

**BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION**

IN RE: INTERSTATE 5 )  
Blaine: Dakota Creek to International Boundary) LIMITED ACCESS  
Station LE 124+00 to Station LE 149+29.2 ) FINDINGS AND ORDER  
Sheet 5 of 7 sheets )  
LIMITED ACCESS HEARING )

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 7:00 P.M. on Wednesday, April 29, 2009 at the City of Blaine Senior/Community Center, 763 G Street, Blaine, Washington, before Administrative Law Judge (ALJ) Kathryn Koehler.

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

City of Blaine, by Gary Tomsic, City Manager, 344 H Street, Blaine WA 98230;

B N S F Railway Co, P.O Box 961089, Fort Worth, TX 76161;

Davis Land Group, LLC, 6623 Glenwood Dr. SW, Olympia, WA 98512;

Drayton Harbor Building LLC, 477 Peace Portal Drive, Blaine WA 98230;

Jacaranda Land Corporation, 1305 11<sup>th</sup> Street, Bellingham WA 98225;

Peter D Ambery, 183 C Street, Blaine, WA 98230;

Duty Free Americas, represented by Cindy Moberg, Manager, PO Box 4029, Blaine WA;

Alan D & Terry L Holub, 2475 Lee Way, Bellingham WA 98226;

David Lang, represented by R. Sam Freeman, Agent, 368 H St., Blaine, WA 98230;

David M Lang, 81-633 Agenda Bolero, Indio, CA 92203;

Meuchadim of Washington LP, 6100 Hollywood Blvd, #407, Hollywood, FL 33024;

Tesoro Sierra Properties LLC, 300 Concord Plaza Drive, San Antonio, TX 78216;

Tesoro Sierra Properties LLC, represented by Dave Lahr, Retail Area Manager, 485 Rainbow Dr., Sedro-Woolley, WA 98284;

Karst Investments, LLC, P.O. Box 1096, Blaine WA 98230;

Bonnie Onyon, Mayor of the City of Blaine, 344 H St., Blaine, WA 98230;

Stephen Banham, 1200 Yew Ave, Blaine, WA 98230;

United States-Canada Peace Anniversary Assoc., by John Choulochas, Vice President, 5550 Salish Road – BBV, Blaine, WA 98230 – 9560;

U.S. Canada Peace Anniversary Assoc, PO Box 4564, Blaine WA 98231 – 4564;

U.S. General Services Administration, by Robin Graf, 400 15<sup>th</sup> SW, Auburn, WA 98001-6895;

Michael McAuley, P.O Box 2807, Bellingham, WA 98227;

Dale Schrader, 429 Peace Portal Drive, Blaine, WA 98230 (corrected address);

Fenton Norman, Blaine WA 98230;

John & Zoe Kariotis, PO Box 1080, Blaine WA 98230;

Whatcom Council of Governments, by Jack Louws, Chair, 314 E Champion St., Bellingham, WA 98225;

Washington State Parks and Recreation Commission, Northwest Region Office, 220 N. Walnut St., Burlington, WA 98233;

Port Director, Blaine Port of Entry, 9901 Pacific Highway, Blaine, WA 98230;

Port of Bellingham/Port of Blaine, by Jim Darling, Executive Director, PO Box 1677, Bellingham, WA 98227 – 1677;

Ammex Tax & Duty Free Shops, 6100 Hollywood Blvd Fl 7, Hollywood, FL 33024;

Whatcom County Planning Department, 311 Grand Ave., Bellingham WA 98225;

WA Department of Ecology, Northwest Region, 3190 169<sup>th</sup> Ave SE, Bellevue WA 98008-5452;

Lummi Nation, by the Honorable Henry Cagey, Chair, 2616 Kwina Road, Bellingham, WA 98226-9298;

Samish Indian Nation, by the Honorable Tom Wooten, PO Box 217, Anacortes, WA 98221;

Nooksack Tribe, by the Honorable Narcisco Cun, Chair, PO Box 157, 5017 Deming Road, Deming WA 98244;.

