

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 Donald S. Senn, Acting District Construction/Location Engineer, after which witnesses were called. The evidence was taken by a Court Reporter and thereafter transcribed. Certain exhibits were duly introduced in 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 May 3, 1982, a plan for the establishment of a limited access highway over a portion of State Route 151 in Chelan County, Washington, was ordered under Commission Resolution No. 519 and its amendments and supplements thereto.

Such plan was prepared and entitled "SR 151, BEEBE BRIDGE TO HUGO VIC., MP 22.03 TO MP 27.36, CHELAN COUNTY," sheets 1 through 12 of 12 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 7A through 7L, for the access plan sheets and 7M through 7P, for the design plan sheets, which were made a 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 other such information as required, and thereafter, prepared and submitted to the appropriate

local officials an Access Report showing how those factors had 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.

By letters dated May 12 and 24, 1982, the Chelan County Director of Public Works conveyed the Chelan County Board of Commissioners' approval of the Access Report, and said letters were introduced into evidence marked Exhibit Nos. 5A and 5B.

III

On May 4, 1982, 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. Said Order was introduced into evidence marked Exhibit No. 1.

IV

Lue Clarkson, Administrator, Washington State Transportation Commission, issued a Notice of Hearing. On May 21, 1982, an exact copy of this notice was mailed to Chelan 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 by Mailing introduced into evidence marked Exhibit No. 3. An exact copy of the notice was published in "The Wenatchee World" on May 13, 1982, as shown by Affidavit of Publication of Cathy S. Trimble, Legal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2A. An exact copy of the notice was published in the "Chelan Valley Mirror" on May 12, 1982, as shown

by the Affidavit of Publication of Richard T. Gavin, Publisher of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2B.

V

The plan proposes the establishment of partially controlled limited access facilities for State Route 151 from the Beebe Bridge to Hugo vicinity between Station 380+00 and Station 661+11.84, as shown on sheets 1 through 12 of 12 sheets entitled "SR 151, BEEBE BRIDGE TO HUGO VIC., MP 22.03 TO MP 27.36, CHELAN COUNTY".

VI

This section of State Route 151 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 a Principal Arterial and Commission policy provides for access control 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 connected with 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 interchanges, intersections and approaches.

The plan for establishment of a limited access highway facility with partial access control on State Route 151 in Chelan County, introduced into evidence marked Exhibit Nos. 7A through 7L, 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 and made a part of the hearing record:

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|-----------------|---|
| Exhibit No. 6 | Final Environmental Impact Statement for State Route 151, Chelan Station to Hugo, Chelan County, Washington, approved and adopted by the FHWA on December 15, 1980. |
| Exhibit No. 8 | Letter dated June 24, 1982, from the Department of Game concerning the potential impact construction will have on the Chelan Fish Hatchery. |
| Exhibit No. 8A | Reserved Exhibit, Department of Transportation response to Exhibit No. 8. |
| Exhibit No. 9 | Reserved Exhibit, Department of Transportation response to Mr. Willmorth's request for a Type B approach near Station 526+00 Rt. |
| Exhibit No. 10 | Reserved Exhibit, Department of Transportation response to Mr. Connor's request for access to irrigation pump. |
| Exhibit No. 11A | Letter dated June 24, 1982, from the Public Utility District No. 1 of Chelan County concerning relocating transmission lines. |
| Exhibit No. 11B | Letter dated June 25, 1982, from PUD District No. 1 of Chelan County concerning the 20 inch water line which supplies the Chelan Falls fish hatchery. |
| Exhibit No. 11C | Letter dated June 28, 1982, from PUD District No. 1 of Chelan County emphasizing licensee responsibilities involved. |
| Exhibit No. 12 | Reserved Exhibit, Department of Transportation response to Exhibit Nos. 11A, 11B and 11C. |
| Exhibit No. 13 | Letter dated June 28, 1982, from Davis, Arneil, Dorsey, Kight and Parlette, attorneys, representing Ekenbarger Orchards, Inc. |

VIII

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 7L should be modified as hereinafter set forth and as shown on Exhibit "A" hereto attached.

1. Revise plan sheet 4 of 12 sheets to add a Type B approach at Station C13+00 on the left to serve parcel No. 2-01942, as recommended by the Department of Transportation at the hearing on page 24 of the hearing transcript.
2. Revise plan sheet 4 of 12 sheets to allow pedestrian traffic to cross the highway near the Chelan Fish Hatchery at Station 406+59. This was requested by the Department of Game in Exhibit No. 8 and recommended by the Department of Transportation in Reserved Exhibit No. 8A.
3. Revise plan sheet 8 of 12 sheets to add a Type B approach between Station 524+00 and Station 527+00 on the right to serve parcel No. 2-01945 as requested by Mr. Willmorth and recommended by the Department of Transportation in Reserved Exhibit No. 9.
4. Revise plan sheet 8 of 12 sheets to add a Type C approach at Station 528+50 on the right to allow maintenance of an irrigation pump as requested by Mr. Connor at the hearing on pages 39 and 40 of the transcript and recommended by the Department of Transportation in Reserved Exhibit No. 10.
5. Revise plan sheets 1 through 12 of 12 sheets to make minor plan revisions to correct ownership and parcel details, area computations, and right of way details.

