

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE:	STATE ROUTE 5 MAIN STREET TO VIC. SR 205 MP 2.54 TO MP 7.36 COMBINED HEARING ON DESIGN AND LIMITED ACCESS))))) FINDINGS AND ORDER
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The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 7 p.m., Wednesday, September 9, 1992, in the Shumway Middle School Auditorium, Vancouver, Washington, before Robert E. Lundgaard, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Steve Klasinski, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

PEGGY AIELLO, by self, 1612 NE 131st Circle, Vancouver, Washington 98685;

PEGGY AND JIM AIELLO, by Richard T. Howsley, Attorney, 1400, Washington St./P.O. Box 61448, Vancouver, Washington 98666-1448;

BURNT BRIDGE CREST CONDO ASSOCIATION, 5717 NE Hazel Dell Ave., Vancouver, Washington 98663;

CROWN CAPITAL, by Gordon E. Davis, Agent P.O. Box 8774, Portland, Oregon 97207;

DISCOVERY TRAIL/ I-5 CROSSING COMMITTEE, by Don Cannard, Chairman, 2501 NE 57th St., Vancouver, Washington 98663;

LOUIS G. FAST, by self, 4510 Main St., Vancouver, Washington 98668;

THOMAS AND HOPE FRASER, by Lisa Graham, 915 Broadway, Vancouver, Washington 98666;

TOM AND HOPE FRASER, by Richard T. Howsley, Attorney, 1400 Washington St./P.O. Box 61448, Vancouver, Washington 98666-1448;

CARL HAEGER, by self, 10301 NE 13th Ave., Vancouver, Washington 98686;

HAZEL DELL ASSEMBLY OF GOD CHURCH, by, John Martin, Appointee, 10416 NE 43rd Ave., Vancouver, Washington 98686;

HAZEL DELL SEWER DISTRICT, by Richard T. Howsley, Attorney, 1400 Washington St./P.O. Box 61448, Vancouver, Washington 98666-1448;

HAZEL DELL SEWER DISTRICT, by, Chuck Mc Donald, Engineering & Operations Supervisor, 9514 NE Stutz Ave., Vancouver, Washington 98665;

GLEN HICKS CONSTRUCTION, by Glen Hicks, 7516 NE 14th St., Vancouver, Washington 98663;

RONALD H. HOLEMAN, by self, 609 NE 99th St., Vancouver, Washington 98665;

DONALD G. HOLSINGER, by self, 26401 NW 31st Ave., Ridgefield, Washington 98642;

DAVID AND ELIZABETH JOHNSON, by selves 1613 NE 131st Circle, Vancouver, Washington 98685;

TED LOCKE, by self, 415 N.E. 93rd St., Vancouver, Washington, 98665;

LOIS MOFFAT, by self, 10003 NE 13th Ave., Vancouver, WA 98686;

MOUNTAIN VIEW VETERINARY HOSPITAL, by Thomas T. Meyer, DVM, owner, 13914 NE 16th Ave., Vancouver, Washington 98685;

NORTHWEST INVESTMENTS, INC., P.O. Box 2040, Vancouver, Washington 98665, by Erin Stromme, Partner, 1252 NW 23rd Ave., Camas, Washington 98607;

NORTHWEST INVESTMENTS, INC., by Larry L. Pruitt, 9508 NW 24th Ave., Vancouver, Washington 98665;

JAMES H. RALEY, by self, 5723 NE Hazel Dell Ave., Vancouver, Washington 98663;

RED ROBIN PRESCHOOL, by Marshall J. White, 10111 NE 13th Ave., Vancouver, Washington 98686;

HARVEY AND JANICE ROBB, by selves, 10220 NE 13th Ave., Vancouver, Washington, 98686;

DR. RICHARD SHERON, by Steve Barber, 12503 SE Mill Plain #260, Vancouver, Washington 98684;

DR. RICHARD SHERON, by Richard T. Howsley, Attorney, 1400 Washington St./P.O. Box 61448, Vancouver, Washington 98666-1448;

R.C. SHERON, by self 1200 NE 99th St., Vancouver, Washington, 98665

BEVERLY SCHROEDER, by self, 15109 NE 26th Court, Vancouver, Washington 98686;

SHURGARD STORAGE CENTER (406072), by Frank Van Dyke, Manager, 7601 NE 5th Ave., Vancouver, Washington 98665;

ROY AND DONNA SONNEY, by David D. Jahn, Attorney, P.O. Box 938, Vancouver, Washington 98666;

TOTEM INDUSTRIAL PARK INC, by Wayne Fletcher., P.O. Box 1830, Vancouver, Washington 98668;

As a courtesy to interested citizens, the Department of Transportation furnishes a copy of the Findings and Order to all persons filing a Notice of Appearance, even though some may not properly be parties to the hearing. for administrative convenience, all persons filing a Notice of Appearance are listed above. The Department, by including a person in this listing and by furnishing a copy of the Findings and Order, does not acknowledge or necessarily recognize the recipient to be a proper party to the hearing.

The meeting was called to order by Edward J. Blodgett, District Project Development Engineer, after which witnesses were called. Evidence was taken by a Court Reporter and thereafter transcribed. Certain exhibits were duly introduced as evidence. Based upon the oral evidence and the exhibits introduced in evidence, and acting under the authority of the Secretary of Transportation for the State of Washington, the Assistant Secretary for Program Development makes the following findings:

I

On July 23, 1953 a plan for the establishment of a limited access highway over a portion of State Route 5 in Clark County, Washington, was ordered under Commission Resolution Nos. 95 and its amendments thereto.

Such a plan was prepared and entitled "SR 5, MAIN ST. TO JCT. SR 205 VIC., MP 2.73 TO MP 7.45, CLARK COUNTY," sheets 1 through 28 of 28 sheets. These sheets were introduced into evidence marked as Exhibit No. 6, which were made part of the hearing record.