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.

Jay Drye, of WSDOT, Mount Baker Area Engineering Manager, called the meeting to order under the provisions of chapter 47.52 RCW. Hearing guidelines and legal requirements were provided by ALJ, Kathryn Koehler, 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. Additional exhibits were added as necessary to respond to comments received 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 Chief Engineer, Assistant Secretary of Engineering and Regional Operations, makes the following findings:

## 1. PROCEDURAL FINDINGS

A revision to the limited access plan entitled "SR 5, BLAINE: DAKOTA CREEK TO INTERNATIONAL BOUNDARY, WHATCOM COUNTY," dated December 10, 1957, was approved by the Right of Way Plans Manager on March 19, 2009 and revised on March 26, 2009.

This revision was prepared to propose the establishment of a limited access facility with Full and Modified Access Control for I-5, between LE 124+00 to Station LE 149+29.2, as shown on the plan entitled "SR 5 Blaine: Dakota Creek to International Boundary, Whatcom County, Access Hearing Plan, Full and Modified Control, as shown on sheet 5 of 7 sheets, approved on December 10, 1957 and revised on March 26, 2009 (hereinafter "Access Hearing Plan"). The Access Hearing Plan was admitted into evidence, marked as Exhibit No. 5 and made part of the hearing record.

A modification of the Access Hearing Plan, marked in green and red, was admitted into evidence as Exhibit No. 6.

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

As part of the preparation of the above described Access Hearing Plan, the Department solicited and received from public agencies concerned with the 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 "I-5 Blaine Exit Interchange Improvement Access Report" on April 8, 2009. 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 April 6, 2009, the State Design Engineer, by Order of Hearing, proposed said Access Hearing Plan and set a hearing date for April 29, 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) a blank Notice of Appearance form, (2) a Notice of Full Access/Modified Control Hearing, and (3) the Access Hearing Plan entitled "SR 5 Blaine: Dakota Creek to International Boundary, Whatcom County, Access Hearing Plan, Full and Modified Control, as shown on sheet 5 of 7 sheets, approved on December 10, 1957 and revised on March 26, 2009. A copy of the Notice of Full/Modified Control Hearing, I – 5, was mailed to the Legislative members within the project area on April 6, 2009 as evidenced by the Affidavit of Service by Mailing signed by Nancy Joseph. The list of the recipients of the mailing is attached as Exhibit A to the Affidavit. The Access Hearing materials were mailed on April 10, 2009 to a list of interested parties and abutting property owners of record, as evidenced by the Affidavit of Service by Mailing signed by Eileen Downey. The list of the recipients of the mailing is attached as Exhibit A to the Affidavit. The signed Affidavits of Service by Mailing were admitted into evidence marked as Exhibit No. 2 and made part of the hearing record.

The address of one property owner, whose property does not abut the project, was incorrect upon the first mailing on April 10, 2009. The above identified Access Hearing materials were mailed to this person on April 14, 2009, as evidenced by the Affidavit of Service by Mailing signed by Eileen Downey, including Exhibit A with the recipient's name and corrected address. The signed Affidavit of Service by Mailing was admitted into evidence marked as Exhibit No. 2 and made part of the hearing record.

On April 14, 2009 and April 21, 2009, an exact copy of the "Washington State Department of Transportation Notice of Full/Modified Hearing" was published in Bellingham Herald, as shown in the Affidavit of Publication with the printed ad copy attached, signed by Jill Cratsenberg, Public Notices Clerk of The Bellingham Herald. On April 16, 2009 and April 23, 2009 an exact copy of the "Notice of Full Access/Modified Control Hearing Interstate 5" was published in The Northern Light as shown in the Affidavit of Publication with the printed ad copy attached signed by Louise Mugar, Public Notices Clerk of The Northern Light. The Affidavits of Publications were admitted into evidence, marked as Exhibit No. 3 and 3a, and made part of the hearing record.

