE 21st Ct. To NE 102nd Ave., Clark County" plans and finds that the plans as admitted into evidence, marked Exhibit No. 5, should be modified as hereinafter set forth:
1. Show that the plan sheet 3 of 23 sheets has been revised to extend the right of way and limited access lines for N.E. 22ND AVE. on the right from Sta. L 79+08.93, 130' RT. and Sta. L 79+49.32, 131.64' RT. to Sta. L 79+08.93, 147' RT. and Sta. L 79+49.27, 147' RT.
 2. Show that the plan sheet 4 of 23 has been revised to include one Type A residential approach to Parcel No. 4-07686 at Sta. L 81+64 RT.
 3. Show that the plan sheet 5 of 23 has been revised to change the approach type for Parcel No. 4-07762 from a Type A-2 to a Type A residential approach.
 4. Show that the plan sheet 6 of 23 has been revised to include one Type A residential approach to Parcel No. 4-07772 at Sta. L 115+20 LT.
 5. Show that the plan sheet 6 of 23 has been revised to extend the right of way and limited access lines for N.E. 37TH AVE. on the left and right from Sta. L 118+84.55, 129.93' RT. and Sta. L 119+27.31, 130' RT. and Sta. L 118+67.76, 129.85' LT. and Sta. L 119+26.90, 132.92' LT. to Sta. L 118+84.80, 147' RT. and Sta. L 119+28.12, 147' RT. and Sta. L 118+59.79, 300' LT. and Sta. L 119+24.39, 180' LT.
 6. Show that the plan sheet 8 of 23 has been revised to locate the Type A residential approach for Parcel No. 4-07783 at Sta. L 135+20 LT., the current location of the driveway.
 7. Show that the plan sheet 8 of 23 has been revised to change the approach type for Parcel No. 4-07702 from Type A-2 to a Type A residential approach.
 8. Show that the plan sheet 10 of 23 has been revised to include one Type A residential approach to Parcel No. 4-07791 at Sta. L 158+00 LT.
 9. Show that the plan sheet 10 of 23 has been revised to relocate the Type A residential approach at Sta. L 165+00 RT. to Sta. L 167+50 RT. for Parcel No. 4-07720.
 10. Show that the plan sheet 10 of 23 has been revised to relocate the Type A residential approach for Parcel No. 4-07716 from Sta. L 157+95 RT. to Sta. L 159+30 RT.
 11. Show that the plan sheet 14 of 23 has been revised to include three access approaches for Parcel No. 4-07741. One Type A residential approach will be authorized at Sta. L 212+81 RT., one Type D commercial approach will be authorized at Sta. L 213+85 RT, and one Type C special purpose approach will be authorized at Sta. L 214+90 RT.

12. Show that the plan sheet 14 of 23 has been revised to locate the Type D commercial approach and Type A residential approach for Parcel No. 4-07734 at Sta. L 211+20 RT., the current approach location.
13. Show that the plan sheet 15 of 23 has been revised to delete the Stormwater Treatment Area located on Parcel No. 4-07812.
14. Show that the plan sheet 15 of 23 sheets has been revised to extend the right of way and limited access lines for N.E. 82nd AVE. on the left from Sta. L 229+69.99, 129.89' LT. and Sta. L 230+29.27, 130.10' LT. to Sta. L 229+69.50, 147' LT. and Sta. L 230+28.95, 147' LT.
15. Show that the plan sheet 16 of 23 has been revised to relocate the Type A residential approach for Parcel No. 4-07822 from Sta. L 246+38 LT. to Sta. L 244+07 LT.
16. Show that the plan sheet 16 of 23 has been revised to relocate and change the Type A-2 residential approach at Sta. L 233+91 RT. to a Type D commercial approach at Sta. L 233+83 RT. for Parcel No. 4-07751.
17. Show that the plan sheet 16 of 23 has been revised to locate the Type A residential approach for Parcel No. 4-07706 at Sta. L 234+03 RT., the current approach location.
18. Show that the plan sheet 17 of 23 has been revised to change the approach type for Parcel No. 4-07755 from a Type B-2 farm approach to a Type D commercial approach.
19. Show that the plan sheets 18 and 19 of 23 have been revised to change the approach type for Parcel Nos. 4-07831, 4-07830, 4-07833, 4-07832, and 4-07828 from a Type A residential approach to a Type D commercial approach.
20. Show that the plan sheets 18 and 19 of 23 have been revised to change the approach type for Parcel Nos. 4-07753, 4-07835, and 4-07752 from a Type B farm approach to a Type D commercial approach.
21. Show that the plan sheet 18 of 23 has been revised to change the approach type for Parcel No. 4-07827 from Type A residential and Type C special purpose approach to a Type D commercial approach.
22. Show that the plan sheet 18 of 23 has been revised to relocate and change the Type A residential approach at Sta. L 265+14 LT. to a Type D commercial approach at Sta. L 265+27 LT. for Parcel No. 4-07834.
23. Show that the plan sheet 18 of 23 has been revised to relocate and change the Type A residential approach at Sta. L 266+39 LT. to a Type D commercial approach at Sta. L 265+67 LT. for Parcel No. 4-07829.
24. Show that the plan sheet 19 of 23 has been revised to relocate and change the Type B-2 farm approach at Sta. L 279+79 RT. to a Type D commercial approach at Sta. L 280+00 RT. for Parcel No. 4-07754.

