

BEFORE THE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 20)
DIABLO DAM TO EARLY)
WINTERS CREEK, M.P. 127.63)
TO M.P. 177.79)
HEARING ON LIMITED ACCESS)

FINDINGS AND ORDER

The hearing in the above entitled matter was held upon due notice to interested parties beginning at 2:00 p.m., Wednesday, June 28, 1978, in the Methow Valley Junior High School, Winthrop, Washington, before Charles C. Countryman, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Joseph B. Loonam, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

U.S. FOREST SERVICE, by JEFF BLACKWOOD, Winthrop Ranger Station, Winthrop, Washington 98862;

U.S. FOREST SERVICE, by JACK A. VORIS, Okanogan National Forest, Okanogan, Washington 98840;

SEATTLE CITY LIGHT, by TOM N. BUCKNELL, Rockport Way, Newhalem, Washington 98267;

JOHN G. WELLS, JR., by self, 1532 C. Bennett Road, Mount Vernon, Washington 98273;

BARRY B. STROMBERGER, by self, Route 1, Box 24A, Winthrop, Washington 98862;

STUART FRANK ETTER, by self, 28444 Beach Drive South, Redondo Beach, Washington 98031;

DOUGLAS E. MARTIN, by self, P.O. Box 68 Martin's Ranch, Rockport, Washington 98283;

HENRY D. KIRNER, by self, Route 1, Box 275, Concrete, Washington 98327

As a courtesy to interested citizens, the Department of Transportation furnishes a copy of its 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 of Transportation, 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 Charles C. Countryman, Hearing Examiner, after which witnesses were called. Evidence was taken by a stenographer 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, the Deputy Secretary of Transportation of the State of Washington makes the following findings:

I

Prior to April 28, 1978 the Washington State Highway Commission in its Resolution No. 2382, and its amendments and supplements thereto, instructed the Director of Highways to prepare plans for the establishment of a limited access highway over a portion of State Route 20 from the vicinity of Rockport, in Skagit county, to the town of Twisp in Okanogan County.

Such plans for a portion of this section of highway were prepared and entitled:

"SR 20, Bacon Creek Bridge, M.P. 110.56 to M.P. 111.01" right of way and limited access, Station TCA 0+00.00 to Station TCB 23+96.45 as shown on sheet 1 of 2 sheets dated April 28, 1972.

"SR 20, Newhalem Vicinity: Goode11 Creek Bridge, M.P. 119.35 to M.P. 120.02" right of way and limited access, Station TCA 0+00.00 to Station TCB 35+50.00 as shown on sheet 1 of 2 sheets dated May 19, 1972.

"SR 20, Diablo Dam to Thunder Arm, M.P. 127.63 to M.P. 130.37" right of way and limited access, Station 95+00.00 to Station 263+00.00 as shown on sheets 1 through 6 of 9 sheets dated September 24, 1976.

"SR 20, Thunder Arm to Granite Creek Crossing, M.P. 130.37 to M.P. 148.13" right of way and limited access, Station 263+00.00 to Station 1208+35.00 as shown on sheets 1 through 31 of 47 sheets dated October 1, 1976.

"SR 20, Granite Creek Crossing to Rainy Pass, M.P. 148.13 to M.P. 157.40" right of way and limited access, Station 1208+35.00 to Station 1700+00.00 as shown on sheets 1 through 17 of 25 sheets dated November 30, 1976.

"SR 20, Rainy Pass to Lone Fir Campground, M.P. 157.40 to M.P. 168.40" right of way and limited access, Station 1700+00.00 to Station 2281+00.00 as shown on sheets 1 through 20 of 30 sheets dated November 30, 1976.

"SR 20, Lone Fir Campground to Early Winters Creek, M.P. 168.40 to M.P. 117.79" right of way and limited access, Station 2281+00.00 to Station 2776+55.46 as shown on sheets 1 through 18 of 27 sheets dated January 14, 1977. These above noted sheets were introduced into evidence marked as Exhibit No. 4, which was 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 such other 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 the aforementioned Access Report was introduced into evidence marked Exhibit No. 4.