## 3. PRESERVATION OF PUBLIC INVESTMENT

The I-5 Peace Arch crossing is the third busiest passenger vehicle crossing on the US/Canadian border with an average of 6,000 vehicle crossings per day (95 percent of commercial trucks cross the border at the SR 543 border crossing). The I-5 Blaine Exit Interchange Improvement project is

an Interstate improvement project whose purpose is to improve mobility at the Exit 276 interchange and complement the General Services Administration (GSA) border facility expansion at the customs facilities at the I-5 Peace Arch border crossing. This project was initiated when the GSA and Homeland Security implemented their project at the border at Blaine, Washington.

The termini of the northbound off-ramp and the southbound on-ramp will be modified to accommodate roundabouts at D Street and Peace Portal Drive (SR 548), respectively. The two roundabouts are being added because all three approaches at the Marine Drive/Southbound on-ramp are expected to exceed existing storage space in the design year (2030). The most problematic location is the 50 foot left-turn lane that leads to the southbound on ramp that will cause back-ups on SR 548 to the east. The traffic calming features of the I-5 project will encourage drivers on I-5 to reduce speeds before they come to a full stop before the border crossing, improving safety for border patrol agents and the traveling public.

I-5 is functionally classified as part of the National Highway System. The Federal Aid Highway Act, chapter 47.52 RCW, and the Department's policies require access control on highways of this type. The proposed access control within the project limits will be established as Full and Modified Access Control as shown on the Access Hearing Plan entered into evidence marked as Exhibit No. 5 and the revised Access Hearing Plan entered into evidence marked as Exhibit No. 6. In limiting access as shown on the Access Hearing Plan, we will preserve the safety and mobility for travel for the public using this roadway and protect investment of public funds as required by legislative policy explained in RCW 47.52.001.

The efficiency of the roundabouts at the Exit 276 Interchange, as a means of moving a maximum volume of traffic in an optimal and safe manner, require that access be limited. Multiple approaches constructed by landowners for their personal or business use, could compromise the optimum operation and functional integrity of the facility, as well as the safety of the traveling public. 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

In addition to the exhibits previously identified and entered into evidence, 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 April 6, 2009.
- Exhibit No. 2     Affidavits of Service by Mailing dated April 6, April 10 and April 14, 2009, respectfully.
- Exhibit No. 3     Affidavit of Publication from The Bellingham Herald.
- Exhibit No. 3a    Affidavit of Publication from The Northern Light.

- Exhibit No. 4 I-5, Blaine Exit Interchange Improvement Access Report dated April 3, 2009.
- Exhibit No. 5 SR 5, Blaine: Dakota Creek to International Boundary, Access Hearing Plan, Full and Modified Control, approved December 10, 1957, revised on March 26, 2009, sheet 5 of 7 sheets.
- Exhibit No. 6 A red and green plan revision, as shown on sheet 5 of 7 sheets, entitled "SR 5 Blaine: Dakota Creek to International Boundary, Whatcom County, Access Hearing Plan, Full and Modified Control, Station LE 124+00 to Station LE 149+29.2 sheet 5 of 7 sheets
- Exhibit No. 7 Printed copies of the April 29, 2009 presentation slides for the Access Hearing.
- Exhibit No. 8 Letter dated April 21, 2009 from Steve Banham, P.E., City of Blaine, Public Works Director.
- Exhibit No. 9 Letter dated April 28, 2009, from Heather Wolf of Brownlie Evans Wolf & Lee, representing Dale Schrader, the property owner at 101 Marine Drive.
- Exhibit No.10 The sign-in sheet for the April 22, 2009 Open House.
- Exhibit No.11 Open house comment form submitted by Kari Miller on April 29, 2009.
- Exhibit No.12 Open house comment form submitted by Michael McAuley on April 29, 2009.
- Exhibit No.13 The sign-in sheet for the April 29, 2009 Access Hearing.
- Exhibit No.14 Notice of Appearances by Bonnie Onyon; Dave Lahr representing Tesoro Sierra Properties LLC.; by Cindy Moberg representing Duty Free America; by R. Sam Freeman representing David Lang, Stephen Banham, John J.Chouullochas representing United States-Canada Peace Anniversary Assoc.; Michael McAuley; and Dale Schrader.
- Exhibit No.15 E-mails received prior to open house;
1. An e-mail dated April 18, 2009 from Chris Damitio to "jgh [1167@verizon.net](mailto:1167@verizon.net) , Dustin Terpening, Nancy Joseph, [Fullerp@wsdot.wa.gov](mailto:Fullerp@wsdot.wa.gov) and Bronlea Mishler.
  2. An e-mail dated April 17, 2009 from "jgh [1167@verizon.net](mailto:1167@verizon.net) to Chris Damitio, Dustin Terpening, Nancy Joseph, [Fullerp@wsdot.wa.gov](mailto:Fullerp@wsdot.wa.gov) and Bronlea Mishler.