II

The Department of Transportation received from the public agencies concerned with the proposed plan their available data on planning, land use, local traffic, and such other information required, and thereafter prepared and submitted to the appropriate officials an Access Report showing how those factors have been taken into account and covering other matters required by RCW 47.52.131. et seq. A copy of that report was introduced into evidence marked Exhibit No. 4.

III

On August 14, 1992, the State Design Engineer by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52.131, et seq. The Order of Hearing was introduced into evidence marked as Exhibit No. 1.

IV

Anna Peterson, Administrator, Washington State Transportation Commission, issued a Notice of Hearing. On August 26, 1992, an exact copy of this notice was mailed to Clark County, the City of Vancouver, various agencies and other interested parties, and to each of the record owners of property listed on the County Tax Roll, as depicted in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 2. Exact copies of the notice were published in The Columbian of Vancouver on August 13, 1992 and August 20, 1992, as shown by the Affidavit of Publication of Joanne Cox, Principle Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3.

V

The plan proposes the establishment of a limited access facility with full access control for SR 5 from Main Street to the vicinity of SR 205 between Station 230+00 and Station 385+23.34, as shown on sheets 1 through 28 of 28 sheets entitled "SR 5, MAIN STREET TO JCT. SR 205 VIC., MP 2.73 TO MP 7.45, CLARK COUNTY".

VI

This section of State Route 5 is an important part of the highway system of the state of Washington and represents a substantial expenditure in construction costs. It is functionally classified as Interstate and the Department of Transportation Policy provides for fully controlled limited access on highways of this type. In doing so, the investment of public funds is protected by preserving the highway for future use.

The efficiency of the highway as a means of moving a maximum volume of traffic in safety is directly related to the number of access points. It has been demonstrated in the past that, as property owners establish approaches to the highway for their personal use or for business enterprise, the problem becomes increasingly great and the road gradually becomes obsolete. Therefore, access points should be

kept to a minimum consistent with allowing local traffic adequate use of the facility at properly designed intersections and approaches.

The plan for the establishment of fully controlled limited access facilities for State Route 5 in Clark County, introduced into evidence marked Exhibit No. 6, will facilitate travel, reduce accident rates, preserve the public investment and sustain the highway as a modern transportation facility.

VII

In addition to the exhibits previously mentioned, the following exhibits were entered into evidence at or subsequent to the hearing record:

- Exhibit No. 5 Interstate 5, Main Street to Vicinity SR 205, Draft Environmental Impact Statement.
- Exhibit No. 5A Interstate 5 Main Street to Vicinity SR 205, Final Environmental Impact Statement.
- Exhibit No. 6A Revised plan sheets 1 through 28 of 28 presented at the hearing as recommended plan changes by the WSDOT.
- Exhibit No. 7 Letter dated 9/1/92 from Mr. and Mrs. Joseph Liele, concerning widened freeway being closer to their home and adequate design of noise barrier.
- Exhibit No. 7A Reserved Exhibit to reply to Exhibit No. 7.
- Exhibit No. 8 Letter dated 9/3/92 from Mr. and Mrs. Henry Drury, requesting a noise barrier east of SR 5, between Burlington Northern and Bonneville Power Administration properties.
- Exhibit No. 8A Reserved Exhibit to reply to Exhibit No. 8.
- Exhibits Nos. 9 - 57 Slides of project documents including right of way plans, aerial photographs, roadway sections, and paving plan sheets.
- Exhibit No. 58 Comment sheet from Donald G. Holsinger, concerning 60' easement to his property.
- Exhibit No. 58A Reserved Exhibit to reply to Exhibit No. 58.
- Exhibit No. 59 Comment sheet from John Nichols, against closing 13th Ave. to left turns from NE 99th St. and requesting a noise barrier east of SR 5.
- Exhibit No. 59A Reserved Exhibit to reply to Exhibit No. 59.
- Exhibit No. 60 Comment sheet from Glen Hicks, recommending correction of drainage problems at the intersection of NE 63rd St. and Hazel Dell Ave. and expressing concern that the noise barrier be adequately designed.
- Exhibit No. 60A Reserved Exhibit to reply to Exhibit No. 60.
- Exhibit No. 61 Letter dated 9/9/92 from Stan Sorenson, representing Sorenson Construction, Inc., concerning closure of 16th Ave. at 134th St. and coordination between the WSDOT and Clark County.
- Exhibit No. 61A Reserved Exhibit to reply to Exhibit No. 61.
- Exhibit No. 62 Letter dated 9/9/92 from Curt P. Holdt, representing Thermal Services, Inc., concerning closure of 16th Ave. at 134th St. and coordination between the WSDOT and Clark County.

