BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

IN RE: STATE ROUTE 24	)	
ROZA CANAL TO DESMARAIS ROAD,	)	
MP 9.03 TO MP 12.68;	)	FINDINGS AND ORDER
DESMARAIS RD. EASTERLY TO JCT.	)	Relating to those
SR 241, MP 15.56 to MP 30.40;	)	portions from MP
COLD CREEK ROAD TO JCT.	)	9.03 to MP 12.68 and
SR 240, MP 35.57 to MP 38.45	)	MP 15.56 to MP 30.40
HEARING ON LIMITED ACCESS	)	

The hearing on the above entitled matter was held, upon due notice to interested parties, beginning at 7:00 p.m., Tuesday, March 19, 1985, in the Moxee City Hall, Public Meeting Room, located at 255 West Seattle, Moxee, Washington, before Robert E. Lundgaard, 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;

DEPARTMENT OF NATURAL RESOURCES, by Larry Charlton, 713 East Bowers Road, Ellensburg, Washington 98926;

RICHARD E. ANDERSON, by self, Vernita Star Route, Box 2, Sunnyside, Washington 98944;

ROBERT CHARRON, by self, Route 1, Box 209-C, Moxee, Washington 98936;

SEBASTIAN CHARRON, by self, Route 1, Box 147, Moxee, Washington 98936;

CUNNINGHAM, INC., by A. V. Starke, Vernita Star Route, Sunnyside, Washington 98944;

WILLIS A DECOTO, by self, 2210 South 38th Avenue, Yakima, Washington 98903;

DENNIS J. FLEMING, by self, Route 3, Box 3348, Sunnyside, Washington 98944;

FRANCES FLEMING, by self, 408 West Pine Street, Union Gap, Washington 98903;

MARY & LARRY FRICKE, by selves, 5502 Cynthia Court, Yakima, Washington 98901;

NOY & HILDEGARD HOLT, by selves, 210 North 9th Street, Yakima, Washington 98901;

DR. RICHARD S. KOCH, 110 West 11th, Olympia, Washington 98501, by Emile L. Robert, Jr., 3406 Ahtanum Road, Yakima, Washington 98903;

GORDON MEACHAM, by self, Route 1, Box 209, Moxee, Washington 98936;

S. MARTINEZ LIVESTOCK INC., Route 1, Box 205-A, Moxee, Washington 98936, by J. L. Wright, Attorney at Law, P.O. Box 526, Yakima, Washington 98907;

MARTINEZ LIVESTOCK, INC., by Simon J. Martinez, President, Route 1, Box 205-A, Moxee, Washington 98936;

DANIEL T. MARTINEZ, by self, Route 1, Box 205, Moxee, Washington 98936;

RAMON MARTINEZ, by self, Route 1, Box 205-B, Moxee, Washington 98936;

EDWIN E. SPAULDING, (Two Bar A Ranch), 6800-154th NE, Redmond, Washington 98052, by Everett Christen, Agent, Associated Realtors, 415 North 1st Street, Yakima, Washington 98901;

RICHARD K. & RICHARD A. STILES, by Kim Stiles, Route 1, Box 207-X, Moxee, Washington 98936;

STANLEY TAGGARES, P.O. Box 2887, Yakima, Washington 98907, by A. V. Starke, Vernita Star Route, Sunnyside, Washington 98944;

LYNN A. TAYLOR, by Edith J. Taylor, Route 1, Box 207-T, Moxee, Washington 98936;

RICHARD M. WALTON, by self, Route 1, Box 215, Moxee, Washington 98936.

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 Robert E. Lundgaard, Hearing Examiner, 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 April 4, 1980, 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, ROZA CANAL TO DESMARAIS ROAD, MP 9.03 to MP 12.68, YAKIMA COUNTY," sheets 1 through 9 of 9 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 10-1 through 10-9, which were made a part of the hearing record.

II

Prior to December 23, 1977, 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, DESMARAIS RD. EASTERLY TO JCT. SR 241, MP 15.56 TO MP 30.40, YAKIMA COUNTY,"

sheets 1 through 32 of 32 sheets. These sheets were introduced into evidence marked Exhibit Nos. 11-1 through 11-32, which were made a part of the hearing record.

III

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. 5.

By letter dated March 5, 1985, the Board of Yakima County Commissioners approved the Access Report, and said letter was introduced into evidence marked as Exhibit No. 7.

IV

On February 11, 1985, the Project Development Engineer, by Order, proposed said plans and set a hearing date in accordance with the provisions of RCW 47.52.131, et seq. Said Order was introduced into evidence marked as Exhibit No. 1.

