



Washington State
Department of Transportation

Douglas B. MacDonald
Secretary of Transportation

Northwest Region
15700 Dayton Avenue North
P.O. Box 330310
Seattle, WA 98133-9710

(206) 440-4000
TTY: 1-800 833-6388

Example Letter 1: Response to Development Under SEPA

April 1, 2004

Ms. Jennifer Watson
Whatcom County
Planning & Development Services
5280 Northwest Drive, Suite B
Bellingham, Washington 98226

SUBJECT: SR-542 MP 2.73 CS 3705
Proposed Mixed Use Development
County SEPA No. SEP00-08952
Proponent: North Valley Developments
SEPA Checklist/ MDNS Review Comments

Dear Ms. Watson:

Thank you for giving us the opportunity to review the SEPA Checklist and the Mitigated Determination of Non-Significance (MDNS) documents for the proposed mixed used development including commercial facilities and multi and single family dwellings. The subject 17-acre property is located along north side of SR-542 (Sunset Drive/ Mount Baker Highway) at Milepost 2.73 in unincorporated Whatcom County.

Based on our review of the SEPA Checklist and MDNS documents we would like provide you with the following comments:

- 1. Traffic Study:** The proposed development will generate more than 25 Peak Hour Trips affecting the above SR-542 intersection and the state highway system. A Traffic Impact Study will need to be prepared for this project to discuss potential impacts of the proposed development on SR-542 and determine if and what mitigation measures will be necessary. A Traffic Impact Study Checklist is attached to this letter for preparation of the traffic study. The traffic study will also need to discuss and calculate

Ms. Jennifer Watson
Page 2
June 18, 2003

the pro-rata share for our proposed widening of SR-542. Presently, we have a programmed capacity improvement project titled “*SR-542, Orleans Street to Britton Road Widening*” between approximate Mileposts 0.32 and 2.96, PIN # 154201A. It is estimated that this project will cost about \$2,761,000.00 and has a proposed ad/ shelf date of March 11, 2002.

2. **Access Connection Permit:** If the proponent still wishes to gain access for the proposed development from SR-542, then they will need to apply for a Category II Access Connection Permit from SR-542 in order to have access from this highway. The completed application along with the appropriate fee and the Traffic Impact Study will need to be submitted to WSDOT for review and approval. Access Connection Permit Application is also attached to this letter. Again, it should be noted that a Traffic Study is required for all Categories II and III Access Connection Permits.
3. **Stormwater and Drainage Plans:** We would also like to review the stormwater & drainage plans and any other hydraulics data and calculations for the subject proposal, to determine the potential impacts and additional runoff to WSDOT’s right-of-way and drainage facilities in the area and to assure that the drainage impacts are adequately mitigated.
4. **Right of Way Donation:** It should also be noted that if additional right-of-way were needed for our widening project, we would also require right-of-way donation.

If you have any further questions or if the proponent needs additional information for submittal of the required traffic impact study, drainage report and plans and the access connection application, please contact Reno Calhoun of our Developer Services section at (206) 345-6789.

Sincerely,

JOHN A. SMITH, P.E.
Area Administrator

Attach.
PS/ps

Whatcom00\corresp\WH542273.doc



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**Example Letter 2: Conceptual Approval Of Access (Use Only If Requested By
The Applicant)**

April 1, 2004

Planner's Name and Title _____
Jurisdiction _____
Address _____

RE: **(Development Name, SR, MP, CS, Charge No.)** _____

Dear _____:

(Describe proposed action) The proposed two-lot short plat is adjacent to SR169 (Maple Valley Highway). **(Describe WSDOT interest)** Maple Valley Highway is a WSDOT facility and according to 47.50 RCW, vehicular access and connections to or from the state highway system shall be regulated by the permitting authority. The permitting authority means WSDOT for connections in unincorporated areas or a city or town within incorporated areas, which are authorized to regulate access to state highways pursuant to chapter 47.24 RCW. As such, WSDOT has Access Connection Permit authority to regulate access connections for this section of the state highway system. **(Provide WSDOT's objective)** In order to meet the applicable standards, this short plat needs to be served by one access to avoid numerous turning conflict points and a substandard approach. **(Summarize WSDOT recommendation)** Based on the applicable standards, we recommend the following condition(s) be imposed:

(Findings) Findings

(Provide WSDOT and/or local standards) This segment of SR 167 is two-lane, Class 2 highway and therefore the minimum spacing allowed between driveways is 660 feet¹. Based on the speed limit of 40 mph, the minimum sight distance is 560 feet². **(Explain in lay Planner's Name and Title terms as necessary)** This is the minimum allowed distance between driveways. **(Identify possible remedies)** It appears there is no alternative access to the site (as currently configured) and that the proposed

¹ WAC 468-52-040(2)(b)(ii)(B).