3. An e-mail dated April 17, 2009 from "lazylion@yahoo.com to Chris Damitio, Dustin Terpening, Nancy Joseph, [Fullerp@wsdot.wa.gov](mailto:Fullerp@wsdot.wa.gov) and Bronlea Mishler.

## 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:

Written or oral testimony was not received from abutting property owners during the Access Hearing or during the comment period which ended May 11, 2009.

- A. Comments made by the City of Blaine in its April 21, 2009 letter were entered into the record as Exhibit No. 8. Questions 3 & 4 address issues concerning Limited Access.

*Question 3. The City cannot concur with the report until it has a clear understanding of which private property owners are affected and the full extent of the affect. The Appendix 1 map is not sufficiently clear to determine the effects of access control on local businesses.*

As discussed at the Access Hearing and shown in the slide presentation which is entered as Exhibit No. 7, the acquisition of limited access for this project should have only negligible affect on local business since the ability to access SR 548 and city streets will not be changed. Two properties on Second Street and one on D Street that currently have undefined access points will have one access to the respective city streets.

*Question 4. Continued on-street parking on the south side of Marine Drive should be provided to the greatest extent possible without creating a hazard.*

Parking on Marine Drive will be investigated to the extent that it can be consistent with the safety and mobility of the highway and the requirements of limited access control.

## 6. RESPONSES NOT RELATED TO PROPOSED NEW ACCESS

- A. WSDOT received oral testimony during the Access Hearing from Dale Schrader (testimony on pages 24-25 of the hearing transcript) and Fenton Norman (testimony at pages 25-26 of the hearing transcript), concerning the currently existing full limited access at the southwest corner of Peace Portal and Marine Dr. The testimony concerned the effect of the state enforcing its currently existing limited access ownership and the history of the right of way of the surrounding streets.

- B. Written comments were received at the Open House from Kari Miller (Exhibit 11) and Michael McAuley (Exhibit 12). Their comments voiced concerns on the effect of the project on traffic and pedestrians; the potential impacts to the downtown area; the cost of the project; and the potential impacts to the Subway restaurant at the corner of Marine Drive and Peace Portal Drive.

The above noted testimony and comments, although appreciated, do not directly pertain to the current plans for the acquisition of new limited access which was the subject of the Access Hearing; therefore, specific responses are not included in the findings and order.

In addition, several other people made general comments about the project during the open house, which were informally addressed at that time. Comments were also received and answered by email (Exhibit 16) prior to the Access Hearing.

- C. A letter, dated April 28, 2009, was received prior to the Access Hearing from Heather Wolf of Brownie Evans Wolf & Lee, representing Mr. Dale Schrader, the owner of the property at 101 Marine Drive which is located at the corner of Marine and Peace Portal Drives. This letter was entered as Exhibit 9. Although a response is included in the findings and order, the issues raised involve currently existing limited access owned by the state or design features of the project:

- 1) *The elimination of parking along Marine Drive will severely and negatively impact Mr. Schrader's ability to operate his business. The Property is sloped in such a way that no other parking is easily accessible by Subway patrons. It is very likely that elimination of parking along Marine Drive will at a minimum result in a significant decrease in the number of Subway customers and may ultimately lead to closures of the business and another empty store front in Blaine.*

Parking on Marine Drive will be investigated to the extent it can be consistent with the safety and mobility of the highway and the requirements of limited access control.