V

Lue Clarkson, Administrator, Washington State Transportation Commission, issued a Notice of Limited Access Hearing. On February 28, 1985, 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 Rolls as depicted in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 4. An exact copy of the notice was published in the Tri-City Herald and the Yakima Herald-Republic on March 1, 1985, as shown by the Affidavits of Publication of Eileen Scott and S. W. Watt,

Principal Clerks of said newspapers, which affidavits were introduced into evidence marked Exhibit Nos. 2 and 3, respectively.

VI

The plan proposes the establishment of partially controlled limited access highway facilities for the following described section of State Route 24:

> Between Sta. L 436+75.00 and Sta. L 627+55.00 as shown on sheets 1 through 9 of 9 sheets of the plan entitled, "SR 24, ROZA CANAL TO DESMARAIS ROAD, MP 9.03 TO MP 12.68, YAKIMA COUNTY," dated April 4, 1980; and
>
> Between Sta. 780+20.00 and Sta. 1564+00.00 as shown on sheets 1 through 32 of 32 sheets of the plan entitled "SR 24, DESMARAIS RD. EASTERLY TO JCT. SR 241, MP 15.56 to MP 30.40, YAKIMA COUNTY," dated December 23, 1977.

VII

These sections of State Route 24 are an important part of the highway system of the State of Washington and represent a substantial expenditure in construction costs. SR 24 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 designated intersections and approaches.

Washington State Department of Transportation access control design policy permits a maximum of four private access approaches per side per mile, in addition to public roads, on this class of highway.

The plans for the establishment of partially controlled limited access highway facilities for these sections of State Route 24 in Yakima County, introduced into evidence marked Exhibit Nos. 10-1 through 10-9 and 11-1 through 11-32, will facilitate travel, reduce accident rates, preserve the public investment and sustain the highway as a modern transportation facility.

VIII

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. 9a	Environmental Classification Summary for SR 24, Roza Canal to Jct. SR 241, dated March 19, 1985.
Exhibit No. 9b	Determination of Non-Significance and Environmental Checklist for SR 24, Roza Canal to Jct. SR 241, dated March 19, 1985.
Exhibit No. 13	Letter, March 13, 1985, signed by Emile L. Robert, Jr., requesting additional access points to facilitate farming operations on Parcel No. 5-05244.
Exhibit No. 13a	Reserved Exhibit, the Department of Transportation's response to Exhibit No. 13 and hearing comments by Mr. Robert.
Exhibit No. 14	Letter, March 19, 1985, signed by Douglas A. Wilson, Attorney at Law, representing Dr. Richard S.

	Koch, requesting additional access to Parcel 5-05246.
Exhibit No. 14a	Reserved Exhibit, the Department's response to Exhibit No. 14 and also hearing comments by Mr. Emile L. Robert, Jr.
Exhibit No. 15	Letter, April 22, 1985, signed by Kenneth W. Bracken, relative to fencing on D.O.E. property.
Exhibit No. 16	Reserved Exhibit, the Department's response to hearing testimony and a subsequent letter by Mr. Max Benningfield, opposing the reduction of access to Parcel No. 5-05224.
Exhibit No. 17	Reserved Exhibit, the Department's response to hearing comments by Simon and Daniel Martinez, opposing reduction of access to Parcel No. 5-05228.
Exhibit No. 18	Reserved Exhibit, the Department's response to hearing comments by Simon Martinez, requesting provision for a county road approach in lieu of a Type B at Sta. 879+10 Lt.
Exhibit No. 19	Reserved Exhibit, the Department's response to hearing comments by Mr. Willis Decoto, requesting perpetuation of his access.
Exhibit No. 20	Reserved Exhibit, the Department's response to hearing comments by Mr. Simon Martinez, relative to the movement of livestock across and along the highway.
Exhibit No. 21	Reserved Exhibit, the Department's response to hearing comments by Mr. Simon Martinez, requesting perpetuation of the joint use approach at Sta. 913+00 Lt., and the use of Type 1 wire fence through the area.
Exhibit No. 22	Reserved Exhibit, the Department's response to a hearing request by Mr. Larry Wright for joint use by

	Black Rock Partnership of the approach at Sta. 29+15 Rt., and increase the width of that approach.
Exhibit No. 23	Reserved Exhibit, the Department's response to hearing comments by Mr. Larry Wright and Mr. Simon Martinez, regarding width of approaches to Parcel No. 5-05231 and joint use with Martinez at Sta. 1010+00 vicinity as a public intersection.
Exhibit No. 24	Reserved Exhibit, the Department's response to hearing comments by Mr. Larry Wright, relative to an easement for Martinez through Parcel 5-05231 at Sta. 1038+00 Lt. vicinity requiring a joint use approach.
Exhibit No. 25	Reserved Exhibit, the Department's response to hearing comments by Larry Wright and Simon Martinez, indicating easement negotiations in progress and requesting a county road intersection at Sta. 1093+00 Lt. to serve Black Rock Partnership, Marley Orchards and Martinez Livestock.
Exhibit No. 26	Reserved Exhibit, the Department's response to oral comments by Mr. Larry Wright, requesting a county road intersection at Sta. 1148+05 Lt. and an additional access at Sta. 1121+00 vicinity Lt.
Exhibit No. 27	Reserved Exhibit, the Department's response to oral requests by Mrs. Edith Taylor for another access and Type 1 fencing on Parcel No. 5-05235.
Exhibit No. 28	Reserved Exhibit, the Department's response to hearing comments by A. V. Stark and Simon Martinez, indicating joint use of the approach at Sta. 1268+30 Lt. by the U. S. Army, Martinez Livestock and Parcel No. 5-05241.