- Exhibit No. 62A Reserved Exhibit to reply to Exhibit No. 62.
- Exhibit No. 63 Letter dated 9/9/92 from Dr. Richard Sheron, DMD expressing concern over loss of parking at the apartments he owns on Stutz Road.
- Exhibit No. 63A Reserved Exhibit to reply to Exhibit No. 63.
- Exhibit No. 64 Letter dated 9/9/92 from Peggy J. Aiello concerning loss of 1599 square feet of their backyard, parcel 4-06099.
- Exhibit No. 64A Reserved Exhibit to reply to Exhibit No. 64.
- Exhibit No. 65 Letter dated 9/9/92 from Dr. Richard Sheron, DMD, against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 65A Reserved Exhibit to reply to Exhibit No. 65.
- Exhibit No. 66 Letter dated 9/9/92 from Gramor Development requesting right in/right out access on NE 99th St.
- Exhibit No. 66A Reserved Exhibit to reply to Exhibit No. 66.
- Exhibit No. 67 Letter dated 4/8/92 from Robert D. Blakemore, Clark County, supporting Gramor access.
- Exhibit No. 68 Letter dated 2/7/92 from Daniel A. Seeman, Kittelson & Associates, Inc. to Robert Blakemore supporting Gramor access.
- Exhibit No. 69 Letter dated 8/19/92 from Daniel A. Seeman, Kittelson & Associates, Inc. to Gramor, Inc. providing traffic analysis for proposed Gramor shopping center on NE 99th St.
- Exhibit No. 70 Transportation Impact Analysis for Gramor Shopping Center prepared by Kittelson & Associates, Inc., December 1991.
- Exhibit No. 71 Letter dated 9/14/92 from Stephen R. Barber, Invest West Management, expressing dissatisfaction with proposed Stutz Road cul-de-sac location.
- Exhibit No. 71A Reserved Exhibit to reply to Exhibit No. 71.
- Exhibit No. 72 Letter dated 9/14/92 from James R. and B. Elizabeth Smith, owners of Lady Hawke Entertainment, against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 72A Reserved Exhibit to reply to Exhibit No. 72.
- Exhibit No. 73 Letter dated 9/10/92 from Wayne Fletcher, Vice President, Wayne Fletcher, Inc., against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 73A Reserved Exhibit to reply to Exhibit No. 73.
- Exhibit No. 74 Letter, no date, from Harvey and Janice Robb, expressing concern over loss of backyard area and against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 74A Reserved Exhibit to reply to Exhibit No. 74.
- Exhibit No. 75 Comment Sheet, no date, from Marshall J. White, Red Robin Preschool, against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 75A Reserved Exhibit to reply to Exhibit No. 75.

- Exhibit No. 76 Letter dated 9/14/92 from Marcia J. Miller, employee of Gentle Dental Care, against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 76A Reserved Exhibit to reply to Exhibit No. 76.
- Exhibit No. 77 Letter dated 9/10/92 from Michael Lee Runyon-Krois, employee of Gentle Dental Care, against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 77A Reserved Exhibit to reply to Exhibit No. 77.
- Exhibit No. 78 Comment Sheet, no date, from Frank Van Dyke, Shurgard Storage Centers requesting 30' of asphalt between storage buildings and right of way for adequate truck turning radius.
- Exhibit No. 78A Reserved Exhibit to reply to Exhibit No. 78.
- Exhibit No. 79 Letter dated 9/9/92 from David D. Jahn, Attorney representing Mr. and Mrs. Roy Sonney, against prohibiting left turns to and from NE 99th St. between SR 5 and Highway 99.
- Exhibit No. 79A Reserved Exhibit to reply to Exhibit No. 79.
- Exhibit No. 80 Letter dated 9/11/92 from Ronald O. Newhouse, Shurgard Storage Center, reiterating need for 30' asphalt for trucks, also concern over business sign location, drainage and closure of 5th Ave.
- Exhibit No. 80A Reserved Exhibit to reply to Exhibit No. 80.
- Exhibit No. 81 Comment sheet no date from Marshall J. White, Red Robin Preschool, against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 81A Reserved Exhibit to reply to Exhibit No. 81.
- Exhibit No. 82 Comment sheet no date from Harvey L. Lund, Manager Forest Canyon Village, against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 82A Reserved Exhibit to reply to Exhibit No. 82.
- Exhibit No. 83 Letter dated 9/11/92 from Linda Kazi-Tani, hair salon owner, against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 83A Reserved Exhibit to reply to Exhibit No. 83.
- Exhibit No. 84 Petition with 164 signatures against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 84A Reserved Exhibit to reply to Exhibit No. 84.
- Exhibit No. 85 Letter dated 9/11/92 from Lawrence Thompson in support of project and recommending consideration of a Park and Ride lot.
- Exhibit No. 85A Reserved Exhibit to reply to Exhibit No. 85.
- Exhibit No. 86 Letter dated 9/16/92 from Joseph W. Angel, Restaurant Management Northwest, Inc., concerning landscaping, fencing, and access at Burger King Restaurant at 134th St. and Highway 99.

- Exhibit No. 86A Reserved Exhibit to reply to Exhibit No. 86.
- Exhibit No. 87 Letter dated 9/14/92 from Mary E. and Louis G. Fast, concerning appraisal of their property.
- Exhibit No. 87A Reserved Exhibit to reply to Exhibit No. 87.
- Exhibit No. 88 Letter dated 9/14/92 from Dale W. Powers, against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 88A Reserved Exhibit to reply to Exhibit No. 88.
- Exhibit No. 89 Letter dated 9/14/92 from James L Sellers, Attorney representing Dale Powers, against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 89A Reserved Exhibit to reply to Exhibit No. 89.
- Exhibit No. 90 Letter dated 9/14/92 from Garlan and Jill N. Miller, Tile Roof Systems, against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 90A Reserved Exhibit to reply to Exhibit No. 90.
- Exhibit No. 91 Letter dated 9/14/92 from Paul S. Neiswander, Manager, Ingersoll-Rand Northwest Repair Center, against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 91A Reserved Exhibit to reply to Exhibit No. 91.
- Exhibit No. 92 Letter dated 9/15/92 from J. D. Grimm, expressing concern over adequate design of noise barrier in the vicinity of NE 63rd St.
- Exhibit No. 92A Reserved Exhibit to reply to Exhibit No. 92.
- Exhibit No. 93 Letter dated 9/17/92 from Jerri L. Bohard, Clark County Parks & Recreation, requesting coordination with WSDOT on trail crossings at NE 78th and NE 99th St. Interchanges.
- Exhibit No. 93A Reserved Exhibit to reply to Exhibit No. 93.
- Exhibit No. 94 Letter dated 9/17/92 from Dennis C. Nichols, VOIC, concerning closure of 16th Ave. at 134th St. and coordination between the WSDOT and Clark County.
- Exhibit No. 94A Reserved Exhibit to reply to Exhibit No. 94.
- Exhibit No. 95 Letter dated 9/15/92 from Mark Landers, C-Tran Planner, stating that bus service to a potential 99th St. park and ride lot is not feasible at this time.
- Exhibit No. 96 Letter dated 9/15/92 from Northwest Investments, Larry L. Pruitt, regarding access, utilities and property acquisition at proposed 7th Ave. and 99th St.
- Exhibit No. 96A Reserved Exhibit to reply to Exhibit No. 96.
- Exhibit No. 97 Letter dated 9/20/92 from Friends and Families of 99th St., against widening of NE 99th St., includes petition with 280 signatures.
- Exhibit No. 97A Reserved Exhibit to reply to Exhibit No. 97.
- Exhibit No. 98 Letter dated 9/17/92 from Peter L. Buck, attorney for Crown Capital, Inc., requesting right in/right out access to parcel 4-06086 from NE 99th St.