² WSDOT Design Manual Figure 910-18a.

Planner's Name and Title

Page 2

June 25, 2003

access location does not meet the above noted spacing requirements. Under current access management law, the existing parcel configuration would be limited to one access or no access if alternative access exists. Therefore, provisions for joint access to the proposed two-lot short plat needs to be a condition of the access connection permit. The proposed access, if approved, could remain at the location shown on your plan until such time that other reasonable access to a highway with less restrictive access control classification or acceptable access to the general street system becomes available and is permitted. Based on SRView, WSDOT's Highway System Videolog, the proposed driveway appears to meet the minimum sight distance requirements.

Presumably, only one access will be allowed however, it will be necessary for the applicant to go through the permit process. It is my understanding that the minimum joint access width should be a minimum of 20 feet wide based on Figure 920-4 of the WSDOT Design Manual.

(Provide A Conclusion) Conclusion

WSDOT has permit authority to regulate access to this section of the state highway. The current site would be allowed only one access. Provisions for joint access should be a condition of the access connection permit while both parcels are owned and controlled by the applicant.

1. **(Clearly state expectation and when condition is to be performed)** A joint-access easement shall be prepared and recorded to serve and benefit both properties as a part of the final plat. WSDOT must receive a copy of the recorded easement prior approval of the access connection permit.
2. **(Request access connection permit application)** The property owner shall submit a WSDOT Access Connection Permit application package which should include required fees and supplemental information i.e. site plans, assessors maps, traffic study, etc .

If you choose to proceed with this permit process, please provide me with an access connection permit application package. If you have any questions regarding the above comments, I can be reached at **(phone number and e-mail address)**.

Sincerely,

(Name and Title)

cc: **(Region staff and applicant's representative)**



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Example Letter 2a: Conceptual Approval Of Access (Use Only If Requested By The Applicant)

August 7, 2000

Mr. Jon Sutter
Anderson, Sutter & Kelly P.S.
500 Railview Ave.
Metrotown, WA 98694
Fax: (239) 671-3893

Subject: SR-999 MP 484.30 CS 6432 Access Permit No. 270B

Dear Mr. Sutter:

This letter is written to confirm the Washington State Department of Transportation (WSDOT)'s position, our understanding relative to the above referenced permit, and your client's (Orion County Fire District No. 1, hereinafter referred to as "District") acquisition of a three-acre parcel that is to be served by the access relocated under the above referenced permit.

It is our understanding that the District will be acquiring a three-acre portion of the existing eight-acre parcel contemporaneous with the relocation of the existing agricultural access allowed by the above permit. Following the District's acquisition of the subject property, it is our understanding that the District will apply for a permit to upgrade the relocated non-conforming access to a commercial access to solely serve this use, a fire station.

We also understand that your client requires confirmation by the WSDOT that the WSDOT is prepared to process and approve, subject to design and similar engineering requirements, the upgrade of the relocated access to a commercial access to serve the District's fire station at this site. By this letter, the WSDOT would confirm that it is prepared to process and issue a permit for the upgrade of the relocated access, subject to the submittal of an acceptable design and satisfaction of engineering and similar requirements.

Sample Response Letter Showing How Different Type of Recommendation Can Be Conveyed

Mr. Jon Sutter
Page 2
August 7, 2000

If you are in need of any further information or confirmation, please contact Marshall King of our Developers Services section at 398-393-2323. Otherwise, we await the submission of the permit application for the upgrade of the access.

Sincerely,

R. ALAN ROBERTSON, P.E.,
Regional Administrator

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Example Letter 3: Denial Letter For Break In Limited Access

September 14, 2001

Mr. Richard A. Davis
7338 Highway 3 SW
Port Orchard, WA 98367

Re: Application for Access Connection
SR 3, Mile Post 29.24

Dear Mr. Davis:

The Department has reviewed your Application for an Access Connection Permit for your property. It has been determined that the Department must deny your request for the access permit.

With State laws; Revised Code of Washington (RCW) 47.50 and Washington Administrative Code (WAC) 468-51 and 468-52, the Department established an Access Control Classification System to the State Highways. As a part of the RCW, WAC and Access Control Classification System process the State purchased existing and future access rights to all parcels abutting state highway.

