

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 5)
OREGON STATE LINE TO MAIN STREET VICINITY)
MP 0.00 TO MP 2.75)
LIMITED ACCESS HEARING)

**LIMITED ACCESS
FINDINGS AND ORDER**

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 6:30 P.M. Thursday, July 28, 2011 at the Southwest Regional Headquarters Office for the Washington State Department of Transportation, 11018 NE 51st Circle, Room CR102, Vancouver, Washington, before Administrative Law Judge (ALJ) Gina Hale.

The interested persons and organizations were represented as follows:

Media

THE COLUMBIAN, PO Box 180, Vancouver, WA 98666-0180

List of Legislators

U.S. SENATOR MARIA CANTWELL, The Marshall House, 1313 Officers Row, Vancouver, WA 98661

U.S. SENATOR PATTY MURRAY, The Marshall House, 1323 Officer's Row, Vancouver, WA 98661

U.S. REPRESENTATIVE JAIME HERRERA BEUTLER, O.O. Howard House, 750 Anderson Street, Suite B, Vancouver, WA 98661

STATE SENATOR DON BENTON, 109B Newhouse Building, PO Box 40600, Olympia, WA 98504-0417

STATE REPRESENTATIVE TIM PROBST, Legislative Building, PO Box 40600, Olympia, WA 98504-0600

STATE REPRESENTATIVE PAUL HARRIS, 205 Modular Building C, PO Box 40600, Olympia, WA 98504-0600

STATE SENATOR JOSEPH ZARELLI, 204 Newhouse Building, PO Box 40418, Olympia, WA 98504-0418

STATE REPRESENTATIVE ANN RIVERS, 203 Modular Building A, PO Box 40600, Olympia, WA 98504-0600

STATE REPRESENTATIVE ED ORCUTT, 415 John L. O'Brien Building, PO Box 40600, Olympia, WA 98504-0600

STATE SENATOR CRAIG PRIDEMORE, 212 Cherberg Building, PO Box 40449, Olympia, WA 98504-0449

STATE REPRESENTATIVE SHARON WYLIE, 434 Legislative Building, PO Box 40600, Olympia, WA 98504-0600

STATE REPRESENTATIVE JIM MOELLER, 436A Legislative Building, PO Box 40600, Olympia, WA 98504-0600