- Exhibit No. 98A Reserved Exhibit to reply to Exhibit No. 98.
- Exhibit No. 99 Petition with 110 signatures of customers against prohibiting left turns to and from NE 99th St. at Yard & Garden Nursery.
- Exhibit No. 100 Petition with over 300 signatures of regional customers against prohibiting left turns to and from NE 99th St. at 7-11.
- Exhibit No. 101 Facsimile Transmission dated 9/21/92 from Scott Wippel, Vice President Corporate Facilities for Fred Meyer, Inc. objecting to potential closure of access to Hazel Dell store from NE 99th St.
- Exhibit No. 101A Reserved Exhibit to reply to Exhibit No. 101.
- Exhibit No. 102 Letter no date from Greg Gifford, Clark County, requesting involvement in decision on left turn access at 13th Ave. and NE 99th St.
- Exhibit No. 102A Reserved Exhibit to reply to Exhibit No. 102.
- Exhibit No. 103 Letter dated 9/21/92 from Alan C. DeLone concerned about increased traffic resulting proposed 99th St. Interchange.
- Exhibit No. 103A Reserved Exhibit to reply to Exhibit No. 103.
- Exhibit No. 104 Comment sheet not dated from Frank and Judy McCrory expressing concern over adequacy of noise barrier in the vicinity of their home.
- Exhibit No. 104A Reserved Exhibit to reply to Exhibit No. 104.
- Exhibit No. 105 Comment sheet no date from Doug Woltersdorf stating that the noise barrier on Calef Road should be extended to cover his property.
- Exhibit No. 105A Reserved Exhibit to reply to Exhibit No. 105.
- Exhibit No. 106 Letter dated 9/21/92 from Gary Pevey, Vice President, Totem Pole Restaurant, expressing concern over loss of access to 78th St. and loss of parking due to widening.
- Exhibit No. 106A Reserved Exhibit to reply to Exhibit No. 106.
- Exhibit No. 107 Letter dated 9/21/92 from Dean Irvin, requesting noise barrier in front of Kay's Motel.
- Exhibit No. 107A Reserved Exhibit to reply to Exhibit No. 107.
- Exhibit No. 108 Letter dated 9/21/92 from Ronald H. Holeman outlining alternate proposal of half interchanges and a frontage road system for 78th and 99th Sts.
- Exhibit No. 108A Reserved Exhibit to reply to Exhibit No. 108.
- Exhibit No. 109 Letter dated 9/18/92 from Mrs. Leroy V. Schram and Karen Schram Snekvik, against widening because of potential property acquisition and additional noise.
- Exhibit No. 109A Reserved Exhibit to reply to Exhibit No. 109.
- Exhibit No. 110 Letter dated 9/17/92 from Marilyn Murdock, Chairman of the Burnt Bridge Crest Condominium Association, proposing a retaining wall as an alternative to proposed slope work adjacent to condominium property.

- Exhibit No. 110A Reserved Exhibit to reply to Exhibit No. 110.
- Exhibit No. 111 Letter dated 9/15/92 from Thomas F. Meyer, DVM expressing concern over the impact closure of 16th Ave. may have on local traffic flow.
- Exhibit No. 111A Reserved Exhibit to reply to Exhibit No. 111.
- Exhibit No. 112 Comment sheet no date from Thomas and Hope Fraser, expressing dissatisfaction with proposed location of 8th Ave. at NE 99th St.
- Exhibit No. 112A Reserved Exhibit to reply to Exhibit No. 112.
- Exhibit No. 113 Letter dated 9/15/92. from Frederick G. Meyer, expressing concern over closure of 16th Ave. and offering alternative design proposals for the 134th St. Interchange.
- Exhibit No. 113A Reserved Exhibit to reply to Exhibit No. 113.
- Exhibit No. 114 Comment sheet no date from Myrna L. Miller, against prohibiting left turns to and from NE 99th St. at 13th Ave.
- Exhibit No. 114A Reserved Exhibit to reply to Exhibit No. 114.
- Exhibit No. 115 Comment sheet no date from Al Overby, expressing concern over noise barrier adequacy in front of his home.
- Exhibit No. 115A Reserved Exhibit to reply to Exhibit No. 115.
- Exhibit No. 116 Letter dated 9/14/92 from David L. Wechner, Clark County, requesting coordination with the appropriate departments of the County on rerouting traffic and providing trail access at Burnt Bridge Creek and Salmon Creek crossings and confirming the need for Shorelines permits.
- Exhibit No. 116A Reserved Exhibit to reply to Exhibit No. 116.
- Exhibit No. 117 Reserved Exhibit to reply to comments made at the hearing by Beverly Schroeder on pages 28, 29, 31, 87, 111, 119, and 120 of the hearing transcript.
- Exhibit No. 118 Reserved Exhibit to reply to comments made at the hearing by Richard Howsley on pages 95, 107, and 108 of the hearing transcript.
- Exhibit No. 119 Reserved Exhibit to reply to comments made at the hearing by Dan George on pages 96, and 97 of the hearing transcript.
- Exhibit No. 120 Reserved Exhibit to reply to comments made at the hearing by Don Cannard on pages 97, and 98 of the hearing transcript.
- Exhibit No. 121 Reserved Exhibit to reply to comments made at the hearing by Carl Haeger on pages 110, and 111 of the hearing transcript.
- Exhibit No. 122 Reserved Exhibit to reply to comments made at the hearing by Ken Wilson on pages 63, 64, 112 of the hearing transcript.

