

BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

IN RE: STATE ROUTE 24)
MOXEE VICINITY TO ROZA CANAL)
M.P. 5.37 to M.P. 9.02)
HEARING ON LIMITED ACCESS)

FINDINGS AND ORDER

The hearing on the above entitled matter was held, upon due notice to interested parties, beginning at 7:30 P.M., Wednesday, December 15, 1982, in the Moxee City Hall, Public Meeting Room, located at 255 West Seattle, Moxee, Washington, before John H. McRae, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by John T. Hurley, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

CAROLE ADAMS, by self, P.O. Box 153, Moxee, Washington 98936;

VICTOR W. BELAIRE, by self, Route 1, Box 167, Moxee, Washington 98936;

RAY DESMARAIS FARMS, INC., by Ray Desmarais, Route 1, Box 44, Moxee, Washington 98936;

STEVE DESMARAIS, by self, Route 1, Box 58-B, Moxee, Washington 98936;

ROBERT S. DORSETT, by self, Route 1, Box 220, Moxee, Washington 98936;

GERRIT HENGEVELD, by self, Route 1, Box 46, Moxee, Washington 98936;

LARRY LENSEIGNE, by self, P.O. Box 113, Moxee, Washington 98936;

PAUL LENSEIGNE, by self, Route 1, Box 36, Moxee, Washington
98936;

SID LENSEIGNE, by Fred Lenseigne, Route 1, Box 177, Moxee,
Washington 98936;

ALBERT B. MULFORD, by self, Route 1, Box 217-M, Moxee,
Washington 98936;

ROY FARMS, INC., by Leslie Roy, Route 1, Box 53, Moxee,
Washington 98936;

LAMAR C. SHATTUCK, by self, Route 1, Box 164, Moxee,
Washington 98936;

RICK VALICOFF, by self, Route 2, Box 2090-A, Wapato,
Washington 98951.

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 William Hordan, District Location Engineer, after which witnesses were called. The 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 November 8, 1982, a plan for the establishment of a limited access highway over a portion of State Route 24 in Yakima County, Washington, was ordered under Commission Resolution No. 2301 and its amendments and supplements thereto.

Such a plan was prepared and entitled "SR 24, MOXEE VICINITY TO ROZA CANAL, M.P. 5.37 TO M.P. 9.02, YAKIMA COUNTY," sheets 1 through 9 of 9 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 6-1, 6-2 and 6-4 through 6-10. Sheet 4 of 6 sheets of the plan entitled, "SR 24, MOXEE VICINITY, M.P. 3.95 TO M.P. 5.32, YAKIMA COUNTY," was introduced into evidence marked as Exhibit No. 6-3. Exhibits 6-1 through 6-10 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 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 that report was introduced into evidence marked Exhibit No. 4.

By letter dated November 22, 1982, the Board of Yakima County Commissioners approved the Access Report, and said letter was introduced into evidence marked Exhibit No. 5.

III

On November 8, 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 Limited Access Hearing. On November 22, 1982, an exact copy of this notice was mailed to Yakima County 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 Yakima Herald-Republic on November 30, 1982, as shown by the Affidavit of Publication of S. W. Watt, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2.

V

The plan proposes the establishment of partially controlled limited access highway facilities for State Route 24 from Moxee Vicinity to Roza Canal between Station L 242+42.24 and Station L 435+00.00 as shown on sheets 1 through 9 of 9 sheets entitled "SR 24, MOXEE VICINITY TO ROZA CANAL, M.P. 5.37 to M.P. 9.02, YAKIMA COUNTY."

The plan also proposes to revise the partially controlled limited access highway facilities on SR 24 in the Moxee Vicinity on sheet 4 of 6 sheets of the right of way and limited access plan entitled "SR 24 MOXEE VICINITY, M.P. 3.95 to M.P. 5.32, YAKIMA COUNTY," dated August 9, 1971.

VI

This section of State Route 24 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 Minor 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 roadside 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 intersections and approaches.

The plan for the establishment of partial controlled limited access highway facilities for this section of State Route 24 in Yakima County, introduced into evidence marked Exhibit Nos. 6-1 through 6-10, 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:

- | | |
|----------------|---|
| Exhibit No. 7 | Written statement, December 15, 1982, signed by Lester W. Roy, President, Roy Farms, Inc., regarding the limiting of access points to their farm lands. |
| Exhibit No. 8. | Reserved Exhibit, the Department of Transportations's response to Exhibit No. 7. |

VIII

The Commission has considered evidence on the entire portion of the above entitled highway and finds the plans introduced into evidence marked Exhibit Nos. 6-1 through 6-10 should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheet 4 of 9 sheets to relocate the Type B approach from Station L 281+20 Lt. to between Station L 276+90 and Station L 281+20 Lt. to serve Parcel No. 5-04771. This revision is in response to a request by Mr. Lester W. Roy on pages 28 through 31 of the hearing transcript and in Exhibit No. 7 and is recommended by the Department of Transportation in Reserved Exhibit No. 8.

