

BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

---

IN RE: STATE ROUTE 2 )  
JUNCTION SR 28 TO ROCKY REACH DAM )  
M.P. 120.20 TO M.P. 124.86 )  
STATE ROUTE 28 )  
JUNCTION SR 2 TO NINTH STREET N.E. IN )  
EAST WENATCHEE )  
M.P. 0.00 TO M.P. 4.04 )  
HEARING ON LIMITED ACCESS )

---

**FINDINGS AND ORDER**

The hearing on the above entitled matter was held, upon due notice to interested parties, beginning at 7 p.m., Thursday, October 3, 1985 at Eastmont High School Auditorium, East Wenatchee, Washington, before Robert Lundgaard, Hearing Examiner.

Interested parties and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Charles Secrest, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

WASHINGTON DEPARTMENT OF GAME, by Tony Eldred, 600 N. Capitol Way, Olympia, Washington 98504;

DOUGLAS COUNTY PARKS DEPARTMENT, by Jean Smith, 255 North Georgia, East Wenatchee, Washington 98801;

WENATCHEE AREA CHAMBER OF COMMERCE, by Bob A. Sumbardo, General Manager, Post Office Box 850, Wenatchee, Washington 98801;

WENATCHEE VALLEY TRAFFIC ASSOCIATION, by Bill DeWitt, Post Office Box 618, Wenatchee, Washington 98801;

YAKIMA INDIAN NATION, by Lonnie R. Selam, Sr., Cultural Resource Specialist, Post Office Box 151, Toppenish, Washington 98948;

CONNIE CARMICHAEL, by self, 3330 Sunset Highway, East Wenatchee, Washington 98801;

CHELAN COUNTY PAMONA GRANGE, by Edward Meek, 3930 Sunset Highway, East Wenatchee, Washington 98801;

CHELAN/DOUGLAS LAND TRUST, by Mark W. Shipman, Chairman, 1101 Fuller Street, Wenatchee, Washington 98801;

EARL J. CUNNING, by self, Route 3, Box 3345, Wenatchee, Washington 98801;

W. R. DUNCAN, by self, 20 - 13th Street N.E., East Wenatchee, Washington 98801;

S. D. EASON, by self, 1716 Country Club Drive, East Wenatchee, Washington 98801;

EAST WENATCHEE GRANGE, by Thora Dick, Star Route Box 36, Orondo, Washington 98843;

FEIL ORCHARD INC., by Jack O. Feil, President, Route 3, Box 3145, Wenatchee, Washington 98801;

ROBERT R. GLANN, by self, Route 3, Box 3320, Wenatchee, Washington 98801;

GINZINGER SPRING WATER USER'S ASSOCIATION, by Robert Kruse, 1360 North Sunset Highway, East Wenatchee, Washington 98801;

DALE E. GRANT, by self, 1509 Webster Park, East Wenatchee, Washington 98801;

AUDREY AND DON HALL, by selves, 535 Lacey Place, East Wenatchee, Washington 98801;

EARL W. HENSLEY, by self, 37 South Wenatchee Avenue #F-1, Wenatchee, Washington 98801;

JOSEPH HENRY AND RITA MARIAN ASKEW, by selves, 3292 - 27th N.W., East Wenatchee, Washington 98801;

BEN HULL, by self, 3720 Sunset Highway, East Wenatchee, Washington 98801;

BETTY B. JOHNSON, by self, 433 Terrace Court, East Wenatchee, Washington 98801;

HOWARD AND MARILYN JONES, by selves, 3220 N.W. Alan, East Wenatchee, Washington 98801;

NORMAN KIME, by self, 1361 Fairmont Avenue, East Wenatchee, Washington 98801;

EDWARD MEEK, by self, 3930 Sunset Highway, East Wenatchee, Washington 98801;

ROBERT L. MCNEIL, by self, Box 484, Wenatchee, Washington 98801;

A. V. MILLER, by self, Post Office Box 3042, Wenatchee, Washington 98801;

CARROLL C. REID, by self, 820 North Kentucky, East Wenatchee, Washington 98801;

JANUS D. RUBLE JR., by self, 940 North Baker, East Wenatchee, Washington 98801;

SAVE THE RIVERFRONT COMMITTEE, by Clifford Bates and John Sauers, Post Office Box 7032, East Wenatchee, Washington 98801;

ELIOT SCULL, by self, 1220 Orchard, Wenatchee, Washington 98801;

JOHN A. SHULL, by self, 211 Wilshire Street N.W., East Wenatchee, Washington 98801;