VIII

The Assistant Secretary for Program Development has considered evidence on the entire portion of the above entitled highway and finds the plan introduced into evidence marked Exhibit 6 should be

modified as hereinafter set forth and shown on Exhibit "A" attached.

1. Revise plan sheets 1, 12, 13, and 25 of 28 sheets to add Parcel No. 4-06120 as recommended by the Department.
2. Revise plan sheet 11 of 28 sheets to relocate the right of way and limited access line between Sta. 207+50 and Sta. 210+39.53 Rt. to lessen the impact on Parcels No. 4-06067 and 4-06068 to avoid damage to the parking area on Parcel No. 4-06068 as recommended by the Department.
3. Revise plan sheet 12 of 28 sheets to relocate the right of way and limited access line between Sta. 215+50 and Sta. 217+70 to lessen the impact on Parcel No. 4-06072. This revision was requested by Mr. Frank Van Dyke in Exhibit No. 78 and Mr. Ronald O. Newhouse in Exhibit No. 80 and is recommended by the Department of Transportation in Reserved Exhibits Nos. 78A and 80A.
4. Revise plan sheet 15 of 28 sheets to relocate the right of way and limited access line between Sta. 256+20 and Sta. 257+00 to lessen the impact on Parcel No. 4-06081 as recommended by the Department.
5. Revise plan sheet 15 and 26 of 28 sheets to relocate the right of way and limited access line between Sta. 264+50 and Sta. 11+00 on 7th Ave. to lessen the impact on Parcel Nos. 4-06083 and 4-06084; to add future County road to serve Parcels No. 4-06081, 4-06082 and 4-06083, as requested by Mr. Donald G. Holsinger on page 54 of the hearing transcript and in Exhibit No. 58 and is recommended by the Department of Transportation in Reserved Exhibit No. 58A.
6. Revise plan sheets 16 and 17 of 28 sheets to relocate the right of way and limited access line from Sta. 284+75 Lt. to Sta. 294+00 Lt. to lessen the impact on Parcel No. 4-06088. This revision was requested by Dr. Richard Sheron on pages 84 and 85 of the hearing transcript and in Exhibit No. 63 and Mr. Stephen R. Barber on pages 85 and 86 of the hearing transcript and in Exhibit No. 71 and recommended by the Department in Reserved Exhibit No. 63A.
7. Revise plan sheet 17 of 28 sheets to relocate the right of way and limited access line from Sta. 288+52.36 Rt. to Sta. 293+00 Rt. and delete Parcels No. 4-06090 and 4-06091. This revision was requested by Mr. Harvey and Ms. Janice Robb in Exhibit No. 74 and is recommended by the Department in Reserved Exhibit No. 74A.
8. Revise plan sheet 22 of 28 sheets to relocate the right of way and limited access line between Sta. 365+99.94 Lt. and Sta. 367+75 Lt. to lessen the impact on Parcel Nos. 4-06099 and 4-06100; and to delete Parcel No. 4-06098. This revision was requested by Ms. Peggy J. Aiello on page 98 of the hearing transcript and in Exhibit No. 64 and is recommended by the Department in Reserved Exhibit No. 64A.
9. Revise plan sheets 22 and 23 of 28 sheets to add Parcel No. 4-06119 as recommended by the Department and relocate the right of way and limited access line from Sta. 372+48.27 to Sta. 134th St. 15+29.72 Rt. and from Sta. 134th St. 14+30 to Sta. 134th St. 15+00 Lt. as recommended by the Department.
10. Revise plan sheet 25 of 28 sheets to delete the limited access hashers from Sta. 10+85.43 Lt. to Sta. 11+50 Lt.; to relocate the right of way line from Sta. 134th St. 9+50 Rt. to Sta. 10+20 Rt. and from Sta. 9+50 Lt. to Sta. 11+50 Lt.; and to delete Parcel No. 4-06104 as recommended by the Department.
11. Revise plan sheet 26 of 28 sheets to extend the right of way line between Sta. 11+30 and Sta. 12+50 on 9th Ave.; to relocate the right of way and limited access line between Sta. 18+89.49 and Sta. 20+70 Rt. on 7th Ave.; to delete the grade intersection and the 8th Ave. extension between Sta. 10+00 on 7th Avenue and Sta. 11+87.39 Parcel No. 4-06084 for future County Road to serve adjoining parcels as recommended by the Department.

12. Revise plan sheet 27 of 28 sheets to revise the right of way and limited access between Sta. NE 99th St. 24+00 and Sta. NE 99th St. 25+33.62 Rt. to add a grade intersection (CR Line) from Sta. CR 10+00 to Sta. CR 8+00 to serve Parcels No. 4-06086 and 4-06113; and to add limited access hachures on the CR Line from Sta. CR 8+50 to Sta. 9+40 LT. and Rt. as requested by Barry Cain representing Gramor Development on page 113 of the hearing transcript and in Exhibits No. 66, 67, 68, 69 and 70; by Mr. David Jahn, attorney representing Mr. and Mrs. Roy Sonney in Exhibit No. 79; by Mr. Peter L. Buck, attorney representing Crown Capital in Exhibit No. 98; and by petition in Exhibit No. 99 and recommended by the Department of Transportation in Reserved Exhibits No. 66A, 79A and 98A.
13. Revise plan sheet 28 of 28 sheets to relocate the right of way line between Sta. 3+00 Lt. and Sta. 3+90.66 Lt.; to extend the right of way line further west from Sta. 3+00 Lt. and Rt. to Sta. 2+33.39 Lt. and Rt., as recommended by the Department.
14. Revise plan sheets 1 through 28 of 28 sheets to make minor revisions, to correct ownerships and parcel details, area computations, and right of way details.