2. Revise plan sheet 5 of 9 sheets to indicate joint use of the Type B approach at Station L 290+00 Rt. by Parcel Nos. 5-04766 and 5-04787, as recommended by the Department on page 18 of the hearing transcript.
3. Revise plan sheet 5 of 9 sheets to add a Type B approach at Station WR 13+00 Rt. for joint use by Parcel Nos. 5-04762, 5-04764, and 5-04794, as recommended by the Department on page 19 of the hearing transcript.
4. Revise plan sheet 6 of 9 sheets to indicate a Type A approach to Parcel No. 5-04794 at Station L 338+90 on the right as requested by Mr. Vic Belaire, on pages 24 and 46 of the hearing transcript.
5. Revise plan sheet 9 of 9 sheets to indicate partially controlled limited access on Beane Road to Station BR 16+30 and modified limited access control from Station BR 16+30 to Station BR 17+80. Also, to delete the Type B approach to Parcel No. 5-04798 at Station BR 17+50 Lt. and to allow a Type C* approach to Parcel 5-04798 between Station BR 16+30 and BR 17+80 Lt., for use consistent with local zoning. These revisions are in response to comments made at the hearing on pages 34 and 38 of the hearing transcript by Mr. Robert Dorsett.
6. Revise plan sheet 9 of 9 sheets to extend the limits of access control from Station L 435+00 to Station L 436+75 as recommended by the Department of page 23 of the hearing transcript.
7. Revise plan sheet 4 of 6 sheets and plan sheets 1 through 9 of 9 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. Mr. Mark Desmarais, on page 28 of the hearing transcript, requested revision of the Type A approach to Parcel No. 5-04763 at Station FR 17+50 Rt. to a Type B approach to also serve his Parcel 5-04778.

The Department of Transportation has determined that the Type A approach serving the residence on Parcel No. 5-04763 is slightly south of the mutual property line with Parcel No. 5-04778. Construction of a joint use approach would disrupt existing landscaping and

fencing. An approach into Parcel No. 5-04778 at this location would be of limited value, being contrary to the direction of hop rows. Parcel No. 5-04778 has access to Faucher Road to the south of Parcel No. 5-04763. The plan also provides access to the northwest corner of Parcel No. 5-04778 via Type B approach at Station L 73+90 Rt. (Plan sheet 4 of 6 sheets).

2. Mr. Paul Lenseigne, on pages 27 and 51 of the hearing transcript, requested reinstatement of access at Station L 260+75 Lt. to serve his property (Parcel No. 5-04774) and also that of his brother (Parcel No. 5-04773). He indicated the approach proposed at Station L 265+70 Lt. was adequate for his needs; however, without an approach at Station L 260+75 Lt., his brother would have access only to Faucher Road.

Mr. Lenseigne indicated the Type B approach at Station L 265+70 Lt. was adequate for his needs. The requested approach at Station L 260+75 was primarily for the convenience of his brother (Parcel No. 5-04773). Parcel Nos. 5-04773 and 5-04774 share a north-south farm road on their common boundary. That access road connects to an east-west access road extending along the north boundary of Parcel No. 5-04774 and westerly through Parcel No. 5-04773 to Faucher Road. In addition, Parcel No. 5-04773 has access to Faucher Road along its west boundary, beyond the proposed access control limits. The Department finds insufficient justification for an access approach at Station L 260+75 Lt.

3. Mr. Lester W. Roy, President, Roy Farms, Inc., on pages 28 through 31 of the hearing transcript and in Exhibit No. 7, expressed opposition to the reduction of access approaches to Parcel Nos. 5-04771 and 5-04769. He specifically requested perpetuation of existing approaches at Stations L 276+90 left and right; L 362+50 left and right; and L 372+50, L 400+00, L 407+00 and L 417+00, all on the left.

The Department indicated in Reserve Exhibit No. 8 that there is insufficient justification for an approach at Station L 276+90 on the right. The two approaches perpetuated by the plan adequately serve the needs on the right side portion of Parcel No. 5-04771.

Due to the number and frequency of approaches in the general area, the Department cannot allow left side approaches to Parcel No. 5-04771 at both Stations L 276+90 and L 281+20. Mr. Roy will be given the opportunity to select the location of one approach at a point satisfactory to the State at or between Station L 276+90 Lt. and Station L 281+20 Lt.