List of Government, Tribal Government, and Local Agencies

CITY OF VANCOUVER MAYOR TIMOTHY D. LEAVITT, tim.leavitt@cityofvancouver.us

CITY COUNCILWOMAN JEANNE HARRIS, jeanne.harris@cityofvancouver.us

CITY COUNCILWOMAN JEANNE E. STEWART, jeanne.stewart@cityofvancouver.us

CITY COUNCILMAN LARRY J. SMITH, larry.smith@cityofvancouver.us

CITY COUNCILMAN PAT CAMPBELL, pat.campbell@cityofvancouver.us

CITY COUNCILMAN JACK BURKMAN, jack.burkman@cityofvancouver.us

CITY COUNCILMAN BART HANSEN, bart.hansen@cityofvancouver.us

CHINOOK INDIAN NATION, PO Box 228, Chinook, WA 98614

COWLITZ INDIAN TRIBE, PO Box 2547, Longview, WA 98632-8594

CONFEDERATED TRIBES OF GRAND RONDE, 9615 Grand Ronde Rd, Grand Ronde, OR 97347

NEZ PERCE TRIBE, PO Box 365, Lapwai, ID 83540-0365

NISQUALLY INDIAN TRIBE, 4820 She-Nah-Num Dr SE, Olympia, WA 98513

CONFEDERATED TRIBES OF SILETZ, PO Box 549, Siletz, OR 97380

SPOKANE TRIBE OF INDIANS, PO Box 100, Wellpinit, WA 99040-0100

CONFEDERATED TRIBES OF UMATILLA, 46411 Tim'ine Way, Pendelton, OR 97801

CONFEDERATED TRIBES OF WARM SPRINGS, PO Box C, Warm Springs, OR 97761

CITY OF VANCOUVER, PO Box 1995, Vancouver WA 98668

C-TRAN, PO Box 2529, Vancouver, WA 98668-2529

CLARK COUNTY COMMUNITY DEVELOPMENT DEPARTMENT, PO Box 9810,
Vancouver, WA 98666

CLARK COUNTY PUBLIC WORKS, PO Box 9810 Vancouver, WA 98666-9810

CLARK COUNTY PUBLIC UTILITIES (CPU), PO Box 8900, Vancouver, WA 98668

ENVIRONMENTAL PROTECTION AGENCY (EPA), REGION 10, 1200 Sixth Ave, Suite
900, Seattle, WA 98101

FEDERAL HIGHWAY ADMINISTRATION (FHWA), 610 E Fifth St, Vancouver, WA 98661

FEDERAL TRANSIT ADMINISTRATION (FTA), REGION 10, 915 Second Ave, Suite 3142,
Seattle, WA 98174

FEDERAL AVIATION ADMINISTRATION (FAA), 1601 Lind Ave SW, #250, Renton, WA
98057

FORT VANCOUVER NATIONAL HISTORIC SITE, 612 E Reserve St, Vancouver, WA 98661

NATIONAL PARK SERVICE (NPS) – PACIFIC WEST REGION, 909 First Ave, 5th Floor,
Seattle, WA 98104

NOAA NATIONAL MARINE FISHERIES SERVICE (NMFS), 1201 NE Lloyd Blvd, Portland,
OR 97232

PORT OF VANCOUVER, 3103 NW Lower River Road, Vancouver, WA 98660

SOUTHWEST WASHINGTON REGIONAL TRANSPORTATION COUNCIL (RTC), PO Box
1366, Vancouver, WA 98666

US ARMY CORPS OF ENGINEERS (USACE), PO Box 2946, Portland, OR 97208

US COAST GUARD (USCG), 915 Second Ave, Seattle, WA 98174

US GENERAL SERVICES ADMINISTRATION, 400 Fifteenth St SW, Auburn, WA 98001

USDA NATURAL RESOURCE CONSERVATION SERVICE, 11104 NE 149th St, Building C,
Brush Prairie, WA 98606

US FISH AND WILDLIFE SERVICE (USFWS), 2600 SE 98th Ave, Suite 100, Portland, OR
97266

VANCOUVER HOUSING AUTHORITY, 2500 Main St, Vancouver, WA 98660

WASHINGTON STATE ATTORNEY GENERAL – ROB MCKENNA, PO Box 40100,
Olympia, WA 98504

WASHINGTON STATE DEPARTMENT OF ARCHAEOLOGICAL AND HISTORIC
PRESERVATION (DAHP), 1063 South Capital Way, Suite, 106, Olympia, WA 98501

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Olympia, WA 98504-7775

WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE (WDFW), 2108 Grand
Blvd, Vancouver, WA 98661

WASHINGTON STATE TRANSPORTATION COMMISSION, PO Box 47308, Olympia, WA
98504-7308

WASHINGTON DEPARTMENT OF NATURAL RESOURCES (WDNR) – PACIFIC
CASCADE REGION, PO Box 280, Castle Rock, WA 98611-0280

List of Affected Property Owners

THAYER RORABAUGH, C/O CITY OF VANCOUVER, P.O. Box 1995, Vancouver, WA
98668-1995

KATY BROOKS, C/O PORT OF VANCOUVER, 3103 NW Lower River Rd, Vancouver, WA
98660

TODD COLEMAN, C/O PORT OF VANCOUVER USA, 3103 NW Lower River Rd,
Vancouver, WA 98660

KATHY HOLTBY, C/O PORT OF VANCOUVER USA, 3103 NW Lower River Rd,
Vancouver, WA 98660