IX

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

1. Mr. and Mrs. Joseph Liele in Exhibit No. 7, Mr. Glen Hicks in Exhibit No. 60, Mr. J. D. Grimm in Exhibit No. 92, Mr. and Mrs. Frank McCrory in Exhibit No. 104 and Mr. Al Overby in Exhibit No. 115, expressed concern over the adequacy of design of the proposed noise barrier in the vicinity of their properties.

As stated by the Department in Reserved Exhibits No. 7A, 59A, 60A, 92A, 104A, and 115A, 117, noise barriers (length and height) will be designed and constructed in accordance with tested Federal Highway Administration design criteria.

2. Mr. John Nichols in Exhibit No. 59 and Ms. Beverly Schroeder, on page 31 of the hearing transcript, requested that noise barrier be constructed east of SR 5 adjacent to 13th Ave.

As stated by the Department in Reserved Exhibits No. 59A and 117 noise barriers will be located, designed and constructed in accordance with tested Federal Highway Administration design criteria.

3. Mr. and Mrs. Henry J. Drury in Exhibit No. 8 requested that noise barrier be constructed east of SR 5 in front of homes in the vicinity of NE 59th Street.

As stated by the Department in Reserved Exhibit No. 8A, further study indicates that a noise barrier is appropriate adjacent to this neighborhood and project plans will be revised accordingly.

4. Mr. Doug Woltersdorf at the hearing on page 28 of the hearing transcript and in Exhibit No. 105 requested that the proposed noise barrier between SR 5 and Calef Road be extended to cover his property.

As stated by the Department in Reserved Exhibit No. 105A, further studies indicate that it is feasible to extend the subject noise barrier to cover this property and the plans will be modified accordingly.

5. Mr. John Nichols in Exhibit No. 59, Dr. Richard Sheron at the hearing on pages 25, 100-107, 115-116 and 118-119 of the hearing transcript and in Exhibit No. 65, Mr. James R. Smith and Ms. B. Elizabeth Smith in Exhibit No. 72, Mr. Wayne Fletcher at the hearing on page 68 of the

hearing transcript and in Exhibit No. 73, Mr. Harvey and Ms. Janice Robb in Exhibit No. 74, Mr. Marshall J. White at the hearing on pages 68 and 88 of the hearing transcript and in Exhibits Nos. 75 and 81, Ms. Marcia J. Miller in Exhibit No. 76, Ms. Michaellee Runyon-Krois in Exhibit No. 77, Mr. Harvey L. Lund in Exhibit No. 82, Ms. Linda Kazi-Tani in Exhibit No. 83, in a petition Exhibit No. 84, Mr. Dale W. Powers in Exhibit No. 88, Mr. James L. Sellers in Exhibit No. 89, Mr. Garlan and Ms. Jill N. Miller in Exhibit No. 90, Mr. Paul S. Nieswander in Exhibit No. 91, in a petition Exhibit No. 99, in a petition Exhibit No. 100, Mr. Greg Gifford, Clark County, in Exhibit No. 102, and Ms. Myrna L. Miller in Exhibit 114, Ms. Beverly Schroeder at the hearing on pages 87, 111, 119-120 of the hearing transcript, Mr. Carl Haeger at the hearing on pages 109-110 of the hearing transcript, Lois Moffat at the hearing on pages 117-118 of the hearing transcript, expressed concerns about closing 13th Ave. to left turns from NE 99th St.

As stated by the Department in Reserved Exhibits No. 59A, 65A, 72A, 73A, 74A, 75A, 76A, 77A, 81A, 82A, 83A, 84A, 88A, 89A, 90A, 91A, 102A, 114A, 117, 121, and 123 it has been determined that left turn movements will continue to be allowed to and from NE 99th St. at 13th Ave. until such time as an alternate access to Highway 99 can be developed. Upon development of an alternate route, 13th Ave. will become right in/right out only.

6. Mr. Glen Hicks in Exhibit No. 60 expressed concern over drainage at the corner of NE 63rd St. and Hazel Dell Ave.

As stated by the Department in Reserved Exhibit No. 60A, project construction will end at the corner of 63rd St. and Hazel Dell Ave., drainage within the project area will be addressed during the design phase of the project.

7. Mr. Stan Sorenson in Exhibit No. 61, Mr. Curt P. Holdt in Exhibit No. 62, Mr. Dennis C. Nichols in Exhibit No. 94, Dr. Thomas F. Meyer in Exhibit No. 111 and Mr. Frederick G. Meyer in Exhibit No. 113 expressed concern over the impacts the proposed closure of 16th Ave. at 134th St. may have on local access in that area. They stressed the necessity of coordination between the Department and Clark County over this issue.

As stated by the Department in Reserved Exhibits No. 61A, 62A, 94A, 111A, and 113A, The closure of 16th Ave. at 134th St. is necessitated by changing grades resulting from lengthening of the 134th St. structure. Further coordination with the County has determined that the Department will widen 136th St. to a 28 foot core road including, intersection improvements at 16th Ave. for northbound traffic and at NE 10th Ave. for adequate turning radiuses for trucks. Improvements to 10th Ave. will be the responsibility of the County but may be included in this project. An investigation will be made to determine whether or not a signal is warranted at Tenney and NE 10th.

8. Dr. Richard Sheron on pages 84 and 85 of the hearing transcript and in Exhibit No. 63 and Mr. Stephen R. Barber on pages 85 and 86 of the hearing transcript and in Exhibit No. 71 expressed concern over the proposed location of the cul de sac of Stutz Road and its relationship to the parking lot of the apartments in that vicinity.