By letter dated November 28, 1977, the Cheilan County Board of County Commissioners approved the Access Report, and said letter was introduced into evidence marked Exhibit No. 5.

By letter dated December 2, 1977, the Okanogan County Engineer Conveyed the Okanogan Board of County Commissioner's approval, and said letter was introduced into evidence marked Exhibit No. 6.

No letters were received from Whatcom or Skagit Counties.

III

On April 28, 1978, the Deputy Secretary of Transportation 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

Mr. V. W. Korf, Washington Deputy Secretary of Transportation, issued a Notice of Hearing. On May 25, 1978, an exact copy of the Notice of Hearing was mailed to each of those record owners of property listed in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 2. An exact copy of the aforesaid notice was published in the Methow Valley News, June 8, 1978, as shown by the affidavit of Mae Darwood, Editor and Business Manager of said newspaper, which affidavit was introduced into evidence marked Exhibit 3-A. An exact copy of the aforesaid notice was published in the Concrete Herald, June 8, 1978, as shown by the affidavit of June Fader, Co-Publisher of said newspaper, which affidavit was introduced into evidence marked Exhibit 3-B.

V

The plan proposes the establishment of partial controlled, limited access highway facilities on the following sections of existing SR 20 entitled:

"SR 20, Bacon Creek Bridge, M.P. 110.56 to M.P. 111.01" right of way and limited access, Station TCA 0+00.00 to Station TCB 23+96.45 as shown on sheet 1 of 2 sheets dated April 28, 1972.

"SR 20, Newhalem Vicinity: Goodell Creek Bridge, M.P. 119.35 to M.P. 120.02" right of way and limited access, Station TCA 0+00.00 to Station TCB 35+50.00 as shown on sheet 1 of 2 sheets dated May 19, 1972.

"SR 20, Diablo Dam to Thunder Arm, M.P. 127.63 to M.P. 130.37" right of way and limited access, Station 95+00.00 to Station 263+00.00 as shown on sheets 1 through 6 of 9 sheets dated September 24, 1976.

"SR 20, Thunder Arm to Granite Creek Crossing, M.P. 130.37 to M.P. 148.13" right of way and limited access, Station 263+00.00 to Station 1208+35.00 as shown on sheets 1 through 31 of 47 sheets dated October 1, 1976.

"SR 20, Granite Creek Crossing to Rainy Pass, M.P. 148.13 to M.P. 157.40" right of way and limited access, Station 1208+35.00 to Station 1700+00.00 as shown on sheets 1 through 17 of 25 sheets dated November 30, 1976.

"SR 20, Rainy Pass to Lone Fir Campground, M.P. 157.40 to M.P. 168.40" right of way and limited access, Station 1700+00.00 to Station 2281+00.00 as shown on sheets 1 through 20 or 30 sheets dated November 30, 1976.

"SR 20, Lone Fir Campground to Early Winters Creek, M.P. 168.40 to M.P. 177.79" right of way and limited access, Station 2281+00.00 to Station 2776+55.46 as shown on sheets 1 through 18 of 27 sheets dated January 14, 1977.

VI

This section of SR 20 is an important part of the Highway System of the State of Washington. It is functionally classified as a Minor Arterial Highway. In order to provide a safe and convenient network of highways for military, commercial, tourist, recreational, and other transportation purposes, control of access on this highway is planned. The investment of public funds is protected by preserving the highway for future use.