AMCO VANCOUVER, LLC, 1501 SW Taylor St, Ste 100, Portland, OR 97205

ROBERT D. ZINK, 19610 SE 26th Wy, Camas, WA 98607

GILL WALLIS, C/O COLUMBIA FOURTH BUILDING, LLC, PO Box 553, Vancouver, WA
98666

WILLIAM D. IRVIN AND SUSAN E. COURTNEY, 301 W 45th St, Vancouver, WA 98660

BNSF RAILWAY CO., PO Box 961089, Fort Worth, TX 76161

JEAN HARRISON, 3812 H St, Vancouver, WA 98663

CHRISTINE L. MACKERT, 3852 NE Alameda St, Portland, OR 97212

ROBERT L. FRAHM, 402 Rocky Meadow Dr, Kalama, WA 98625

NELIN EDITH HIGGINS, 3714 Lincoln Ave, Vancouver, WA 98660

GRANT B. HUGHES, TRUSTEE, C/O Paul C. Hughes, 31786 SW Fairway Village Lp,
Wilsonville, OR 97070

DENNIS BAKER, PO Box 1461, Snowflake, AZ 85937

NED H. CRIPPEN, TRUSTEE, PO Box 822876, Vancouver, WA 98682

CHARLES AND MARSHA LASSITER, 4109 NE 59th Ave, Vancouver, WA 98684

DARREL J. WOLF, 3906 H St, Vancouver, WA 98663

THAKORBHAI "PETE" G. AND MANIBEN T. PATEL, 8050 NE MLK Jr Blvd, Portland, OR
97211

703 BROADWAY VANCOUVER, LLC, C/O Laeroc Partners, Inc., 2447 Pacific Coast Hwy
#201, Hermosa Beach, CA 90254

UNITED STATES OF AMERICA, Vancouver Barracks, 987 McClellan Rd, Vancouver, WA
98661

BARRY CAIN, C/O COLUMBIA WATERFRONT, LLC, Gramor Development, Inc., 19767
SW 72nd Ave, Suite 100, Tualatin, OR 97062-8352

List of Other Interested Parties

THOMAS GOODMAN, MEIER FAMILY PARTNERSHIP & GOODMAN PROPERTIES,
C/O AMCO VANCOUVER LLC, 1211 SW Fifth Ave, Suite 2900, Portland, OR 97204

JACK ORCHARD, BALL JANIK, LLP, C/O AMCO VANCOUVER LLC, One Main Place,
101 SW Main St, Suite 1100, Portland, OR 97204

CHAD RHEINGOLD, C/O AMCO VANCOUVER LLC, 1501 SW Taylor St, Suite 100,
Portland, OR 97205

SUSAN GRAY, KIDDER MATHEWS, C/O 703 BROADWAY VANCOUVER LLC, One SW
Columbia St, Suite 950, Portland, OR 97258

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 to the hearing.

Casey Liles, Highway Engineering Manager for the Columbia River Crossing Project, called the meeting to order under the provisions of chapter 47.52 Revised Code of Washington (RCW). Hearing guidelines and legal requirements were provided by Administrative Law Judge 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. Additional exhibits were added as necessary to respond to comments received at or subsequent to the hearing. Based upon 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 July 23, 1953, Washington State Commission Resolution No. 95 designated SR 5 and SR 500 in Clark County, Washington as Limited Access Highways. SR 14 was established as a limited access facility by Washington State Highway Commission Findings and Order, dated October 23, 1957 as noted on SR 14 JCT. P.S.H. NO. 1 IN CITY OF VANCOUVER TO SLERET AVE., PLAN SHOWING ACCESS, approved May 21, 1957.

On September 17, 1973, the Washington State Highway Commission, by Commission Findings and Order, adopted a plan entitled "SR 5 MP 0.00 TO MP 2.83 VANCOUVER FREEWAY: COLUMBIA RIVER TO BURNT BRIDGE CREEK INTERCHANGE." On October 23, 1957, the Washington State Highway Commission established limited access control via the approval and adoption of a plan entitled "SR 14 JCT. P.S.H. NO. 1 IN CITY OF VANCOUVER TO SLERET AVE. PLAN SHOWING ACCESS," approved May 21, 1957. On November 25, 2002, the Environmental and Engineering Programs Director Findings and Order established Limited Access Control via approval and adoption of a plan entitled "SR 500, N.E. 15TH AVE. VICINITY TO N.E. 66TH AVE. VICINITY."