HOWARD SMITH, by self, 3 N.E. 19th Street, East Wenatchee, Washington 98801;

C. O. NURSERY, by R. E. Snyder, President, 1412 South Hills Drive, Wenatchee, Washington 98801;

HARRY E. VAN DORIEN, by self, Route 3, Box 3077, East Wenatchee, Washington 98801;

HERBERT F. WELKS, by self, 201 - 23rd N.W., East Wenatchee, Washington 98801;

DON YOUNG, by self, 322 South Chelan Avenue, Wenatchee, Washington 98801;

As a courtesy to interested citizens, the Commission 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 Commission, 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 Roland C. Cook, District Administrator, after which witnesses were called. Evidence was taken by a Court Reporter and thereafter transcribed. Certain exhibits were duly introduced as evidence. The undersigned members of the Transportation Commission have personally considered the transcript of the hearing. Based upon the oral evidence and the exhibits introduced in evidence, the Transportation Commission of the State of Washington makes the following findings:

I

Prior to August 30, 1985, a plan for the establishment of a limited access highway over a portion of State Route 28 in Douglas County, Washington was ordered under Commission Resolution No. 95 and its amendments and supplements thereto.

Such a plan was prepared and entitled "SR 28, JCT. SR 2 TO NINTH ST. N.E., IN E. WENATCHEE, MP 0.32 TO MP 4.04, DOUGLAS COUNTY," sheets 1 through 8 of 8 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 7-a through 7-h, which were made a part of the hearing record.

II

Prior to August 30, 1985, a plan for the establishment of a limited access highway over a portion of State Route 2 in Douglas County, Washington was ordered under Commission Resolution No. 95 and its amendments and supplements thereto.

Such a plan was prepared and entitled "SR 2, BAKER FLATS TO ROCKY REACH, MP 121.20 TO MP 124.86, DOUGLAS COUNTY," sheets 1 through 9 of 9 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 7-m through 7-u, which were made a part of the hearing record.

### III

A revision to the limited access plan entitled "SR 2, SUNNYSLOPE VICINITY TO BAKER FLATS, MP 117.61 TO MP 121.20, CHELAN AND DOUGLAS COUNTIES," established September 22, 1970 by Highway Commission Findings and Order, was approved by the Project Development Engineer on August 30, 1985. Sheets 1, 7, 8 and 9 of 13 sheets, of this plan were introduced into evidence marked as Exhibits Nos. 7-i through 7-l, which were made part of the hearing record.

### IV

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 local 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. The Access Report has been incorporated in the hearing record as Exhibit No. 20.

By letter dated September 30, 1985, the Douglas County Board of County Commissioners gave their concurrence to the Access Report, and said letter was introduced into evidence marked as Exhibit No. 5.

By letter dated September 30, 1985, the City of East Wenatchee concurred with the Access Report, and said letter was introduced into evidence as Exhibit No. 6.

### V

On August 30, 1985, the Project Development 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 has been incorporated in the hearing record as Exhibit No. 19.

## VI

Lue Clarkson, Administrator, Washington State Transportation Commission, issued a Notice of Limited Access Hearing. On September 17, 1985, an exact copy of this notice was mailed to Douglas County, various agencies, and other interested parties and to each of those record owners of property listed on the County Tax Roll, as depicted in the Affidavit of Service Mailing introduced into evidence marked Exhibit No. 3. An exact copy of the notice was published in the Wenatchee World on September 17, 1985 as shown by the Affidavit Publication of Cathy S. Trimble, Legal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2.

## VII

The plan proposes the establishment of partially controlled limited access facility for SR 28 from the vicinity of its intersection with SR 2 southerly to Ninth Street N.E. in East Wenatchee, between Station LE 39+00 and Station LE 235+04.27, as shown on sheets 1 through 8 of 8 sheets entitled "SR 28, JCT. SR 2 TO NINTH ST. N.E. IN E. WENATCHEE, M.P. 0.32 TO M.P. 4.04, DOUGLAS COUNTY." Full control of access was previously acquired along this route. This is now being revised to partial control of access.

The plan also proposes to establish partially controlled limited access facility for SR 2 from the vicinity of Junction SR 2 to Rocky Reach Dam, between Station 271+86.80 and Station 465+06, as shown on sheets 1 through 9 of 9 sheets entitled "SR 2, BAKER FLATS TO ROCKY REACH, M.P. 121.20 TO M.P. 124.86, DOUGLAS COUNTY."