- 2) *Given the significant impacts of the construction of the proposed roundabout on the Property and Mr. Schrader's business, we request several amendments to the roundabout proposal including: that the existing sidewalk along Marine Drive should be retained to ensure a safe pathway for Mr. Schrader's customers and that parallel parking along Marine Drive should be retained.*

The sidewalk along the south side of Marine Drive will be maintained to the connection with the new crosswalk that will be constructed to link pedestrian sidewalk access from downtown to Peace Portal Park and the Wharf area.

Parking on Marine Drive will be investigated to the extent it is consistent with the safety and mobility of the highway and the requirements of limited access control.

## 7. PROPOSED LIMITED ACCESS PLAN MODIFICATIONS

The Assistant Secretary of Engineering and Regional Operations, has considered the evidence on the entire portion of the "SR 5 Blaine: Dakota Creek to International Boundary, Whatcom County," Access Hearing Plan, Full and Modified Control, Station LE 124+00 to Station LE 149+29.2, sheet 5 of 7 plans sheets and finds the plans admitted into evidence, marked Exhibit No. 5 and Exhibit No. 6, should be modified as hereinafter set forth:

Plan sheet 5 of 7 sheets, approved December 10, 1957 and revised as of dated March 26, 2009, as shown in the "SR 5 Blaine: Dakota Creek to International Boundary, Whatcom County, Access Hearing Plan, Full and Modified Control, (Exhibit No. 5) will be revised as shown in Exhibit A and will include the changes following:

1. Revise plan sheet 5 of 7 sheets to make the minor revisions, to correct parcel details and right-of-way details shown in the red and green in Exhibit No. 6.

## 8. FINDINGS AND ORDERS

The Assistant Secretary of Engineering and Regional Operations, specifically finds in the case of each abutting ownership that the adoption of the plans making the revisions to the limited access facility of said highway, 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 WSDOT of Transportation, State of Washington,

### ORDERS:

#### A.

That this section of I-5 in Whatcom County, Washington is hereby designated as a limited access highway with full and modified control, as follows:

Between Station LE 124+00 to Station LE 149+29.2 as shown on sheet 5 of 7 sheets of the plan entitled "SR 5 Blaine: Dakota Creek to International Boundary, Whatcom County, Access Hearing Plan, Full and Modified Control.

#### B.

That the plan set forth in Exhibit No.5 and Exhibit No. 6 for the modification of access control of said highway be revised as follows and as shown on Exhibit A hereto attached and by this reference made a part hereof.

Plan sheet 5 of 7 sheets, as approved on December 10, 1957 and revised on March 26, 2009, as shown in the "SR 5, Blaine: Dakota Creek to International Boundary, Whatcom County, Access Hearing Plan, Full and Modified Control, (Exhibit No. 5) will be revised as shown in Exhibit A and will include the changes following:

1. Revise plan sheet 5 of 7 sheets to make the minor revisions, to correct parcel details and right-of-way details shown in the red and green in Exhibit No. 6.

C.

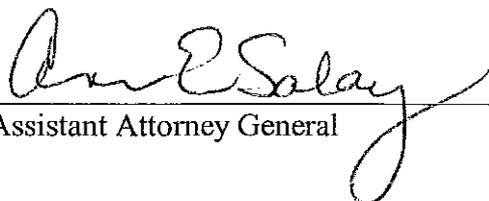
That the plan entitled, "SR 5, Blaine: Dakota Creek to International Boundary, Whatcom County, Access Hearing Plan, Full and Modified Control, Station LE 124+00 to Station LE 149+29.2," sheet 5 of 7 sheets, as reflected in Exhibit A is hereby adopted.