In 2011, a new plan was prepared, superseding all or a portion of the above noted plans, entitled "SR 5, OREGON STATE LINE TO MAIN STREET VICINITY," as shown on sheets 1 through 27 of 27 sheets, approved and adopted July 7, 2011 (hereinafter "Proposed Access Hearing Plan"). This plan and a revised version of the plan were admitted into evidence, marked as Exhibits No. 5 and 6, respectively, and made part of the hearing record.

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

As part of the preparation of the above-described Proposed 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 "ACCESS REPORT," dated July, 2011. This report shows that such data has been taken into account by the Department 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 June 28, 2011, the State Design Engineer by Order proposed said Proposed Access Hearing Plan and set a hearing date for July 28, 2011, 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) personalized letter, (2) Notice of Appearance, (3) Notice of Limited Access Control Hearing, and (4) the proposed Limited Access Hearing Plan. These Access Hearing materials were mailed July 13, 2011, to the abutting property owners of record and other interested parties, as evidenced by the Affidavit of Service by Mailing signed by Mike Mask and notarized by Michael Stricker, both on July 13, 2011. The list of the recipients of the mailing is attached to the Affidavit. The signed Affidavit of Service by Mailing was admitted into evidence, and marked as Exhibit No. 2, and made part of the hearing record.

On July 13, 2011, an exact copy of the "Notice of Limited Access Control Hearing" was published in *The Columbian*, as shown by the Affidavit of Publication with printed ad copy attached, signed by Judy Moody, Principal Clerk of the Printer of The Columbian. The last three paragraphs of the Legal Notice of Limited Access Control Hearing were omitted due to the fact that The Columbian would not print foreign language text. These three paragraphs were in Spanish, Russian, and Vietnamese notifying people of translation services available to them, if needed. The Affidavit of Publication was admitted into evidence, marked as Exhibit No. 3, and made part of the hearing record.

3. PRESERVATION OF PUBLIC INVESTMENT

This section of Interstate 5 (SR 5) is an important and heavily used part of the State of Washington's highway system, representing a substantial expenditure of public funds to facilitate public travel. Interstate 5 is functionally classified as an interstate highway and is part of the National Highway System. The Department of Transportation policy provides for the establishment of limited access control on highways of this type. The proposed access control within the project limits on Interstate 5 will be established as Full, Partial, and Modified Control as shown on the Proposed Access Hearing Plan and the revised Proposed Access Hearing Plan entered into evidence, marked as Exhibits No. 5 and 6. In limiting access as shown on the Proposed 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 the highway as a means of moving a maximum volume of traffic in an optimal and safe manner is directly related to the number of access points. It has been demonstrated in the past that as property owners establish approaches onto a highway for their personal use or business use, the optimum operation 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 facility at properly designed intersections in order to preserve a highway's efficiency and safety.

The Proposed Access Hearing Plan and revised Proposed Access Hearing Plan for the establishment of the limited access control facility, "SR 5 OREGON STATE LINE TO MAIN STREET VICINITY," admitted into evidence, marked as Exhibits No. 5 and 6, will facilitate travel, reduce accident rates, preserve the public investment, and sustain the highway as a modern transportation facility.