The plan further proposes the revision of the partially controlled limited access facilities for SR 2 between Station LE 39+00 and Station LE 266+07.77 as shown on sheets 1, 7, 8 and 9

of 13 sheets entitled "SR 2, SUNNYSLOPE VICINITY TO BAKER FLATS, M.P. 117.61 TO M.P. 121.20 CHELAN AND DOUGLAS COUNTIES".

#### VIII

These sections of State Routes SR 2 and 28 are an important part of the highway system of the State of Washington and part of the Watergrade Route extending from Wenatchee to the Canadian Border. They are functionally classified as a Principal Arterial and Department of Transportation policy provides for partial control of access on highways of this type. In establishing access control, 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 of increased accident potential and lowered capacity, due to interference from these approaches, becomes increasingly great and the highway 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 interchanges, intersections and approaches.

The plan for establishment of partially controlled limited access facilities for the sections of SR 2 and 28 in Douglas County, introduced into evidence marked Exhibit Nos. 7a through 7u, will facilitate travel, reduce accident rates, preserve the public investment and sustain the highway as a modern transportation facility.

#### IX

In addition to the exhibits previously mentioned, the following exhibits were entered into evidence at the hearing and made a part of the hearing record:

Exhibit No. 1	Notice of Limited Access Hearing
Exhibit Nos. 4A and 4B	Final Environmental Impact Statement Vol. 1 and 2
Exhibit No. 8	A Typical Roadway Section for SR 2 and SR 28
Exhibit No. 9	Design Report for 37th Street and East Wenatchee, SR 2 and SR 28 dated August, 1985
Exhibit No. 10	Letter dated October 3, 1985 from J. H. Askew and R. M. Askew
Exhibit No. 11	Letter dated October 3, 1985 from Larry Summers
Exhibit No. 12	Letter dated October 11, 1985 from Robert Kruse
Exhibit No. 13	Reserved Exhibit, Department of Transportation's response to Exhibit No. 12
Exhibit No. 14	Letter dated October 16, 1985 from Douglas County PUD District No. 1
Exhibit No. 15	Reserved Exhibit, Department of Transportation's response to Exhibit No. 14.
Exhibit No. 16	SR 2/SR 28 - East Wenatchee Vicinity - A Citizens Environmental Planning Assessment
Exhibit No. 17	Letter dated October 3, 1985 from Mark W. Shipman
Exhibit No. 18	Reserved Exhibit (This exhibit was not used)

X

The Commission has considered evidence on the entire portion of the above entitled highway and finds the plan introduced into evidence marked Exhibit Nos. 7a through 7u should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheet 1 and 3 of 8 sheets to add a future grade intersection at approximately Sta. 88+00 Lt. as requested by the Douglas County Commissioners in Exhibit No. 5 and was recommended by the Department of Transportation on page 16 of the Hearing Transcript. The local agency will be responsible for construction and implementing access control along the intersecting roadway to WSDOT partial access control standards. This future grade intersection was provided for in the Access Report.
2. Revise plan sheets 7 and 8 of 8 sheets to relocate the right of way and limited access line between Sta. LE 216+38 and Sta. LE 221+46 Rt. as recommended by the Department.
3. Revise plan sheet 7 and 8 of 8 sheets to delete Parcel Nos. 2-1059, 2-1058, 2-1057, 2-1056, 2-1055, and 2-1051, from the ownership block as recommended by the Department on page 20 of the Hearing Transcript.
4. Revise plan sheets 2, 3, 4, 8 of 8 sheets to add Douglas County PUD as a joint-user of the Type C approaches at Sta. FR' 45+80 Rt., FR' 55+30 Rt., FR' 43+47 Rt., 65+84 Rt., LE 94+43 Rt., LE 116+34 Rt., LE 219+55 Rt. as requested by Allen Hobson in Exhibit No. 14 and recommended by the Department in Reserved Exhibit No. 15.
5. Revise plan sheets 1, 7, and 8 of 13 sheets to relocate the LB and WB Lines to provide free flow right turn movement from the LB Line to the westbound L-Line and from the WB Line to the westbound L-Line. This request was made by several individuals at the hearing and is recommended by the Department.