The Department further indicated in Reserve Exhibit No. 8 that the six approaches to Parcel No. 5-04769, as proposed by the plan, adequately serve the needs of that parcel. Partial access control criteria precludes any further highway access to that parcel. Mr. Roy's request for additional approaches at Station L 362+50 left and right and Stations L 372+50, L 400+00, L 407+00 and L 417+00, all on the left, is denied.

X

The Commission particularly finds in the case of each abutting ownership that the adoption of the plan for 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 24 in Yakima County described as follows is hereby designated as a limited access highway of the partially controlled type:

Between Station L 242+42.24 and Station L 435+00.00 as shown on sheets 1 through 9 of 9 sheets of the plan entitled "SR 24, MOXEE VICINITY TO ROZA CANAL, M.P. 5.37 to M.P. 9.02, YAKIMA COUNTY," dated November 8, 1982.

II

That the partially controlled limited access facilities on SR 24 in the Moxee Vicinity be revised as shown on sheet 4 of 6 sheets entitled "MOXEE VICINITY, M.P. 3.95 to M.P. 5.32, YAKIMA COUNTY," dated August 9, 1971 revised November 8, 1982.

III

That the plan set forth in Exhibit Nos. 6-1 through 6-10 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. Revised plan sheet 4 of 9 sheets to relocate the Type B approach from Station L 281+20 Lt. to between Station L 276+90 and Station L 281+20 Lt. to serve Parcel No. 5-04771.
2. Revise plan sheet 5 of 9 sheets to indicate joint use of the Type B approach at Station L 290+00 Rt. by Parcel Nos. 5-04766, and 5-04787.
3. Revise plan sheet 5 of 9 sheets to add a Type B approach at Station WR 13+00 Rt. for joint use by Parcel Nos. 5-04762, 5-04764, and 5-04794.
4. Revise plan sheet 6 of 9 sheets to indicate a Type A approach to Parcel No. 5-04794 at Station L 338+90 Rt.
5. Revise plan sheet 9 of 9 sheets to indicate partially controlled limited access on Beane Road to Station BR 16+30 and modified limited access control from Station BR 16+30 to Station BR 17+80. Also, to delete the Type B approach to Parcel No. 5-04798 at Station BR 17+50 Lt. and allow a Type C* approach to Parcel 5-04798 between Station BR 16+30 and BR 17+80 Lt.
6. Revise plan sheet 9 of 9 sheets to extend the limits of access control from Station L 435+00 to Station L 436+75.
7. Revise plan sheet 4 of 6 sheets and plan sheets 1 through 9 of 9 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 24, MOXEE VICINITY TO ROZA CANAL, M.P. 5.37 to M.P. 9.02, YAKIMA COUNTY," sheets 1 through 9 of 9 sheets, dated November 9, 1982, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

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

"SR 24, MOXEE VICINITY, M.P. 3.95 to M.P. 5.32, YAKIMA COUNTY", sheet 4 of 6 sheets approved August 9, 1971, revised November 8, 1982.

That the following plans are hereby superseded:

"SR 24, MOXEE ROADS", Right of Way, Yakima County, sheet 1, 2, and 3 of 3 sheets approved August, 1936.

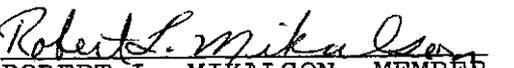
"SR 24, MOXEE EASTERLY", Right of Way, Yakima County, sheet 1, 2, and 3 pt. of 6 sheets approved March 26, 1940.

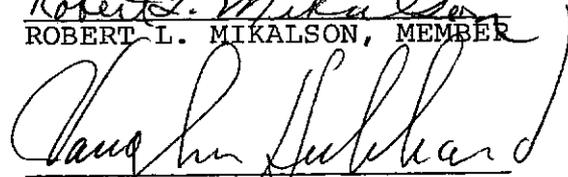
ADOPTED this 21st day of April, 1983

WASHINGTON STATE
TRANSPORTATION COMMISSION


JERRY OVERTON, CHAIRMAN

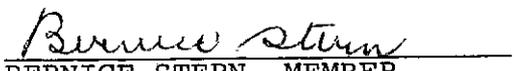

RICHARD ODABASHIAN, MEMBER


ROBERT L. MIKALSON, MEMBER


VAUGHN HUBBARD, MEMBER


ALBERT D. ROSELLINI, MEMBER

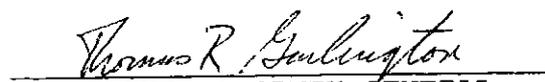

PAT WANAMAKER, MEMBER


BERNICE STERN, MEMBER

ATTEST:


LUE CLARKSON, ADMINISTRATOR

APPROVED AS TO FORM:


ASSISTANT ATTORNEY GENERAL