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 June 28, 2011.
- Exhibit No. 2 Affidavit of Service by Mailing, dated July 13, 2011.
- Exhibit No. 3 Affidavit of Publication, dated July 13, 2011.
- Exhibit No. 4 Access Report, dated July, 2011.
- Exhibit No. 5 Proposed Access Hearing Plan entitled "SR 5 OREGON STATE LINE TO MAIN STREET VICINITY," as shown on sheets 1 through 27 of 27 sheets, approved and adopted July 7, 2011, CLARK COUNTY.
- Exhibit No. 6 Proposed revisions to Proposed Access Hearing Plan entitled "SR 5 OREGON STATE LINE TO MAIN STREET VICINITY," as shown on sheets 1 through 27 of 27 sheets, CLARK COUNTY.
- Exhibit No. 7 Printed copies of the PowerPoint slides used during the access hearing.
- Exhibit No. 8 Notice of Appearance, including questions, received on July 22, 2011 from Paul L. Hughes, representing Grant B. Hughes, Trustee, parcel 4-08236.
- Exhibit No. 9 Letter, dated August 10, 2011, from Thayer Rorabaugh, representing the City of Vancouver, parcels 4-07982 and 4-07983.

5. SPECIFIC ACCESS RESPONSES

The Director, Environmental and Engineering Programs has considered the following comments of abutting property owners and public agencies as part of the Access Hearing process and responds to each as follows:

1. Mr. Paul C. Hughes, Parcel No. 4-08236, in a Notice of Appearance received on July 22, 2011, Exhibit No. 8, representing Grant B. Hughes, Trustee, asks three questions as shown below. Following Mr. Hughes's statements are the Department's responses:

A) I'd be interested in receiving comments and questions of other effected owners regarding this proposal. My questions regarding our property are as follows:

Other effected owners' comments and questions are documented here in this Findings and Order document

1. *"any changes to access to and from our property."*

The access restrictions proposed are as shown on sheet 20 of the proposed Access Hearing Plan. Your parcel would be permitted a Type D approach within modified control limited access on H Street at the existing driveway location. A Type D approach is defined as a driveway up to 50-ft wide for commercial use.

2. *"any zone/usage change that would affect or restrict income on our property."*

No changes to property zoning or usage are proposed with this plan. The Department does not have jurisdiction over property zoning.

3. *"any property tax or insurance changes regarding our property due to this proposal."*

No property tax or insurance changes are proposed with this plan. The Department does not have jurisdiction over property tax or insurance charges.

2. Mr. Thayer Rorabaugh, representing the City of Vancouver, Parcel Nos. 4-07982, and 4-07983, in a letter, dated August 10, 2011, Exhibit No. 10, made one request relating to access to a proposed parking lot at W. 4th and Columbia Streets, parcel Nos. 4-07982 and 4-07983 as shown on sheet 5 of 27 sheets of the proposed Access Hearing Plan. Following Mr. Rorabaugh's statements are the Department's responses:

1. *The City of Vancouver respectfully requests that the "full control" access line be adjusted slightly to the east permitting full access to Fourth Street at this location. The intersection at Fourth and Columbia Streets is planned to be a roundabout. Given the projected volumes for this leg of the intersection, full access from this driveway should function within acceptable level of service standards without diminishing its functionality.*

The required amount of limited access control for state limited access highways such as SR 14 is 300-ft measured from the center of the roundabout ramp terminal at Fourth and Columbia Streets. Therefore, the project cannot shorten the limits of limited access control as proposed by the City. However, a revision to the type of access control may be made in this area in order to accommodate the driveway on Fourth Street for a planned City fleet surface parking lot. The plan will be revised to show full control limited access up to the edge of the

existing driveway on Fourth Street, which is approximately 196-ft away from the center of the roundabout ramp terminal. Beyond that point, modified control limited access will be established to a point 300-ft away from the center of the roundabout. One Type D approach will be permitted to parcel No. 4-07982 (sheet 5 of 27 sheets of the proposed Access Hearing Plan) to allow full access from Fourth Street to the City's parking lot. One Type D-2†¹ approach will be permitted to serve both parcel Nos. 4-07982 and 4-07983 (sheet 5 of 27 sheets of the proposed Access Hearing Plan) to allow a right-turn-in, right-turn-out only approach from Columbia Street.