25. Show minor revisions that correct ownerships and parcel details, area computations, and minor right of way details.

8. ORDER

The Assistant Secretary of Engineering and Regional Operations specifically finds in the case of each abutting ownership that the adoption of the plans making said highway a limited access facility, said plans being attached hereto and marked Exhibit A, with the revisions as listed herein, are required for public convenience and necessity.

Based upon the foregoing findings and the evidence supporting them, the Assistant Secretary of Engineering and Regional Operations for the Department of Transportation, State of Washington,

ORDERS:

A.

That the section of State Route 502 in Clark County, Washington is hereby designated as a limited access corridor with modified access control type.

Between Sta. L 66+25.00 to Sta. 284+40.00; as shown on Sheets 1 through 23 of the Right-of-Way and Limited Access Control Plans entitled "SR 502, NE 21st Ct. To NE 102nd Ave., Clark County."

B.

That the plan set forth in Exhibit No. 5 for the modification of access control of said highway be revised as follows, and as further shown on Exhibit A hereto attached and by this reference made a part hereof:

1. Show that the plan sheet 3 of 23 sheets has been revised to extend the right of way and limited access lines for N.E. 22ND AVE. on the right from Sta. L 79+08.93, 130' RT. and Sta. L 79+49.32, 131.64' RT. to Sta. L 79+08.93, 147' RT. and Sta. L 79+49.27, 147' RT.
2. Show that the plan sheet 4 of 23 has been revised to included one Type A residential approach to Parcel No. 4-07686 at Sta. L 81+64 RT.
3. Show that the plan sheet 5 of 23 has been revised to change the approach type for Parcel No. 4-07762 from a Type A-2 to a Type A residential approach.
4. Show that the plan sheet 6 of 23 has been revised to include one Type A residential approach to Parcel No. 4-07772 at Sta. L 115+20 LT.
5. Show that the plan sheet 6 of 23 has been revised to extend the right of way and limited access lines for N.E. 37TH AVE. on the left and right from Sta. L 118+84.55, 129.93' RT. and Sta. L 119+27.31, 130' RT. and Sta. L 118+67.76, 129.85' LT. and Sta. L 119+26.90, 132.92' LT. to Sta. L 118+84.80, 147' RT. and Sta. L 119+28.12, 147' RT. and Sta. L 118+59.79, 300' LT. and Sta. L 119+24.39, 180' LT.