Exhibit No. 29	Reserved Exhibit, the Department's response to oral and written comments by Mr. Everett Christen, representing Mr. Edwin E. Spaulding, requesting additional access to Parcel No. 5-05242, including joint use of access through other properties.
Exhibit No. 30	Reserved Exhibit, the Department's response to a request at the hearing by Mr. Everett Christen for Type 1 wire fencing along the half-mile frontage of Parcel No. 5-05242 (Spaulding).
Exhibit No. 31	Reserved Exhibit, the Department's response to hearing comments by Mrs. Edith Taylor and Mr. A. V. Stark, requesting some form of access to lands owned or leased by the Taylors north of Parcel No. 5-05243, and enlargement of the approaches at Sta. 1360+30 Rt. and Sta. 1361+00 Lt. to accommodate large trucks and machinery.
Exhibit No. 32	Reserved Exhibit, the Department's response to oral comments by Mr. Larry Charlton (Dept. of Natural Resources), opposing closure of the approach at Sta. 1392+40 Rt.
Exhibit No. 33	Reserved Exhibit, the Department's response to oral and written comments by Mr. Larry Charlton (DNR), requesting an 80-foot approach at Sta. 1415+80 Rt., and 40-foot approaches at Sta. 1416+60 Lt., 29+15 Rt., and 1387+60 Lt.
Exhibit No. 34	Reserved Exhibit, the Department's response to an oral request by Mr. Ramon Martinez, in behalf of Frances Fleming, for a commercial approach to Parcel No. 5-05249, in lieu of a Type B approach.
Exhibit No. 35	Reserved Exhibit, the Department's response to oral and written requests by Mary K. and Larry W. Fricke for retention of an approach to Parcel 5-05206 at Sta. 458+11

	Rt. and also installation of Type 1 fencing.
Exhibit No. 36	Reserved Exhibit, the Department's response to oral requests by Mr. Richard Walton for retention of access at Sta. 467+85 Rt., construction of an access road to allow entry to Parcel 5-05207 from Sta. 475+67 Rt., and installation of Type 1 fencing throughout his frontage.
Exhibit No. 37	Reserved Exhibit, the Department's response to an oral request by Mr. Robert Charron for an approach at Sta. 489+30 Rt. to serve Parcel 5-05212 (Palmer), which he also farms.
Exhibit No. 38	Reserved Exhibit, the Department's response to an oral request by Mr. Gordon Meacham (Parcel No. 5-05213) for farm approaches at Sta. 489+30 Lt. and Rt.
Exhibit No. 39	Reserved Exhibit, the Department's response to oral requests by Mr. Robert Charron and Mr. Gordon Meacham for retention of farm approaches at Sta. 513+49 Lt., 513+93 Rt., and 523+03 Rt., the latter requiring a 60-foot width.
Exhibit No. 40	Reserved Exhibit, the Department's response to an oral request by Mr. Robert Charron for retention of approaches at Sta. 561+32 Lt. and 582+46 Rt.
Exhibit No. 41	Reserved Exhibit, the Department's response to oral requests by Mr. Robert Charron and Mr. Gordon Meacham for retention of approaches at Sta. 591+10, 598+65, 602+79, 605+25, all on the right, and 603+28 Lt., and also a request by Mr. Charron to not fence the right of way adjacent to his hop fields.
Exhibit No. 42	Reserved Exhibit, the Department's response to oral requests by Mr. Gordon Meacham and Mr. Simon Martinez for a county road

intersection at Sta. 587+00 Lt. in lieu of a private approach.