According to the Department's right of way records, when the State purchased the access rights to this section of land along SR 3, this property was granted the right to one, single "Type B," on and off approach, for the normal operation of a farm, but that it shall not include any roadside marketing or operation use. A farm approach is restricted to farming usage only, but may include a single family residence. Additionally, this "Type B" approach is restricted to a maximum width of 20 feet and must be located between specifically recorded highway stationings 288+00 to 300+00.

The operation of a home based small construction company is not consistent with the specific limited rights of ingress and egress documented for this property. The existing approach is not only in violation of the allowable type of usage, but it is also much larger than the approved approach width.

Mr. Richard A. Davis
Page 2
September 4, 2001

To attempt a change in use of this access would require that you do the following:

1. Request in writing a break in the limited access for the proposed change in use. For this break in access to be even considered for approval there must be justification that demonstrates a benefit to the general traveling public.
2. Purchase and/or reimburse the Department of Transportation for the access rights.
3. Mitigate traffic impacts caused by the proposed change in use. Mitigation could include, but not be limited to acceleration lanes, deceleration lanes, channelization, etc.

Please note that negotiations regarding access control are also very time consuming and that most requests for a break in limited access tend to be denied because it is difficult to justify that the general traveling public benefits by a break in access.

If you have any further questions, or if you decide you wish to pursue any of the above options, please contact me at (360) 357-2667.

Sincerely,

DALE C. SEVERSON, PE
Development Services Engineer
WSDOT, Olympic Region

DCS
TAJ

cc:



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Example Letter 3a: Denial Letter For Managed Access

April 5, 2005

Naeem Iqbal
P. O. Box 822
Lynnwood, WA 98046
Subject: SR 9 MP + 1.96 & 1.98 Vic. CS 3132
Land Use Change and Access to SR 9
County File No.: 03-105213

Dear Mr. Iqbal:

This letter is to discuss the access connections to 20607 SR 9 SE. When you purchased this property prior to 1992, it was a single-family residence with two driveways; you are now operating a nursery and landscaping business. You have requested an access permit for both the existing access connections (driveways) located at MP 1.96 and MP 1.98 on SR 9.

We reviewed the proposal and made the decision to deny the permit for the south access at MP 1.96. In compliance with WAC 468-51-150, we are providing you the specific reasons for denying your connection application, the process for submitting an amended application and informing you of your right to appeal the denial of access.

Reasons for denying your south access:

- Per WAC 468-50-030 As a access Class 3 highway “No more than one access shall be provided to an individual parcel or to contiguous parcels under the same ownership”
- In the last 3 years, there were 10 accidents in the subject vicinity from MP 1.86 to 2.08.
- Both access connections are located within the 2004 High Accident Corridor (HAC), SR 9 from MP 1.50-MP 7.49-- SR 524 to north of SR 96.

Process for submitting an amended application:

- You may submit a revised application that responds to the department comments and concerns for the denial within 30 calendar days.
- Submitting a revised permit is not a prerequisite for requesting an adjudicative proceeding.

Sample Response Letter Showing How Different Type of Recommendation Can Be Conveyed

You have the right to appeal WSDOT's denial of your south access:

- You may apply in writing for an adjudicative proceeding within thirty days of the date the initial determination of the department is sent by certified mail.
- If you fail to apply for an adjudicative proceeding within 30 days, the department's initial determination is adopted as its final determination.
- Failure to attend or otherwise participate in an adjudicative proceeding may result in a finding of default.

Should you have any questions, please contact Mr. George Chambers (206) 440-4912 or Ms. Sandra Kortum (206) 440-4911 of my Developer Services section.

Sincerely,

Ramin Pazooki
Local Agency and Development Services Manager



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Example Letter 4: Finding Of No Significant Impact

April 1, 2004

(Planner's Name) (Title)
King County Planning Department
100 Pine St., Room 200
Boomtown, WA 00000-0000

Dear **(Planner's Name)**:

Per the **(local jurisdiction)** county's request and public notice dated March 15, 2002, we have reviewed the land-use proposal, File KNG-02-27, an application for a zone change from Open Space Reserve to Single-Family Residential for 2.50-acre site. The subject property is located on the west side of Miller Ann Road, approximately 1450 feet north of 108th Ave. SE (SR 515), a WSDOT facility. Based on our analysis, the proposal will have no significant affect on 108th Ave. SE. WSDOT has no comments on this proposal.

If you have any questions regarding this matter, please contact **(Name)**, WSDOT Development Services Representative at **(phone number)** or me at **(phone number)**.

Sincerely,

(WSDOT Planner, Title)

cc: **(Applicant's Representative)**
(WSDOT Internal contacts)

Sample Response Letter Showing How Different Type of Recommendation Can Be Conveyed