ADOPTED THIS 3<sup>rd</sup> DAY OF August, 2009

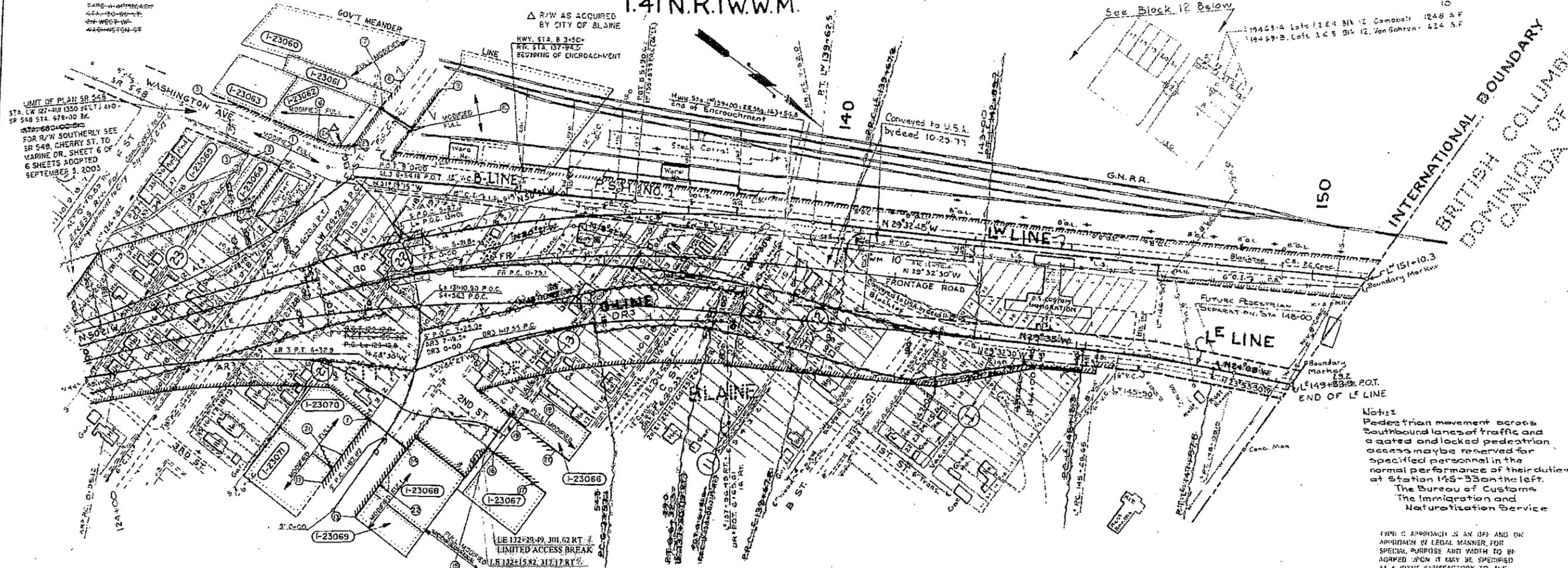
ASSISTANT SECRETARY OF  
ENGINEERING AND REGIONAL OPERATIONS

  
\_\_\_\_\_  
J. C. LENZI, CHIEF ENGINEER

Approved as to form:

  
\_\_\_\_\_  
Assistant Attorney General

T.41 N.R.1W.W.M.



Note:  
Pedestrian movement across Southbound lanes of traffic and a gated and locked pedestrian access may be reserved for specified personnel in the normal performance of their duties at Station 149+33 on the left. The Bureau of Customs, The Immigration and Naturalization Service

TYPE C APPROACH IS AN OFF AND ON APPROACH IN LEGAL MANNER, FOR SPECIAL PURPOSE AND WIDTH TO BE AGREED UPON IT MAY BE SPECIFIED AT A POINT SATISFACTORY TO THE STATE AT THE DESIGNATED HIGHWAY STATION