Exhibit No. 43	Petition submitted by Mr. Gordon Meacham, signed by forty individuals, opposing limited access on SR 24.
Exhibit No. 44	Reserved Exhibit, the Department's response to an oral inquiry by Mr. Ramon Martinez regarding the legality of machinery and livestock movement on SR 24 after access control is imposed.
Exhibit No. 45	Reserved Exhibit, the Department's response to letters submitted by Mr. J. Lawrence Wright requesting greater widths and retention of all existing approaches directly serving Martinez Livestock, Inc. and Black Rock Partnership, joint use of others where easements are being drafted, and placement of fencing near the roadway to allow weed control by landowners; by Ramon Martinez opposing limited access and narrow Type B approaches; by Daniel Martinez opposing access control; and by Simon Martinez opposing access control and fencing, questioning legality and liability of livestock on the roadway and requesting cattle overpasses, requesting public intersections, more and wider approaches and joint use of others.
Exhibit No. 46	Reserved Exhibit, the Department's response to a written request by Mr. Stanley Taggares for 80-foot wide approaches to Parcel No. 5-05236 at Sta. 1202+00 Rt. and 1203+10 Lt.
Exhibit No. 47	Reserved Exhibit, the Department's response to a letter from Mr. Peter S. Optekar (Parcel No. 5-05227) opposing closure of existing approaches at Sta. 880+10, 890+45 and 927+17, all on the right.

IX

The Commission has considered evidence on both portions of the above entitled highway and finds the plans introduced into evidence marked Exhibit Nos. 10-1 through 10-9 and 11-1 through 11-32 should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheet 3 of 9 sheets to add a Type B approach, not to exceed 40 feet in width, at Sta. 458+11 Rt. for use by Parcel No. 5-05206. This plan change is in response to oral and written requests by Mary and Larry Fricke and is recommended by the Department in Reserved Exhibit No. 35.

2. Revise plan sheet 5 of 9 to add Type B approaches to Parcel No. 5-05213 at Sta. 513+49 Lt. and 513+93 Rt., both not to exceed 40 feet in width, and revise the Type B approaches at Sta. 503+05 Rt. and 523+03 Lt., not to exceed 30 feet in width. These plan changes are in response to oral requests by Mr. Robert Charron and Mr. Gordon Meacham and are recommended by the Department in Reserved Exhibit No. 39.

3. Revise plan sheet 6 of 9 to add a supplemental note to widen the Type B approaches at Sta. 530+37 Lt. and 530+54 Rt. for Parcel No. 5-05213, and at Sta. 544+39 Lt. and 545+00 Rt. for Parcel Nos. 5-05213 and 5-05214, not to exceed 30 feet in width, as recommended by the Department.

4. Revise plan sheet 7 of 9 sheets to add Type B approaches, not to exceed 30 feet in width, at Sta. 561+32 Lt. and Sta. 582+46 Rt., for use by Parcel No. 5-05216. These plan changes are in response to oral requests by Mr. Robert Charron and are recommended by the Department in Reserved Exhibit No. 40.

5. Revise plan sheet 7 of 9 sheets to add a supplemental note to widen the Type B approaches at Sta. 557+67 Lt. and 573+31 Rt. for Parcel No. 5-05214; Sta. 567+23 Rt., for Parcel No. 5-05215; Sta. 573+53 Lt.; not to exceed 30 feet in width, and 580+95 Lt., for Parcel No. 5-05216 as recommended by the Department.

6. Revise plan sheets 8 and 9 of 9 sheets to add Type B approaches, not to exceed 30 feet in width, at Sta. 602+79 Rt. and 603+28 Lt. and revise the Type B approach at Sta. 616+20 Lt., not to exceed 30 feet in width, for use by Parcel No. 5-05217. These plan changes are in response to oral requests by Mr. Robert Charron and Mr. Gordon Meacham and are recommended by the Department in Reserved Exhibit No. 41.

7. Revise plan sheet 8 of 9 sheets to revise the future grade intersection supplemental note to allow the backlying ownerships, having access to the county right of way, joint use of the Type B at Sta. 587+00 until the grade intersection is constructed as recommended by the Department.

8. Revise plan sheet 8 of 32 sheets to add a note designating a future grade intersection at Sta. 780+30± Lt. to serve the backlying ownerships having access to the dedicated easement through the Morningside Orchards plat. This plan change is in response to a written request (Exhibit No. 45) by Mr. J. Lawrence Wright, Attorney at Law, representing S. Martinez Livestock, Inc. and the Black Rock Partnership (William J. Gammie, et al.) and is recommended by the Department in Reserved Exhibit No. 45.

9. Revise plan sheet 8 of 32 sheets to revise the Type B approach for Parcel No. 5-05224 at Sta. 785+50 Rt., not to exceed 60 feet in width and to add a Type B approach at Sta. 793+55 Rt., not to exceed 30 feet in width, in response to oral and written requests by Mr. Max E. Benningfield, Jr., and as recommended by the Department in Reserved Exhibit No. 16.

10. Revise plan sheet 9 of 32 sheets to revise Type B approaches, not to exceed 60 feet in width, at Sta. 820+00 Lt. for use by Parcel Nos. 5-05226 and 5-05228, and at Sta. 820+00 Rt. for use by Parcel No. 5-05227, in response to a written request (Exhibit No. 45) by Mr. Wright and as recommended by the Department in Reserved Exhibit No. 45.