IX

The Commission also considered the following requests for changes in the plan, but denies them for the following reasons:

1. The Department of Game, in Exhibit No. 8, requested the Department of Transportation consider providing access and parking for recreational use of the sandy beach area of Gallagher Flats.

The Department of Transportation in Reserved Exhibit 8A states that there are no plans for the development of Gallagher Flats. In the Final Environmental Impact Statement, the Section 4f analysis states that, "As mitigation for removing and affecting wetland on this

project, the Department (DOT) has an agreement with the U.S. Fish and Wildlife to preserve, in its natural state, the area of Gallagher Flats between the railroad right of way and the river shoreline that is not required by this project."

X

The Commission also considered the following requests made at or subsequent to the hearing within the 10-day open record period and makes the following findings:

1. The Department of Game in Exhibit No. 8 and Public Utility District No. 1 of Chelan County in Exhibit 11B, expressed concern about damage to the water source for the Chelan Falls fish hatchery.

The Department of Transportation is currently working with the Chelan County PUD to protect the pipe delivering well water to the hatchery. The Department plans to limit the size of blasts during rock excavation to keep the seismic shock waves to a minimum. (Reserved Exhibit No. 8A)

2. The PUD No. 1 of Chelan County in Exhibit No. 11A, expressed concern about relocation of transmission lines in the project area.

The WSDOT project engineer will work with the PUD to protect or plan relocation of the affected portions of these lines. (Reserved Exhibit No. 12)

3. Mr. Ray A. Foianini, attorney for Davis, Arneil, Dorsey, Kight and Parlette, represents Ekenbarger Orchards, Parcel No. 2-01948. In Exhibit No. 13 he requested if any topsoil is to be removed from the right of way that it be made available for use by Ekenbarger Orchards, Inc.

The disposal of any surplus topsoil is a matter to be considered at the time of right of way negotiations. (Reserved Exhibit No. 14)

X

The Commission 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 Transportation Commission of the State of Washington,
ORDERS:

I

That the section of State Route 151 in Chelan County as described as follows is hereby designated as a limited access highway of the partially controlled type:

Between Station 380+00.0 and Station 661+11.84 as shown on sheets 1 through 12 of 12 sheets entitled, "SR 151, BEEBE BRIDGE TO HUGO VIC., MP 22.03 TO MP 27.36, CHELAN COUNTY", dated May 3, 1982.

II

That the plan set forth in Exhibit No. 7A through 7L for the establishment of access control on 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 sheet 4 of 12 sheets to add a Type B approach at Station C13+00 on the left for parcel No. 2-01942.
2. Revise plan sheet 4 of 12 sheets to allow pedestrian traffic to cross the highway near the Chelan Fish Hatchery at Station 406+59.
3. Revise plan sheet 8 of 12 sheets to add a Type B approach between Stations 524+00 and 527+00, on the right, for parcel No. 2-01945.
4. Revise plan sheet 8 of 12 sheets to add a Type C approach at Station 528+50, on the right.
5. Revise plan sheets 1 through 12 of 12 sheets to make minor plan revisions to correct ownership and parcel details, area computations, and right of way details.

III

That the plan entitled "SR 151, BEEBE BRIDGE TO HUGO VIC., MP 22.03 TO MP 27.36, CHELAN COUNTY", sheets 1 through 12 of 12 sheets,

dated May 3, 1982, as revised above and as shown on Exhibit "A",
be and the same is hereby adopted.

That the following plans are hereby superseded:

"SR 151, BEEBE BRIDGE VICINITY", Right of Way and
Limited Access, Chelan County, sheet 1 of 1 sheet,
approved October 10, 1951.

"SR 97, CO. ROAD NO. 506 TO AZWELL VICINITY",
Right of Way and Limited Access, Chelan County,
sheets 4 (pt.) and 5 (pt.), of 20 sheets, approved
January 22, 1970.

ADOPTED this 20th day of October, 1982

WASHINGTON STATE
TRANSPORTATION COMMISSION

Jerry Overton
JERRY OVERTON, CHAIRMAN

Richard Odabashian
RICHARD ODABASHIAN, MEMBER

Robert L. Mikalson
ROBERT L. MIKALSON, MEMBER

Vaughn Hubbard
VAUGHN HUBBARD, MEMBER

Albert D. Rosellini
ALBERT D. ROSELLINI, MEMBER

Pat Wanamaker
PAT WANAMAKER, MEMBER

Bernice Stern
BERNICE STERN, MEMBER

ATTEST:

Lue Clarkson
LUE CLARKSON, ADMINISTRATOR

APPROVED AS TO FORM:

Thomas R. Goulington
ASSISTANT ATTORNEY GENERAL