The plan for the establishment of access control for SR 20, marked as Exhibit No. 4, will facilitate travel, 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:

- | | |
|----------------|--|
| Exhibit No. 7 | Letter from United States Department of Agriculture, Forest Service, Richard E. Montague, Assistant Forest Supervisor, Resources, Mt. Baker - Snoqualmie National Forest, dated October 7, 1977. |
| Exhibit No. 8 | Letter from United States Department of the Interior, National Park Service, W. Lowell White, Superintendent North Cascades National Park, dated October 3, 1977. |
| Exhibit No. 9 | Letter from United States Department of Agriculture Forest Service, William D. McLaughlin, Forest Supervisor, Okanogan National Forest, dated December 14, 1977. |
| Exhibit No. 10 | Letter to United States Department of Agriculture Forest Service, Okanogan National Forest, from the Department of Transportation, dated January 20, 1978. |
| Exhibit No. 11 | Letter from Mt. Vernon Chamber of Commerce, Phyllis Coole, Executive Director, dated June 27, 1978. |
| Exhibit No. 12 | Letter from John G. Wells, dated June 27, 1978. |
| Exhibit No. 13 | Approximate Notes from John G. Wells, received at Hearing. |

VIII

The Deputy Secretary of Transportation has considered evidence on the entire portion of the above entitled highway and finds the plan introduced into evidence marked Exhibit No. 4 should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheet 8 of 47 sheets, Thunder Arm to Granite Creek Crossing, to reserve a Type C-2 approach on the left between Station 455+00 and Station 477+00, for access to Ross Dam. This was requested by the United States Department of the Interior, National Park Service,

in Exhibit No. 8, also by Seattle City Light, and recommended by the Department of Transportation at the hearing (pages 23 and 43 of the Transcript).

2. Revise plan sheet 8 of 47 sheets, Thunder Arm to Granite Creek Crossing, to reserve a Type C road approach on the right between Station 465+00 and Station 480+00 for the proposed Ruby Mountain Tramway. This was requested by the National Park Service in Exhibit No. 8 and recommended by the Department at the hearing (page 23 of the Transcript).
3. Revise plan sheet 4 of 30 sheets, Rainy Pass to Lone Fir Campground, to delete the road approach for vehicular access at Station 1778+00 (Rt.) and allow for pedestrian traffic between Station 1774+00 (Lt.) to Station 1778+00 (Rt.). This was requested by the United States Department of Agriculture, Forest Service, in Exhibit No. 9 and agreed to by the Department at the hearing (pages 28 and 29 of the Transcript).
4. Revise plan sheet 11 of 30 sheets, Rainy Pass to Lone Fir Campground, to allow parking in the widened area outside the travelled roadway between Station 1985+00 and Station 1989+50 on the left. This was requested by the U. S. Forest Service in Exhibit No. 9 and was recommended by the Department at the hearing (page 29 and 30 of the Transcript).
5. Revise plan sheets 11 and 12 of 30 sheets, Rainy Pass to Lone Fir Campground, to allow pedestrian traffic to cross the highway near Station 1989+50 and travel within the right of way from Station 1989+50 Rt. to vicinity of Station 2013+00 Rt. This was requested by the U.S. Forest Service in Exhibit No. 9 and was recommended by the Department at the hearing (pages 29 and 30 of the Transcript).
6. Revise plan sheet 17 of 27 sheets, Lone Fir Campground to Early Winters Creek, to indicate a Type B approach to Parcel No. 2-01758, at a satisfactory point between Station 2751+00 and Station 2764+00 on the right. This was recommended by the Department at the hearing (page 30 of the Transcript).
7. Revise plan sheets (Exhibit No. 4) to make minor plan revisions, to correct ownership and parcel details, area computations, and right of way details.

IX

The Deputy Secretary of Transportation also considered the following requests made at or prior to the hearing and makes the following findings:

1. Mount Vernon Chamber of Commerce, by letter (Exhibit No. 11) and Mr. John G. Wells, by letter (Exhibit No. 12) requested a public hearing also be scheduled in Western Washington for this portion of State Route 20.

The portion of State Route 20 under consideration at this hearing

is located entirely on Federal Land which is under the jurisdiction of either the U. S. Forest Service or the National Park Service. Public hearings are held at a place and time generally convenient for persons and ownerships affected by the proposal. The major involvement has been with the U. S. Forest Service whose headquarters are located in Okanogan. Therefore, due to the proximity to the project and to U. S. Forest Service Headquarters, the Department of Transportation considered Winthrop to be the most appropriate location to hold the hearing. No additional public hearings are considered necessary.