11. Revise plan sheet 9 of 32 sheets to add a supplemental note to widen the Type B approach not to exceed 60 feet in width, at Sta. 818+35 Rt. for Parcel No. 5-05225 as recommended by the Department.

12. Revise plan sheets 9 and 10 of 32 sheets to add Type B approaches to Parcel No. 5-05228 at Sta. 830+90 Lt., not to exceed 20 feet in width, and at Sta. 844+90 Lt., not to exceed 60 feet in width. These plan changes are in response to oral requests by Simon and Daniel Martinez and are recommended by the Department in Reserved Exhibit No. 17.

13. Revise plan sheet 10 of 32 sheets to add supplemental notes to widen the Type B approaches at Sta. 859+30 Lt. not to exceed 30 feet in width, for Parcel No. 5-05228 and at Sta. 862+40 Rt. not to exceed 40 feet in width, for Parcel No. 5-05227 as recommended by the Department.

14. Revise plan sheet 11 of 32 sheets to revise the Type B approach, not to exceed 60 feet in width, at Sta. 879+10 Lt., for use by Parcel No. 5-05228, in response to written requests (Exhibit No. 45) by Mr. J. Lawrence Wright and Mr. Simon Martinez and as recommended by the Department in Reserved Exhibit No. 45.

15. Revise plan sheet 11 of 32 sheets to add a supplemental note to widen the Type B approach at Sta. 870+65 Rt., not to exceed 40 feet in width, for Parcel No. 5-05227, as recommended by the Department.

16. Revise plan sheets 11 and 12 of 32 sheets to add Type B approaches to Parcel No. 5-05227 at Sta. 890+45 and 927+17, both on the right. These plan changes are in response to written requests by Mr. Peter S. Optekar and are recommended by the Department in Reserved Exhibit No. 47.

17. Revise plan sheet 14 of 32 sheets to revise the Type B approach, not to exceed 40 feet in width, at Sta. 27+80 Lt., for use by Parcel No. 5-05231, in response to a request by Mr. Wright (Exhibit No. 45) and as recommended by the Department in Reserved Exhibit No. 45.

18. Revise plan sheet 14 of 32 sheets to revise the Type B approach, not to exceed 40 feet in width, to Parcel No. 5-05232 at Sta. 29+15 Rt., in response to an oral request by Mr. Larry Wright and as recommended by the Department in Reserved Exhibit No. 22.

19. Revise plan sheet 15 of 32 sheets to delete the Type B approach to Parcel No. 5-05231 at Sta. 1016+75 Lt. and to revise the Type B approaches,

not to exceed 30 feet in width, at Sta. 1000+50 Lt. and 1012+00 Rt. These plan changes are in response to oral testimony by Mr. Larry Wright on pages 47 and 48 of the Hearing Transcript and are recommended by the Department in Reserved Exhibit No. 23.

20. Revise plan sheet 16 of 32 to revise the Type B approaches to Parcel No. 5-05231 at Sta. 1024+40 Lt. and Rt., not to exceed 30 feet in width, and to add a Type B approach at Sta. 1039+50 Lt. and Rt., not to exceed 40 feet in width, in response to requests by Mr. Wright and Mr. Martinez and as recommended by the Department in Reserved Exhibit No. 45.

21. Revise plan sheets 17, 18 and 19 of 32 sheets to revise the Type B approaches, not to exceed 30 feet in width, to Parcel No. 5-05231 at Sta. 1058+80 Lt., 1065+30 Rt., 1070+00 Lt., 1070+65 Rt., 1091+20 Lt., and 1091+30 Rt., and to add a Type B approach, not to exceed 30 feet in width, at Sta. 1059+45 Rt., and also revise the Type B approaches, not to exceed 60 feet in width, at Sta. 1148+05 Lt. for use by Parcel Nos. 5-05234 and 5-05235 and at Sta. 1148+10 Rt. for use by Parcel Nos. 5-05233 and 5-05236. These plan changes are in response to requests by Mr. J. Lawrence Wright and Mr. Simon Martinez and are recommended by the Department in Reserved Exhibit No. 45.

22. Revise plan sheet 21 of 32 sheets to revise the Type B approaches, not to exceed 80 feet in width, to Parcel No. 5-05236 at Sta. 1202+00 Rt. and to Parcel Nos. 5-05236 and 5-05237 at Sta. 1203+10 Lt. These plan changes are in response to written requests by Mr. Stanley Taggares and are recommended by the Department in Reserved Exhibit No. 46.