6. PROPOSED LIMITED ACCESS PLAN MODIFICATION

The Assistant Secretary of Engineering and Regional Operations has considered the evidence on the entire portion of the "SR 5 OREGON STATE LINE TO MAIN STREET VICINITY" plan and finds that the plans as admitted into evidence, marked Exhibit No. 5, should be modified as hereinafter set forth:

1. Revised plan sheet 1 of 27 sheets to correct boundaries for parcel Nos. 4-07955, 4-07987, and 4-08327.
2. Revise plan sheet 3 of 27 sheets to show correct engineering stations for access to the pedestrian and bicycle paths in the third access note.
3. Revise plan sheet 4 of 27 sheets to show correct engineering stations for access to the pedestrian and bicycle paths in the third access note. The second access note is deleted and moved to sheet 5 of 27 because the CW Line does not appear on sheet 4 of 27 any longer.
4. Revise plan sheet 5 of 27 sheets to change the full control limited access to modified control limited access from a point 196-ft west along the 4ST Line from the center of the SR 14 roundabout ramp terminal at Columbia Street to a point 300-ft from the center of the roundabout. One Type D approach at an existing driveway is provided from 4th Street to parcel 4-07982 (sheet 5 of 27 sheets of the proposed Access Hearing Plan), owned by the Vancouver Public Facilities District, per the request of the City of Vancouver. One Type D-2† approach will be permitted to serve both parcel Nos. 4-07982 and 4-07983 (sheet 5 of 27 sheets of the proposed Access Hearing Plan) to allow a right-turn-in, right-turn-out only approach from Columbia Street. Right of Way and Limited Access boundaries were revised affecting parcels 4-07982 and 4-07983, to better reflect the proposed roundabout design and accommodate the proposed parking lot to be constructed by the City of Vancouver on these parcels. The areas of required acquisition from these two parcels were revised accordingly.

Notes detailing the type of approach (i.e., right-turn-in, right-turn-out only) were added to the access approach schedule to clarify approach restrictions mentioned in the

¹ As shown on the proposed Access Hearing Plans, a "†" symbol designates a right-turn-in, right-turn-out only approach.

Access Hearing transcript. These access modifications, excluding those noted above, are as follows: (a) the approach to parcel No. 4-07944 was changed to a Type D \ddagger ² approach to restrict it to a right-turn-out only approach due to its proximity to the ramp terminal roundabout; (b) the approach to parcel No. 4-07951 was changed to a Type D \ddagger approach to restrict it to a right-turn-out only approach due to its proximity to the ramp terminal roundabout; (c) the approach to parcel No. 4-07988 was changed to a Type D \ddagger approach to restrict it to a right-turn-in, right-turn-out only approach due to its proximity to the ramp terminal roundabout; and (d) the approach to parcel No. 4-08327 was changed to a Type D-22 \ddagger approach to restrict it to a right-turn-out only approach due to its proximity to the ramp terminal roundabout. Access notes permitting traffic movement along the CW Line under the SR 5 structures at Sta. LL 101+76, pedestrian and bicycle traffic along the Columbia Way Ped/Bike Path at Sta. LL 101+49, and pedestrian and bicycle traffic along the Bridge Approach Ped/Bike Path between Sta. LL 101+00 to Sta. LL 101+38, were also added to correct the omission.