19441	J.J. STRAUMFORD
19442	OGMA ROYAL
19443	ALAN S. STEPHENSON
19444	GEORGE C. KRIZENKE
19445	CITY OF BLAINE
19446	A. F. KYNNELL
19447	CHRISTINE S. ROBINSON
19448	STEFAN SIGURDSON
19449	DORA L. BURNETT
19450	DAVID L. LARSON
19451	C. Y. GOFF
19452	LENA PEARL LARSON
19453	GEORGE KRIZENKE
19454	VOHN L. HENSGERT
19455	HAROLD R. DODD
19456	WILLIAM HANSON
19457	OLIVE HANSON

19458	ANTOINETTE MONTGOMERY
19459	ARCHIE P. MERRILLIAN
19460	HOWARD J. MERRILL
19461	STEINIG M. FINNISON
19462	UNION OIL COMPANY
19463	STANDARD OIL COMPANY
19464	DARWIN DICKESON
19465	ANNLYD WILLIAMS
19466	ANNA R. LEVINE
19467	ELIZABETH MORROW
19468	CARAYEN MOTOR COURT
19469	JACK GENE FAYETT
19470	ALDA F. ERWIN
19471	STATE OF WASHINGTON
19472	STATE OF WASHINGTON
	RECREATION COMMISSION

PI STATION	DELTA	RADIUS	TANGENT	LENGTH
ABD 3+66.82	16°08' RT.	1912	270.7	512.78
ALJ 3+53.0	16°20'15" LT.	2610	274.17	544.55
S 5+40.56	90° LT.	368.13	368.13	581.5
DR2 3+12.27	22°37'30" RT.	1273.33	234.72	502.78
LE 130+70.61	22°48'30" RT.	3220	701.4	1387.22
LE 134+56.2	31°08' RT.	1010	368.0	1069
LE 141+29.2	20°55' RT.	2880	488.0	1290
LE 148+01.8	6°24' RT.	2880	488.0	1290
LE 151+58	5°59' RT.	2885	488.5	1292
LV 134+48.2	22°48'15" RT.	2885	488.5	1292
FR 4+17.1	13°27'30" RT.	2885	488.5	1292
LE 130+96.4	22°00'45" RT.	2885	488.5	1292
LE 134+56.2	31°08' RT.	1010	368.0	1069

POINT	STATION	OFFSET
1	LW 128-16.54 L/A	207.1 LT
2	LW 128-32.78 L/A	235.1 LT
3	LW 128-16.61 L/A	248.1 LT
4	LW 127-16.40 L/A	270.1 LT
5	LW 128-32.07 L/A	336.1 LT
6	LW 128-16.44	228.1 LT
7	LW 131-06.08	267.1 LT
8	LW 131-48.34 L/A	342.1 LT
9	LW 129-15.30 L/A	228.1 LT
10	LW 124-48.08	204.1 LT
11	LE 128-12.30	210.1 RT
12	LE 128-48.36 L/A	241.1 RT
13	LE 128-25.39 L/A	410.1 RT
14	LE 129-02.35	233.1 RT
15	LE 132-38.80 L/A	180.1 RT
16	LE 131-54.22 L/A	300.1 RT
17	LE 133-45.73 L/A	368.1 RT
18	LE 132-52.92 L/A	277.1 RT
19	LE 133-01.26 L/A	237.1 RT
20	LE 133-39.31	301.1 RT
21	LE 129-26.6	273.1 RT
22	LE 130-08.92	338.1 RT
23	LW 130-23.72	302.1 LT
24	LW 129-27.42	288.1 LT