23. Revise plan sheet 24 of 32 sheets to add a Type B approach, not to exceed 80 feet in width, to Parcel No. 5-05242 at Sta. 1306+50 Rt., and to delete a Type B approach at Sta. 1304+55 Rt., which was erroneously assigned to Parcel No. 5-05241. These plan changes are in response to oral and written comments by Mr. Everett Christen, representing Edwin E. Spaulding, and are recommended by the Department in Reserved Exhibit No. 29.

24. Revise plan sheet 25 of 32 sheets to add a supplemental note to widen the Type B approach at

Sta. 1323+10 Lt. not to exceed 30 feet in width, for Parcel No. 5-05241 and at Sta. 1331+50 Rt. not to exceed 30 feet in width, for Parcel No. 5-05242 as recommended by the Department.

25. Revise plan sheet 26 of 32 sheets to revise the joint use of Type B approaches, not to exceed 80 feet in width, to Parcel Nos. 5-05241 and 5-05243 at Sta. 1360+30 Rt. and Sta. 1361+00 Lt., in response to oral requests by Mr. A. V. Stark in behalf of Cunningham Properties, Inc., and as recommended by the Department in Reserved Exhibit No. 31.

26. Revise plan sheets 27 and 28 of 32 sheets to revise the Type B approach, not to exceed 40 feet in width, to Parcel No. 5-05243 at Sta. 1387+60 Lt., add a Type B approach, not to exceed 30 feet in width, at Sta. 1392+40 Rt., revise the Type B approach, not to exceed 80 feet in width, at Sta. 1415+80 Rt., and revise the Type B approach, not to exceed 40 feet in width, at Sta. 1416+60 Lt. These plan changes are in response to oral requests and a subsequent letter submitted by Mr. Larry Charlton of the Department of Natural Resources, and are recommended by the Department in Reserved Exhibit Nos. 32 and 33.

27. Revise plan sheets 28 and 29 of 32 sheets to add Type B approaches to Parcel No. 5-05244 at Sta. 1430+00 Lt. and 1460+00 Lt., not to exceed 20 feet in width, and at Sta. 1470+00 Lt. and Rt., not to exceed 80 feet in width. These plan changes are in response to requests by Mr. Emile L. Robert, Jr. (Exhibit No. 13), and are recommended by the Department in Reserved Exhibit No. 13a.

28. Revise plan sheet 28 of 32 sheets to add a supplemental note to widen the Type B approach at Sta. 1432+00 Rt., not to exceed 30 feet in width, for Parcel No. 5-05245 as recommended by the Department.

29. Revise plan sheet 30 of 32 sheets to revise the Type B approaches for Parcel No. 5-05246 at Stas. 1486+30 Rt., 1486+50 Lt., and 1500+20 Lt., not to exceed 80 feet in width. Also to added a Type B approach at Sta. 1490+00 Lt., not to exceed 30 feet in width and add a Type B approach at Sta. 1501+00 Rt., not to exceed 80 feet in width as requested by Mr. Douglas A. Wilson (Exhibit No. 14) and are recommended by the Department in Reserved Exhibit No. 14a.

30. Revise plan sheets 31 and 32 of 32 sheets to revise the Type B approaches, not to exceed 80 feet in width, to Parcel Nos. 5-05246 and 5-05247 at Sta. 1529+10 Lt. and to Parcel No. 5-05247 at Sta. 1533+55 Lt. and to add a Type B approach, not to exceed 80 feet in width at Sta. 1560 00 Lt. for Parcel No. 5-05247, in response to requests by Mr. Emile L. Robert, Jr. (Exhibit No. 13) and as recommended by the Department in Reserved Exhibit No. 13a.

31. Revise plan sheets 1 through 9 of 9 sheets and 1 through 32 of 32 sheets to make minor plan revisions, to correct ownerships and parcel details, area computations, and right of way details.

X

The Commission also considered the following requests and makes these findings:

1. Mary and Larry Fricke, in a letter submitted subsequent to the hearing, requested Type 1 fencing for the frontage of Parcel No. 5-05206.

   The Department indicated in Reserved Exhibit No. 35 that the highway frontage of Parcel No. 5-05206 is presently unfenced. The Department's intent is to install right of way fencing. The type to be utilized will be determined by adjacent land use activities. The present land use of this parcel does not warrant Type 1 wire fencing.

2. Mr. Simon Martinez, in his oral testimony on page 38 of the Hearing Transcript, indicated his approach to Parcel No. 5-05228 at Sta. 879+10 Lt. will also serve part of the Black Rock Partnership lands to the east.

   The Department of Transportation indicated in Reserved Exhibit No. 18 that without a legally documented right of entry, Black Rock Partnership cannot be designated as a joint user of the approach. At such time legal rights are established, the limited access plan can be revised to allow such joint use.

3. Mr. Willis Decoto, in his oral testimony on pages 39 and 40 of the Hearing Transcript, indicated the

plan did not provide for perpetuation of his access between Sections 26 and 25 (sheet 11 of 32) at Sta. 876+50 Rt.