2. There were a number of requests at the hearing that pull offs and parking be allowed along the roadway within the limited access control area.

It is the intent of the Department of Transportation to allow parking within the right of way at areas where the vehicles will be safely clear of the roadway, including the shoulders, wherever such parking is consistent with U. S. Forest Service and National Parks operations.

X

The Deputy Secretary of Transportation 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 Deputy Secretary of Transportation of the State of Washington,

ORDERS:

I

That the section of State Route 20 in Whatcom, Skagit, Chelan and Okanogan Counties, described as follows, is hereby designated as a limited access highway of the partially controlled type:

"SR 20, Bacon Creek Bridge, M.P. 100.56 to M.P. 111.01" right of way and limited access, Station TCA 0+00.00 to Station TCB 23+96.45 as shown on sheet 1 of 2 sheets dated April 28, 1972.

"SR 20, Newhalem Vicinity: Goodell Creek Bridge, M.P. 119.35 to M.P. 120.02" right of way and limited access, Station TCA 0+00.00 to Station TCB 35+50.00 as shown on sheet 1 of 2 sheets dated May 19, 1972.

"SR 20, Diablo Dam to Thunder Arm, M.P. 127.63 to M.P. 130.37" right of way and limited access, Station 95+00.00 to Station 263+00.00 as shown on sheets 1 through 6 of 9 sheets dated September 24, 1976.

"SR 20, Thunder Arm to Granite Creek Crossing, M.P. 130.37 to M.P. 148.13" right of way and limited access, Station 263+00.00 to Station 1208+35.00 as shown on sheets 1 through 31 of 47 sheets dated October 1, 1976.

"SR 20, Granite Creek Crossing to Rainy Pass, M.P. 148.13 to M.P. 157.40" right of way and limited access, Station 1208+35.00 to Station 1700+00.00 as shown on sheets 1 through 17 of 25 sheets dated November 30, 1976.

"SR 20, Rainy Pass to Lone Fir Campground, M.P. 157.40 to M.P. 168.40" right of way and limited access, Station 1700+00.00 to Station 2281+00.00 as shown on sheets 1 through 20 of 30 sheets dated November 30, 1976.

"SR 20, Lone Fir Campground to Early Winters Creek, M.P. 168.40 to M.P. 177.79" right of way and limited access, Station 2281+00.00 to Station 2776+55.46 as shown on sheets 1 through 18 of 27 sheets dated January 14, 1977.

II

That the plan set forth in "Exhibit No. 4" for 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 8 of 47 sheets, Thunder Arm to Granite Creek Crossing, to indicate a Type C-2 approach between Station 455+00 and Station 477+00 on the left.
2. Revise plan sheet 8 of 47 sheets, Thunder Arm to Granite Creek Crossing, to indicate a Type C approach between Station 465+00 and Station 480+00 on the right.
3. Revise plan sheet 4 of 30 sheets, Rainy Pass to Lone Fir Campground, to delete Type C-2 approach at Station 1778+00 on the right and add note to allow for pedestrian traffic from Station 1774+00 Lt. to Station 1778+00 Rt.
4. Revise plan sheet 11 of 30 sheets, Rainy Pass to Lone Fir Campground, to allow parking in the widened area outside the travelled roadway between Station 1985+00 and Station 1989+50 on the left.
5. Revise plan sheets 11 and 12 of 30 sheets, Rainy Pass to Lone Fir Campground, to add note allowing pedestrian traffic within the right of way from Station 1989+50 to vicinity of Station 2013+00 on the right.

6. Revise plan sheet 17 of 27 sheets, Lone Fir Campground to Early Winters Creek, to indicate a Type B approach to Parcel No. 2-01758, between Station 2751+00 Rt. and Station 2764+00 Rt.
7. Revise plan 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 20, Bacon Creek Bridge, M.P. 110.56 to M.P. 111.01, Skagit County," sheet 1 of 2 sheets, dated April 28, 1972, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

That the following plan entitled "SR 20, Diabsud Creek to Whatcom County Line", Skagit County, right of way, sheet 3 (pt.) of 5 sheets approved June 29, 1954, is hereby superseded.