5. Revise plan sheet 6 of 27 sheets to show correct engineering stations for access to the pedestrian and bicycle paths in the seventh access note.
6. Revise plan sheets 7 and 9 of 27 sheets to change the Access Note pertaining to parcel No. 4-08253 to read, "Access to the building on parcel 4-08253 is permitted along the outer 10 feet of the Right of Way adjacent to the building for the purpose of maintaining the existing building, provided permission is first obtained from the Washington State Department of Transportation. No access will be permitted to or from the traveled highway lanes."
7. Revise plan sheet 9 of 27 sheets to add an Access Note pertaining to parcel No. 4-07980 which states that "only the approach at Sta. CST 12+82 LT. will be permitted to remain open upon redevelopment of parcel No. 4-07980. This approach is not to exceed 50-feet in width for use necessary to the normal operation of the new development."
8. Revise plan sheet 11 of 27 sheets to change the Access Note pertaining to the building at Sta. LC 139+00± LT. to read, "Access to the building at Sta. LC 139+00± LT. is permitted along the outer 10 feet of the Right of Way adjacent to the building for the purpose of maintaining the existing building, provided permission is first obtained from the Washington State Department of Transportation. No access will be permitted to or from the traveled highway lanes."
9. Revise plan sheet 16 of 27 sheets to show existing limits of partial control limited access adjacent to the U.S. Military Cemetery, previously acquired from the U.S.A. The type of limited access control will not be changed as was originally proposed at the Access Hearing. A Type C approach has been reserved as part of the existing property deed and will remain in the existing location, but reflecting the new engineering stationing proposed for Fourth Plain Boulevard. The extent of partial control limited access will match the existing condition.

² As shown on the proposed Access Hearing Plans, a " \ddagger " symbol designates a right-turn-out only approach.

10. Revise miscellaneous items on sheets 1, 2, 3, 4, 5, 6, 9, 11, 16, 18, 22, 24, 25, and 27 of 27 sheets including design changes, typographical errors, and other omissions or errors needing correction that do not affect limited access control.

ORDER

The Assistant Secretary of Engineering and Regional Operations specifically finds in the case of each abutting ownership that the adoption of the plan making said highway a limited access facility, said plan being attached hereto and marked Exhibit A, 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 of the State of Washington,

ORDERS:

A

That the section of State Routes 5, 14, and 500 in Clark County, Washington are hereby designated as limited access highways of the Full, Partial, and Modified control type:

Between Sta. LL 84+71.98 P.O.C. and Sta. 230+00 P.O.T as shown on sheets 1 through 27 of 27 sheets of the Access Hearing Plan entitled "SR 5 OREGON STATE LINE TO MAIN STREET VICINITY."

B

That the plan set forth in Exhibit No. 5 for the establishment 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. Revised plan sheet 1 of 27 sheets to correct boundaries for parcel Nos. 4-07955, 4-07987, and 4-08327.
2. Revise plan sheet 3 of 27 sheets to show correct engineering stations for access to the pedestrian and bicycle paths in the third access note.
3. Revise plan sheet 4 of 27 sheets to show correct engineering stations for access to the pedestrian and bicycle paths in the third access note. The second access note is deleted and moved to sheet 5 of 27 because the CW Line does not appear on sheet 4 of 27 any longer.
4. Revise plan sheet 5 of 27 sheets to change the full control limited access to modified control limited access from a point 196-ft west along the 4ST Line from the center of the SR 14 roundabout ramp terminal at Columbia Street to a point 300-ft from the center of

the roundabout. One Type D approach at an existing driveway is provided from 4th Street to parcel 4-07982 (sheet 5 of 27 sheets of the proposed Access Hearing Plan), owned by the Vancouver Public Facilities District, per the request of the City of Vancouver. One Type D-2† approach will be permitted to serve both parcel Nos. 4-07982 and 4-07983 (sheet 5 of 27 sheets of the proposed Access Hearing Plan) to allow a right-turn-in, right-turn-out only approach from Columbia Street. Right of Way and Limited Access boundaries were revised affecting parcels 4-07982 and 4-07983, to better reflect the proposed roundabout design and accommodate the proposed parking lot to be constructed by the City of Vancouver on these parcels. The areas of required acquisition from these two parcels were revised accordingly.