6. Revise plan sheets 1, 7, and 8 of 13 sheets to add the LA Line to provide the left turn movement eastbound on SR 2 eliminated by relocation of the WB Line, as recommended by the Department.
7. Revise plan sheet 8 of 13 sheets to add a Type C approach at Sta. LE<sub>2</sub> 229+60 Lt. for the City of Wenatchee as recommended by the Department.
8. Revise plan sheets 3, 4, 5 and 6 of 9 sheet to add Douglas County PUD as a joint-user of the Type B approaches at Sta. 273+40 Lt., 281+50 Lt., the Type C approaches at Sta. 291+75 Lt., 304+65 Lt., 334+60 Lt., 316+75 Lt., 349+00 Lt., 356+15 Lt., 365+60 Lt., 373+50 Lt., as requested by Allen Hobsen in Exhibit No. 14 and recommended by the Department Reserved Exhibit No. 15.
9. Revise plan sheet 6 of 9 sheets to relocate the Type C approach from Sta. 365+60 Rt. to Sta. 371+30 Rt. This revision was made as an administrative decision by the Department to provide better access to Mr. Jack Feil property.
10. Revise plan sheets 7 and 8 of 9 sheets to relocate the Type C approach from between Sta. 418+00 and 420+00 Lt and Rt. to Sta. 404+70 Lt. and Sta. 393+80 Rt. This revision was made as an administrative decision by the Department to provide better access to the Wells and Wade property.
11. Revise plan sheet 9 of 9 sheets to relocate the right of way and limited access line from Sta. RA 14+55<sup>±</sup> to Sta. RA 13+16.91 and to add a cul-de-sac on existing SR 2 at approximate Sta. 459+00 Rt. as requested by Douglas County Commissioners in Exhibit No. 5 and is recommended by the Department.

12. Revise plan sheets 1 through 8 of 8 sheets, sheets 1 through 9 of 9 sheets and sheets 1, 7, 8 and 9 of 13 sheets to make minor plan revisions, to correct ownership and parcel details, area computations, and right of way details.

#### XI

As a result of continuing coordination with natural resource agencies and refinement of the design, the Department has reevaluated the alignment. An administrative decision has been made to shift the alignment eastward to avoid encroachment into the river and reduce wetland/riparian impacts.

The highway alignment will be shifted between approximate Sta. LE 42+00<sup>±</sup> and Sta. LE 152+00<sup>±</sup> as shown on sheets 2 through 5 of 8 sheets. The bicycle path and the FR' Line will also be shifted, as a result of the highway alignment revision, as shown on sheets 2 through 6 of 8 sheets.

#### XII

The Commission also considered the following request made at the hearing, and makes the following findings:

1. Mr. Robert Kruse of the Ginzinger Spring Water User's Association asked in Exhibit No. 12 if an access was needed to maintain an overflow pipe in the vicinity of Ninth Street.

As stated in Reserved Exhibit No. 13, the Ginzinger Spring Water User's Association will be allowed access to drain pipe in the vicinity of Sta. 190+00<sup>±</sup>.

XIII

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

Based upon the foregoing findings and the evidence supporting them, the Transportation Commission of the State of Washington,

ORDERS:

I

That the section of SR 28 in Douglas County described as follows is hereby designated as a limited access highway of the partially controlled type:

Between Sta. LE 39+00 and Sta. LE 235+04.27 as shown on sheets 1 through 8 of 8 sheets of the right of way and limited access plan entitled, "SR 28, JCT. SR 2 TO NINTH ST. N.E. IN E. WENATCHEE, MP 0.32 TO MP 4.04, DOUGLAS COUNTY," dated August 30, 1985.

II

That the sections of SR 2 in Douglas County described as follows is hereby designated as a limited access highway of the partially controlled type:

Between Sta. 271+86.80 and Sta. 465+06 as shown on sheets 1 through 9 of 9 sheets of the right of way and limited access plan entitled "SR 2, BAKER FLATS TO ROCKY REACH, MP 121.20 TO MP 124.86, DOUGLAS COUNTY," dated August 30, 1985.

That the partially controlled limited access facilities on SR 2 be revised as shown on sheets 1, 7, 8 and 9 of 13 sheets entitled "SR 2, SUNNYSLOPE VICINITY TO BAKER FLATS, MP 117.61 TO MP 121.20, CHELAN AND DOUGLAS COUNTY," dated October 22, 1970, revised August 30, 1985.

### III

That the plans set forth in Exhibit Nos. 7a through 7u, for the establishment and revision of access control on said highways be revised as follows, and as shown on Exhibit "A" hereto attached and by this reference made a part hereof:

1. Revise plan sheet 1 and 3 of 8 sheets to add a future grade intersection at approximately Sta. 88+00 Lt.
2. Revise plan sheets 2 through 5 of 8 sheets to relocate the LE Line between Sta. LE 42+00± and Sta. LE 152+00± and relocate the bicycle path and FR' Line.
3. Revise plan sheets 7 and 8 of 8 sheets to relocate the right of way and limited access line between Sta. LE 216+38 and Sta. LE 221+46 Rt.
4. Revise plan sheet 7 and 8 of 8 sheets to delete Parcel Nos. 2-1059, 2-1058, 2-1057, 2-1055, and 2-1051 from the ownership bank.
5. Revise plan sheets 2, 3, 4, and 8 of 8 sheets to add Douglas County PUD as a joint-user of the Type C approaches at Sta. FR' 45+80 Rt.,

FR' 55+30 Rt., FR' 43+47 Rt., 65+84 Rt., LE  
94+43 Rt., LE 116+34 Rt., LE 219+55 Rt.