In Reserved Exhibit No. 19, the Department indicated the referenced access extends from an approach to Parcel No. 5-05227 (Optekar) at Sta. 876+50 Rt. A search of county records found no documentation of any easement allowing Mr. Decoto to traverse the property. A "handshake easement" may have been established at one time between Mr. Decoto's father and the owner of Parcel 5-05227. However, until a legally documented right of entry is established, the Department cannot designate Mr. Decoto as joint user of the approach.

4. Mr. Peter S. Optekar, in a written statement (Exhibit No. 47) submitted subsequent to the hearing, indicated a second party uses his approach at Sta. 880+10 Rt. to access a well and irrigation pump.

   In Reserved Exhibit No. 47, the Department indicated the approach at Sta. 880+10 will not be perpetuated. Alternate access to the well and pump must be developed internally from the highway approach at Sta. 876+50 Rt. However, since the Department was unable to find a recorded document allowing use by others, joint use of the approach cannot be incorporated into the access plan at this time. When legal easements are of record, the plan can be modified to allow such use.

5. Mr. Simon Martinez, in a letter submitted subsequent to the hearing, requested to be included as joint user of an approach to Parcel No. 5-05227 (Optekar) at Sta. 876+50 Rt., an approach to Parcel No. 5-05229 (Black Rock Partnership) at Sta. 926+20 Lt., an approach to Parcel No. 5-05230 (DNR) at approximate Sta. 935+00 Rt., and an approach to Parcel No. 5-05231 (Black Rock Partnership) at Sta. 27+80 Lt.

   Mr. J. Lawrence Wright, in a letter submitted subsequent to the hearing, requested joint use in behalf of Mr. Simon Martinez of an approach to Parcel No. 5-05231 (Black Rock Partnership) at Sta. 1039+50 Lt. and an approach to Parcel No. 5-05234 (also Black Rock Partnership) at Sta. 1148+05 Lt.

   In Reserved Exhibit Nos. 24 and 45, the Department indicated Mr. Martinez cannot be designated for

joint use of any of those approaches until such time legal easements are of record, granting him access through the affected parcels.

6. Mr. Simon Martinez, in his oral comments on pages 42 and 43 of the Hearing Transcript, requested joint use of an approach to Parcel No. 5-05229 at approximate Sta. 913+00 Lt. to access his backlying property.

   The referenced approach is at Sta. 926+20 Lt. and not at Sta. 913+00 as Mr. Martinez indicated. In Reserved Exhibit No. 21, the Department indicated joint use cannot be granted until such time there is a legally documented right of entry.

7. Mr. Larry Wright, Attorney at Law representing the Black Rock Partnership, and Mr. Larry Charlton, representing the Department of Natural Resources, in their oral testimony on pages 44 through 46 of the Hearing Transcript, requested joint use by both DNR and the Black Rock Ranch of the approach to Parcel No. 5-05232 (Decoto) at Sta. 29+15 Rt.

   In Reserved Exhibit No. 22, the Department indicated a search of county records produced no documentation of easements allowing either DNR or Black Rock Ranch to enter upon Parcel No. 5-05232 to access their backlying ownerships. At such time legal rights are documented or established, the access plan can be revised to allow their joint use of the approach.

8. Mr. Larry Wright and Mr. Simon Martinez, in their oral comments on pages 47 and 48 of the Hearing Transcript, requested joint use by Mr. Martinez of an approach to Parcel No. 5-05231 (Black Rock Partnership) near the center of Section 20 (approximate Sta. 1010+00 vicinity on the left). They are currently negotiating an easement.

   The Department indicated in Reserved Exhibit No. 23 that Mr. Martinez cannot be designated as a joint user of an approach to Parcel No. 5-05231 on the basis of a pending easement. A legally documented right of entry must first be attained.

9. Mr. Larry Wright, in his oral comments on pages 50 and 51 of the Hearing Transcript, indicated they were negotiating with Martinez Livestock, Inc. for an easement extending north between Sections 21 and 22 (Sta. 1093+00 vicinity).

The Department indicated in Reserved Exhibit No. 25 that Mr. Martinez cannot be designated as a joint user of an approach to Parcel No. 5-05231 (Black Rock Partnership) at Sta. 1091+20 Lt. until such time legal rights are documented or established.

10. Mr. A. V. Stark, in his testimony on pages 57 and 58 of the Hearing Transcript, indicated his access at Sta. 1268+30 Lt. is used annually by the U. S. Army to access lands on the military reservation. Mr. Simon Martinez, on pages 58 and 59, requested Martinez Livestock be added as joint user of that approach as lessee of lands owned by both Mr. Stark and the Department of the Army for livestock grazing.