That the plan entitled "SR 20, Newhalem Vicinity: Goodell Creek Bridge, M.P. 119.35 to M.P. 120.02, Whatcom County", sheet 1 of 2 sheets, dated May 19, 1972, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

That the following plan entitled "SR 20, Goodell Creek Vicinity, Whatcom County", right of way, sheet 1 of 1 sheet approved January 17, 1956, is hereby superseded.

That the plan entitled "SR 20, Diablo Dam to Thunder Arm, M.P. 127.63 to M.P. 130.37, Whatcom County," sheets 1 through 6 of 9 sheets, dated September 24, 1976, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

That the following plan entitled "SR 20, Diablo Dam to Thunder Arm, Whatcom County", right of way, sheets 5 (pt.), 6 through 9 of 9 sheets, approved November 24, 1959 is hereby superseded.

That the plan entitled "SR 20, Thunder Arm to Granite Creek Crossing, M.P. 130.37 to M.P. 148.13, Whatcom and Skagit Counties", sheets 1 through

31 sheets, dated October 1, 1976, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

That the following plans are hereby superseded:

"SR 20, Thunder Arm to Horsetail Creek, Whatcom County", right of way, sheets 3 (pt.) and 4 through 8 of 8 sheets, approved February 15, 1967.

"SR 20, Horsetail Creek to Ruby Arm, Whatcom County", right of way, sheets 1 through 8 of 8 sheets, approved February 15, 1967.

"SR 20, Ruby Arm to Beebe Creek, Whatcom County", right of way, sheets 1 through 11 of 11 sheets, approved February 15, 1967.

That the plan entitled "SR 20, Granite Creek Crossing to Rainy Pass, M.P. 148.13 to M.P. 157.40, Skagit County", sheets 1 through 17 sheets, dated November 30, 1976, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

That the plan entitled "SR 20, Granite Creek Bridge to Rainy Pass, Skagit County", right of way, sheets 1 through 17 of 25 sheets approved July 19, 1967 is hereby superseded.

That the plan entitled "SR 20, Rainy Pass to Lone Fir Campground, M.P. 157.40 to M.P. 168.40, Chelan and Okanogan Counties", sheets 1 through 20 of 30 sheets dated November 30, 1976, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

That the following plans are hereby superseded:

"SR 20, Rainy Pass to Washington Pass, Chelan County", sheets 1 through 10 of 15 sheets approved February 23, 1966.

"SR 20, Washington Pass to Cutthroat Creek, Okanogan County", sheets 1 through 8 of 12 sheets approved February 18, 1964.

"SR 20, Willow Creek to Cutthroat Creek, Okanogan County", sheet 1 of 1 sheet approved November 20, 1962.

"SR 20, Cutthroat Creek to Pine Creek, Okanogan County", sheets 1 through 5 of 7 sheets approved November 14, 1962.

That the plan entitled "SR20, Lone Fir Campground to Early Winters Creek, M.P. 168.40 to M.P. 177.79, Okanogan County," sheets 1 through 18 of 27 sheets, dated January 14, 1977, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

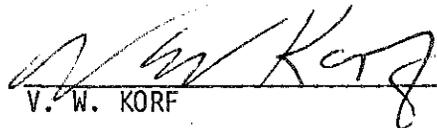
That the following plans are hereby superseded:

"SR 20, Cedar Creek to Pine Creek, Okanogan County", sheets 1 through 14 of 22 sheets approved August 8, 1961.

"SR 20, Early Winters Creek Vicinity, Okanogan County", sheets 1 through 6 of 6 sheets, approved June 14, 1960.

ADOPTED this 3 day of July, 1979.

DEPUTY SECRETARY OF TRANSPORTATION


V. W. KORF

APPROVED AS TO FORM:


ASSISTANT ATTORNEY GENERAL