Notes detailing the type of approach (i.e., right-turn-in, right-turn-out only) were added to the access approach schedule to clarify approach restrictions mentioned in the Access Hearing transcript. These access modifications, excluding those noted above, are as follows: (a) the approach to parcel No. 4-07944 was changed to a Type D‡ approach to restrict it to a right-turn-out only approach due to its proximity to the ramp terminal roundabout; (b) the approach to parcel No. 4-07951 was changed to a Type D‡ approach to restrict it to a right-turn-out only approach due to its proximity to the ramp terminal roundabout; (c) the approach to parcel No. 4-07988 was changed to a Type D† approach to restrict it to a right-turn-in, right-turn-out only approach due to its proximity to the ramp terminal roundabout; and (d) the approach to parcel No. 4-08327 was changed to a Type D-22‡ approach to restrict it to a right-turn-out only approach due to its proximity to the ramp terminal roundabout. Access notes permitting traffic movement along the CW Line under the SR 5 structures at Sta. LL 101+76, pedestrian and bicycle traffic along the Columbia Way Ped/Bike Path at Sta. LL 101+49, and pedestrian and bicycle traffic along the Bridge Approach Ped/Bike Path between Sta. LL 101+00 to Sta. LL 101+38, were also added to correct the omission.

5. Revise plan sheet 6 of 27 sheets to show correct engineering stations for access to the pedestrian and bicycle paths in the seventh access note.
6. Revise plan sheets 7 and 9 of 27 sheets to change the Access Note pertaining to parcel No. 4-08253 to read, "Access to the building on parcel 4-08253 is permitted along the outer 10 feet of the Right of Way adjacent to the building for the purpose of maintaining the existing building, provided permission is first obtained from the Washington State Department of Transportation. No access will be permitted to or from the traveled highway lanes."
7. Revise plan sheet 9 of 27 sheets to add an Access Note pertaining to parcel No. 4-07980 which states that "only the approach at Sta. CST 12+82 LT. will be permitted to remain open upon redevelopment of parcel No. 4-07980. This approach is not to exceed 50-foot in width for use necessary to the normal operation of the new development."
8. Revise plan sheet 11 of 27 sheets to change the Access Note pertaining to the building at Sta. LC 139+00± LT. to read, "Access to the building at Sta. LC 139+00± LT. is permitted along the outer 10 feet of the Right of Way adjacent to the building for the

purpose of maintaining the existing building, provided permission is first obtained from the Washington State Department of Transportation. No access will be permitted to or from the traveled highway lanes.”

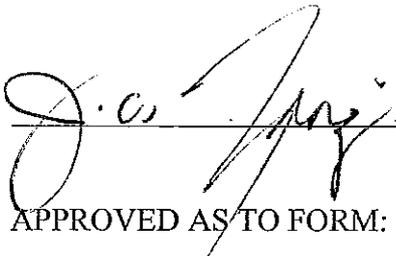
9. Revise plan sheet 16 of 27 sheets to show existing limits of partial control limited access adjacent to the U.S. Military Cemetery, previously acquired from the U.S.A. The type of limited access control will not be changed as proposed in the Access Hearing. A Type C approach is recorded as part of the existing property deed and will remain in the existing location, but reflecting the new engineering stationing proposed for Fourth Plain Boulevard. The extents of partial control limited access will match the existing condition.
10. Revise miscellaneous items on sheets 1, 2, 3, 4, 5, 6, 9, 11, 16, 18, 22, 24, 25, and 27 of 27 sheets including design changes, typographical errors, and other omissions or errors needing correction that do not affect limited access control.

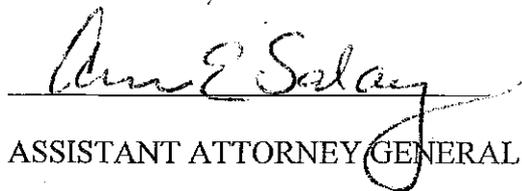
C

That the plan entitled “SR 5 OREGON STATE LINE TO MAIN STREET VICINITY,” sheets 1 through 27 of 27, dated July 7, 2011, as reflected in Exhibit A, are hereby adopted.

ADOPTED THIS 8th DAY OF November, 2011

CHIEF ENGINEER,
ASSISTANT SECRETARY OF ENGINEERING
AND REGIONAL OPERATIONS


APPROVED AS TO FORM:


ASSISTANT ATTORNEY GENERAL