LETTER	DATE	DESCRIPTION	BY
Letter 5-5-09	5-20-09	Added Exhibit A and P&O Note, Corrected Location of Points 19, 20, 21 and 22, Reversed PVI and Modified Point 15	C-13
Letter 2-24-09	2-26-09	Revised North Boundary Point 23062	C-13
Letter 2-0-09	3-10-09	Added Points 1-23060 thru 1-23074, Added Tentative Approval Note, Noted Limits of P&O and Modified Limited Access Control, Added L/A on Sta. 149+00 to LE 149+00.20 to LE 149+53.38, LE 130+62.5' to LE 128-25.39, LE 132-54.22 to LE 133-45.73, LE 133-07.24 to LE 133-98.01 and on LT, LW 128-16.54 to LW 128-32.78, LW 128-16.61 to LW 127-16.40, LW 128-32.07 to LW 129-15.30, LW 129-15.30 to LW 124-48.08, LW 124-48.08 to LW 132-16.30, Noted Plan as Access Hearing Plan, Added Type 2 Approaches etc. LW 134-56.2 L/A, LW 134-58 L/A, LW 134-59 L/A, LW 134-58 L/A, LE 128-12.30 RT, LE 128-48.36 RT, LE 128-25.39 RT, LE 129-02.35 RT, LE 132-38.80 L/A, LE 131-54.22 L/A, LE 133-45.73 L/A, LE 132-52.92 L/A, LE 133-01.26 L/A, LE 133-39.31, LE 129-26.6, LE 130-08.92, LW 130-23.72, LW 129-27.42	C-13
Letter 10-19-09	10-31-09	Added P&O Note, Corrected Location of Points 19, 20, 21 and 22, Reversed PVI and Modified Point 15	C-13
Letter 2-7-09	10-31-09	Revised P&O Note, Corrected Location of Points 19, 20, 21 and 22, Reversed PVI and Modified Point 15	C-13
Letter 2-20-09	2-24-09	Revised North Boundary Point 23062	C-13

PARCEL NO.	OWNER	TOTAL AREA	TYPE	STATION AND OFFSET	TYPE
1-23071	RECORD SERIAL PROPERTIES INC	16.82	ACCESS ONLY	LE 138+52 (104 RT)	C
1-23072	EMPHASIS OF WASHINGTON LP	16.11	ACCESS ONLY	LE 133+49 (114 RT)	C
1-23073	DAVID U. LANG	7.62	ACCESS ONLY	LE 130+33 (124 RT)	C
1-23074	ALAN S & TERRY L. MOUS	11.25	ACCESS ONLY	LE 130+33 (124 RT)	C
1-23075	DANNY TAX & BURY FREE SHOPS	13.02	ACCESS ONLY	LE 132+77 (117 RT)	C
1-23076	PEYER D. JAMES	3.19	ACCESS ONLY	LE 133+18 (120 RT)	C
1-23077	MARANDA LAND CORPORATION	9.83	ACCESS ONLY		C
1-23078	ONE 1 FOR CAROLIS	9.77	ACCESS ONLY		C
1-23079	BRANTON PARKSON BUILDING LLC	11.67	ACCESS ONLY		C
1-23080	WASST INVESTMENTS LLC	11.67	ACCESS ONLY		C
1-23081	DAVE LAND GROUP LLC	11.67	ACCESS ONLY		C
1-23082	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23083	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23084	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23085	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23086	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23087	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23088	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23089	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23090	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23091	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23092	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23093	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23094	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23095	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23096	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23097	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23098	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23099	ONE GALLERY CO	11.67	ACCESS ONLY		C
1-23100	ONE GALLERY CO	11.67	ACCESS ONLY		C

EXHIBIT "A"  
LIMITED ACCESS ESTABLISHED BY ASSISTANT SECRETARY OF ENGINEERING AND REGIONAL OPERATIONS, FINDINGS AND ORDER ADOPTED AUGUST 3, 2008

LIMITED ACCESS FEATURES SHOWN ON REVISION DATED MARCH 10, 2006 TENTATIVELY APPROVED BY THE RIGHT OF WAY PLANS MANAGER

PRIMARY STATE HIGHWAY NO. SR 5  
BLAINE: DAKOTA CREEK TO INTERNATIONAL BOUNDARY  
WHATCOM COUNTY

ACCESS HEARING PLAN  
FULL AND MODIFIED CONTROL  
STATION LE 124+00 TO STATION LE 149+29.2

WASHINGTON STATE HIGHWAY COMMISSION  
DEPARTMENT OF HIGHWAYS  
OLYMPIA, WASHINGTON

FOR R. OF W. SHEET 5 OF 7 SHEETS  
CONTRACT NO. 817