6. Revise plan sheets 1, 7, and 8 of 13 sheets to relocate the LB and WB Lines.
7. Revise plan sheets 1, 7, and 8 of 13 sheets to add the LA Line.
8. Revise plan sheet 8 of 13 to add a Type C approach at Sta. LE<sub>2</sub> 229+60 Lt.
9. Revise plan sheets 3, 4, 5 and 6 of 9 sheets to add Douglas County PUD as a joint-user of the Type B approaches at Sta. 273+40 Lt., 281+50 Lt., the Type C approaches at Sta. 291+75 Lt., 304+65 Lt., 334+60 Lt., 316+75 Lt., 349+00 Lt., 356+15 Lt., 365+60 Lt., 373+50 Lt.
10. Revise plan sheet 6 of 9 sheets to relocate the Type C approach from Sta. 365+60 Rt. to Sta. 371+30 Rt.
11. Revise plan sheets 7 and 8 of 9 sheets to relocate the Type C approach from between Sta. 418+00 and 420+00 Lt. and Rt. to Sta. 404+70 Lt. and Sta. 393+80 Rt.
12. Revise plan sheet 9 of 9 sheets to relocate the right of way and limited access line from Sta. RA 14+55± to Sta. RA 13+16.91 and to add a cul-de-sac on existing SR 2 at approximate Sta. 459+00 Rt.

13. Revise plan sheets 1 through 8 of 8 sheets, sheets 1 through 9 of 9 sheets and sheets 1, 7, 8 and 9 of 13 sheets to make minor plan revisions, to correct ownership and parcel details, area computations, and right of way details.

IV

That the plan entitled, "SR 28, JCT. SR 2 TO NINTH ST. N.E. IN E. WENATCHEE, MP 0.32 TO MP 4.04, DOUGLAS COUNTY," sheets 1 through 8 of 8 sheets, dated August 30, 1985 as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

V

That the plan entitled, "SR 2, BAKER FLATS TO ROCKY REACH, MP 121.20 TO MP 124.86, DOUGLAS COUNTY," sheets 1 through 9 of 9 sheets, dated August 30, 1985 as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

VI

That the following revisions to existing established limited access plans be adopted:

SR 2, SUNNYSLOPE VICINITY TO BAKER FLATS, MP 117.61 TO MP 121.20, CHELAN AND DOUGLAS COUNTIES," sheets 1, 7, 8 and 9 of 9 sheets, approved September 22, 1970, revised August 30, 1985.

The following plans are superseded:

"SR 28, JCT. SR 2 TO NINTH ST. N.E. IN E. WENATCHEE," Right of Way and Limited Access Sheets 1 through 8 of 8 sheets approved October 22, 1970.

"SR 2, EAST WENATCHEE TO ROCKY REACH," Plan Showing Access, sheets 3, 4 and 5 of 5 sheets approved May 8, 1956.

"SR 2, EAST WENATCHEE TO ROCKY REACH," Right of Way, sheets 9(pt.), 10 through 17 of 17 sheets approved September 5, 1956.

"SR 2, ROCKY REACH TO ORONDO," Right of Way, sheet 1(pt.) of 12 sheets approved June 2, 1959.

"SR 2, ROCKY REACH TO ORONDO," Plan Showing Access, sheet 1(pt.) of 3 approved May 26, 1959.

ADOPTED this 15<sup>th</sup> day of May, 1986.

WASHINGTON STATE TRANSPORTATION COMMISSION

Bernice Stern  
BERNICE STERN, Vice Chairman

Vaughn Hubbard  
VAUGHN HUBBARD, Member

Pat Wanamaker  
PAT WANAMAKER, Chairman

Jerry B. Overton  
JERRY OVERTON, Member

LEO B. SWEENEY, Member

Richard Odabashian  
RICHARD ODABASHIAN, Member

Albert D. Rosellini  
ALBERT D. ROSELLINI, Member

ATTEST:

Lue Clarkson  
LUE CLARKSON, Administrator

APPROVED AS TO FORM:

Thomas R. Bamberston  
Assistant Attorney General