As stated by the Department in Reserved Exhibits No. 63A and 71A, the retaining wall proposed in front of the apartment property will be extended to prevent impacting the parking lot and provisions will be made for traffic on Stutz Road to turn around without entering the lot.

9. Mr. Lawrence Thompson in Exhibit No. 85, requested consideration of a Park and Ride at the proposed 99th St. Interchange.

As stated by the Department in Reserved Exhibit No. 85A, C-Tran has been contacted and does not consider bus service to a park and ride lot in the vicinity of the 99th St. Interchange to be feasible at this time. Coordination with C-Tran will continue throughout the project.

10. Mr. Joseph W. Angel in Exhibit No. 86 expressed concern over any alteration to landscaping or pedestrian or vehicular access at the Burger King Restaurant at 134th St. and Highway 99 that might occur as a result of this project.

As stated by the Department in Reserved Exhibit No. 86A, the existing landscaping at the 134th St. Burger King will be saved where possible or replaced in kind if necessary. Fencing can be stopped to allow pedestrian access to the restaurant from the crosswalk at the northbound off ramp. The Department has no plans to restrict or modify vehicular access to the Burger King. The County has indicated that they have no plans for restricting access to the site from Highway 99.

11. Mr. Louis G. and Ms. Mary E. Fast on page 79, 80, 81, and 108 of the hearing transcript and in Exhibit No. 87 expressed concern over the appraisal of their property.

As stated by the Department in Reserved Exhibit No. 87A, appraisal concerns will be dealt with during the acquisition process.

12. Ms. Jerri L. Bohard in Exhibit No. 93 expressed the desire of the Clark County Parks and Recreation that pedestrian trail access be allowed through the 78th St. and 99th St. Interchanges. In addition the County would like to be involved in coordination with the Department on the Salmon Creek crossing.

As stated by the Department in Reserved Exhibit No. 93A, trail access can be provided through the 78th St. and 99th St. Interchanges and the County will continue to be advised as the design process continues.

13. Mr. Larry L. Pruitt in Exhibit No. 96 expressed concerns over access, utilities and property acquisition in the vicinity of NE 99th St. and the proposed 7th Ave. connection to the north.

As stated by the Department in Reserved Exhibit No. 96A, 7th Ave. will be constructed on a standard 60 foot right of way with curbs and sidewalks. The intersection with NE 99th St. will be signalized and left turns will be provided. Accesses to 99th St. will be allowed according to standards. Accesses to 7th Ave. should be coordinated with Clark County. The Department will construct storm sewer connections in conjunction with the project. Other utilities should be coordinated with Clark County. Concerns about property appraisals will be handled by Department Real Estate Services personnel during the acquisition process.

14. Friends and Families of 99th St. in Exhibit No. 97, petition with 280 signatures, expressed concern over expansion of NE 99th St.

As stated by the Department in Reserved Exhibit No 97A, a new interchange is necessary at 99th St. to alleviate traffic pressure on the NE 78th St. interchange. Concerns about improvements to 99th St. outside the interchange limits should be discussed with Clark County.

15. Mr. Ken Wilson at the hearing on pages 63, 64, 65, and 112 of the hearing transcript, Mr. Scott Wippel in Exhibit No. 101 and Mr. Gary Pevey in Exhibit No. 106 were against restricting access from NE 78th St. to their businesses.

As stated by the Department in Exhibit No. 122, Reserved Exhibit Nos. 101A and 106A, as a result of implementing the required full access control warranted by this project, approaches on 78th St. between SR 5 and Highway 99 will be closed.

16. Mr. Alan C. Delone in Exhibit No. 103, expressed concern over expansion of NE 99th St. As stated by the Department in Reserved Exhibit No. 103A, a new interchange is necessary at 99th St. to alleviate traffic pressure on the NE 78th St. interchange.

17. Mr. Dean Irvin in Exhibit No. 107 requested that noise barrier be constructed in the vicinity of Kay's Motel.

As stated by the Department in Reserved Exhibit No. 107A, the surrounding land use does not meet criteria for installation of a noise barrier due to its commercial nature and a noise barrier constructed on this parcel alone would not be long enough to abate the noise nor would it lessen the noise that will be experienced from Highway 99.

18. Mr. Ronald H. Holeman on pages 89-94 and in Exhibit No. 108 proposed an alternate design including frontage roads for the 78th St., 99th St. vicinity.

As stated by the Department in Reserved Exhibit No. 108A, the proposal was reviewed by their Headquarters Traffic Office and determined to have less capacity and effectiveness than the original design.

19. Ms. Karen Schram Snekvik and Mrs. L. V. Schram in Exhibit No. 109 objected to the project, in particular additional noise that might be generated and a detention pond in the vicinity.

As stated by the Department in Reserved Exhibit No. 109A, every effort will be made to make the detention site aesthetically pleasing as well as functional. Concerns about proximity noise should be discussed with Real Estate Services personnel.

20. Ms. Marilyn Murdock, Burnt Bridge Crest Condominium Association, in Exhibit No. 110 expressed concerns about potential impacts of the project on noise, slope stability and landscaping at the condominiums.

As stated by the Department in Reserved Exhibit No. 110A, the Condominium Association's concerns have been turned to the Department's Materials Engineer for further study.

21. Mr. Thomas and Ms. Hope Fraser in Exhibit No 112, and Ms. Lisa Graham on pages 99-100 of the hearing transcript expressed concern over the design of the proposed 7th Ave. south of NE 99th St.

As stated by the Department in Reserved Exhibit No. 112A, 7th Avenue was designed to intersect 99th St. outside of the limited access and at the same time provide access to the Hazel Dell Sewer District office to replace that access now provided by Stutz Road. The proposed 8th Avenue connection to 7th Ave. has been revised to a road approach.