6. Show that the plan sheet 8 of 23 has been revised to relocate the Type A residential approach for Parcel No. 4-07783 from Sta. L 136+50 LT. to Sta. L 135+20 LT.
7. Show that the plan sheet 8 of 23 has been revised to change the approach type for Parcel No. 4-07702 from Type A-2 to a Type A residential approach.
8. Show that the plan sheet 10 of 23 has been revised to include one Type A residential approach to Parcel No. 4-07791 at Sta. L 158+00 LT.
9. Show that the plan sheet 10 of 23 has been revised to relocate the Type A residential approach at Sta. L 165+00 RT. Sta. L 167+50 RT. for Parcel No. 4-07720.
10. Show that the plan sheet 10 of 23 has been revised to relocate the Type A residential approach for Parcel No. 4-07716 from Sta. L 157+95 RT. to Sta. L 159+30 RT.
11. Show that the plan sheet 14 of 23 has been revised to include three access approaches for Parcel No. 4-07741. One Type A residential approach will be authorized at Sta. L 212+81 RT., one Type D commercial approach will be authorized at Sta. L 213+85 RT, and one Type C special purpose approach will be authorized at Sta. L 214+90 RT.
12. Show that the plan sheet 14 of 23 has been revised to relocate the Type D commercial approach and Type A residential approach for Parcel No. 4-07734 from Sta. L 208+73 RT. to Sta. L 211+20 RT.
13. Show that the plan sheet 15 of 23 has been revised to delete the Stormwater Treatment Area located on Parcel No. 4-07812.
14. Show that the plan sheet 15 of 23 sheets has been revised to extend the right of way and limited access lines for N.E. 82nd AVE. on the left from Sta. L 229+69.99, 129.89' LT. and Sta. L 230+29.27, 130.10' LT. to Sta. L 229+69.50, 147' LT. and Sta. L 230+28.95, 147' LT.
15. Show that the plan sheet 16 of 23 has been revised to relocate the Type A residential approach for Parcel No. 4-07822 from Sta. L 246+38 LT. to Sta. L 244+07 LT.
16. Show that the plan sheet 16 of 23 has been revised to relocate and change the Type A-2 residential approach at Sta. L 233+91 RT. to a Type D commercial approach at Sta. L 233+83 RT. for Parcel No. 4-07751.
17. Show that the plan sheet 16 of 23 has been revised to relocate the Type A residential approach for Parcel No. 4-07706 from Sta. L 233+91 RT. to Sta. L 234+03 RT.
18. Show that the plan sheet 17 of 23 has been revised to change the approach type for Parcel No. 4-07755 from a Type B-2 farm approach to a Type D commercial approach.

19. Show that the plan sheets 18 and 19 of 23 have been revised to change the approach type for Parcel Nos. 4-07831, 4-07830, 4-07833, 4-07832, and 4-07828 from a Type A residential approach to a Type D commercial approach.
20. Show that the plan sheets 18 and 19 of 23 have been revised to change the approach type for Parcel Nos. 4-07753, 4-07835, and 4-07752 from a Type B farm approach to a Type D commercial approach.
21. Show that the plan sheet 18 of 23 has been revised to change the approach type for Parcel No. 4-07827 from Type A residential and Type C special purpose approach to a Type D commercial approach.
22. Show that the plan sheet 18 of 23 has been revised to relocate and change the Type A residential approach at Sta. L 265+14 LT. to a Type D commercial approach at Sta. L 265+27 LT. for Parcel No. 4-07834.
23. Show that the plan sheet 18 of 23 has been revised to relocate and change the Type A residential approach at Sta. L 266+39 LT. to a Type D commercial approach at Sta. L 265+67 LT. for Parcel No. 4-07829.
24. Show that the plan sheet 19 of 23 has been revised to relocate and change the Type B-2 farm approach at Sta. L 279+79 RT. to a Type D commercial approach at Sta. L 280+00 RT. for Parcel No. 4-07754.
25. Show minor revisions that correct ownerships and parcel details, area computations, and minor right of way details.

C.

That the plan entitled "SR 502, NE 21st Ct. To NE 102nd Ave., Clark County" sheets 1 through 23 of 23 sheets, as reflected in Exhibit A is hereby adopted.

ADOPTED THIS _____ DAY OF _____, 2009

ASSISTANT SECRETARY OF
ENGINEERING AND REGIONAL OPERATIONS

J.C. LENZI, CHIEF ENGINEER

Approved as to form:

Assistant Attorney General