22. Mr. David L. Wechner, Clark County, in Exhibit No. 116 requested coordination on any rerouting of traffic and on the 78th, 99th and Salmon Creek crossings and stated that a Shorelines Permit would be required.

As stated by the Department in Reserved Exhibit No. 116A, the appropriate coordination with the County and requests for permits will take place.

X

The Assistant Secretary for Program Development particularly finds in the case of each abutting ownership that the adoption of the plan making said highway a limited access facility, said plan being attached hereto and marked Exhibit "A", is required for public convenience and necessity.

Based upon the foregoing findings and the evidence supporting them, the Assistant Secretary for Program Development for the Department of Transportation of the State of Washington.

ORDERS:

I

That the section of State Route 5 in Clark County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Station 230+00 and Station 380+50 as shown on sheets 1 through 28 of 28 sheets entitled, "SR 5, MAIN STREET TO JCT. SR 205, VIC., MP 2.73 TO MP 7.45, CLARK COUNTY," dated August 14, 1992.

II

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

1. Revise plan sheets 1, 12, 13, and 25 of 28 sheets to add Parcel No. 4-06120.
2. Revise plan sheet 11 of 28 sheets to relocate the right of way and limited access line between Sta. 207+50 and Sta. 210+39.53 Rt.
3. Revise plan sheet 12 of 28 sheets to relocate the right of way and limited access line between Sta. 215+50 and Sta. 217+70.
4. Revise plan sheet 15 of 28 sheets to relocate the right of way and limited access line between Sta. 256+20 and Sta. 257+00.
5. Revise plan sheet 15 and 26 of 28 sheets to relocate the right of way and limited access line between Sta. 264+50 and Sta. 11+00 on 7th Ave.; to add future County road to serve Parcels No. 4-06081, 4-06082 and 4-06083.
6. Revise plan sheets 16 and 17 of 28 sheets to relocate the right of way and limited access line from Sta. 284+75 Lt. to Sta. 294+00 Lt.
7. Revise plan sheet 17 of 28 sheets to relocate the right of way and limited access line from Sta. 288+52.36 Rt. to Sta. 293+00 Rt. and delete Parcels No. 4-06090 and 4-06091.
8. Revise plan sheet 22 of 28 sheets relocate the right of way and limited access line between Sta. 365+99.94 Lt. and Sta. 367+75 Lt. and to delete Parcel No. 4-06098.
9. Revise plan sheets 22 and 23 of 28 sheets to add Parcel No. 4-06119 and relocate the right of way and limited access line from Sta. 372+48.27 to Sta. 134th St. 15+29.72 Rt. and from Sta. 134th St. 14+30 to Sta. 134th St. 15+00 Lt.
10. Revise plan sheet 25 of 28 sheets to delete the limited access hashers from Sta. 10+85.43 Lt. to Sta. 11+50 Lt.; to relocate the right of way line from Sta. 9+50 Rt. to Sta. 10+20 Rt. and from Sta. 9+50 Lt. to Sta. 11+50 Lt.; and to delete Parcel No. 4-06104.
11. Revise plan sheet 26 of 28 sheets to extend the right of way line between Sta. 11+30 and Sta. 12+15 on 9th Ave.; to relocate the right of way and limited access line between Sta. 18+89.49 and Sta. 20+70 Rt. on 7th Ave.; to delete the grade intersection and the 8th Ave. extension between Sta. 10+00 on 7th Avenue and Sta. 11+87.39.
12. Revise plan sheet 27 of 28 sheets to revise the right of way and limited access between Sta. NE 99th St. 24+00 and Sta. NE 99th St. 25+33.62 Rt. to add a grade intersection (CR Line) from Sta. CR 10+00 to Sta. CR 8+00; and to add limited access hachures on the CR Line from Sta. CR 8+50 to Sta. 9+40 LT. and Rt.

13. Revise plan sheet 28 of 28 sheets to relocate the right of way line between Sta. 3+00 Lt. and Sta. 3+90.66 Lt.; to extend the right of way line further west from Sta. 3+00 Lt. and Rt. to Sta. 2+33.39 Lt. and Rt.
14. Revise plan sheets 1 through 28 of 28 sheets to make minor revisions, to correct ownerships and parcel details, area computations, and right of way details.

That the plan entitled, "SR 5, MAIN STREET TO JCT. SR 205, VIC., MP 2.73 TO MP 7.45, CLARK COUNTY," sheets 1 through 28 of 28 sheets, dated August 14, 1992, as revised above and as shown in Exhibit "A", and be the same is hereby adopted.

That the following plans are hereby superseded:

"SR 5 VANCOUVER FREEWAY, COLUMBIA RIVER TO BURNT BRIDGE CREEK INTERCHANGE, CLARK COUNTY", Right of Way and Limited Access, sheet 8 (Pt) of 9 sheets, approved May 4, 1973.

"SR 5, BURNT BRIDGE CREEK TO SALMON CREEK, CLARK COUNTY", Right of Way, sheet 1 (Pt) and sheets 2,3,5,6,7 of 10 sheets, dated August 28, 1956, sheet 4 of 10 sheets, dated April 17, 1957, sheet 8 and 9(Pt) of 10 sheets, dated December 17, 1957.

"SR 5, BURNT BRIDGE CREEK TO SALMON CREEK, CLARK COUNTY", Plan Showing Access, sheets 1 of 2 sheets dated June 4, 1957, and 2(Pt) of 2 sheets, dated July 3, 1956.

"SR 5, SEC. 1, BURNT BRIDGE CREEK TO SALMON CREEK, CLARK COUNTY", Plan Showing Access, sheets 1 of 1 sheets, dated October 29, 1957.

ADOPTED THIS 20 DAY OF April, 1993

ASSISTANT SECRETARY FOR
PROGRAM DEVELOPMENT

E. R. Burch

Approved as to form:

Stephen Klacinski
Assistant Attorney General