    In Reserved Exhibit No. 28, the Department indicated finding no legally documented rights of entry to Parcel No. 5-05241 in behalf of the Army or Mr. Martinez to access lands within the military reservation. At such time legal rights are documented or established, the plan can be revised to allow their joint use of the approach. Mr. Martinez' activities relative to livestock grazing on land he has leased within Parcel No. 5-05241 constitute uses normal to the operation of the farm. Therefore, he is an agent of the property owner and can legally utilize the approach.

11. Mr. Everett Christen, representing Mr. Edwin E. Spaulding, in his testimony on page 60 of the Hearing Transcript and subsequent letter, implied joint use by Mr. Spaulding (Parcel No. 5-05242) through many years of use of approaches at Sta. 1415+80 Rt. (Parcel No. 5-05243, DNR) and Sta. 876+50 Rt. (Parcel No. 5-05227, Optekar).

    In Reserved Exhibit No. 29, the Department indicated Mr. Spaulding cannot be designated as a joint user of those approaches until such time legal easements are on record, granting him access through the affected parcels.

12. Mrs. Edith Taylor, in her oral comments on pages 62 and 63 of the Hearing Transcript, requested some form of access to lands they lease and/or own lying north of Parcel Nos. 5-05241 and 5-05243.

    The Department indicated in Reserved Exhibit No. 31 that there are no legal easements of record granting the Taylors access through either of the parcels abutting the highway. Until easements are

of record, the Department cannot designate them as joint users of any of the highway approaches to those parcels.

13. Mr. Simon Martinez, in a written statement (Exhibit No. 45) submitted subsequent to the hearing, requested access rights to his lands along the section of SR 24 between the junction with SR 241 and Cold Creek Road. He indicated receiving no notice of the prior hearing on that section.

    The Department indicated in Reserved Exhibit No. 45 that notices of the hearing held on May 17, 1983, for establishment of access control on that highway segment were mailed to abutting property owners and anyone having easements or legal rights of entry into or through the abutting properties. Mr. Martinez had no legally documented rights of entry into any of those properties, and therefore, did not qualify as a proper party to the hearing. If Mr. Martinez holds any documents of rights of entry to any of those properties, he should have them duly recorded, then apply to the Department of Transportation for joint use rights through the appropriate highway approaches.

14. Mr. Simon Martinez, in his oral comments on pages 40 and 41; Mr. Ramon Martinez, on pages 104 and 105 of the Hearing Transcript, and Mr. J. Lawrence Wright, in his written statement (Exhibit No. 45) submitted subsequent to the hearing, asked if they would still be allowed to cross the highway with livestock. They also inquired about the liability of livestock on the highway.

    The Department indicated in Reserved Exhibit Nos. 20, 44 and 45 that herding of livestock across the highway will be permitted only through approved Type B farm approaches and upon the following conditions:

    1. Crossings of the highway with livestock are permitted during daylight hours only.

    2. Lateral herding of livestock between offset approaches is permitted on the adjacent highway right of way, but not upon the traveled highway lanes or shoulders.

    3. Livestock owners are responsible for warning the traveling public of all livestock movements across or laterally along the highway by providing WSDOT approved warning

signs, flagging, or other appropriate measures.

4. Property owners are responsible for preventing livestock from straying onto the highway right of way by maintaining farm approaches and taking other necessary measures.

15. A petition signed by forty individuals was submitted at the hearing by Mr. Gordon Meacham and assigned Exhibit No. 43. The general context was opposition to implementation of limited access on SR 24. Reasons cited were stopping division of property for more homes or small ranches and limiting crossing with machinery and livestock. SR 24 was developed for access to Hanford and for farm to market use. It must be kept for that use. They are not interested in developing another route to bring in atomic waste.

In Reserved Exhibit No. 43, the Department indicated access control is established to preserve the safety and efficiency of highways and to preserve the public investment in them. Partial access control provides a considerable degree of protection from traffic interference and protects the facility from future ribbon-type development. In addition to connections with public roads, partial control allows some private driveway connections. Commercial approaches are not allowed within the limits of access control.

The establishment of partial access control on SR 24 will not preclude land use changes or division of property. The primary controls upon area land use and development are imposed by county zoning laws. Major developments, such as platted subdivisions, can attain highway access through public intersection. Where none exists, agreement must be reached between the property owner/developer, the county and the state to provide for its construction, operation and maintenance.

Imposition of partial access control will not prohibit equipment crossings at opposing farm approaches. By obtaining an appropriate quarterly or annual permit, farmers or dealers may also move farming equipment in accordance with current laws governing size, weight and load restrictions. Other limitations prescribed by law (signs, warning lights, flagmen, pilot cars, etc.) will be so stated on the individual permits. These

requirements apply to non-access controlled highways as well as those with partial access control.

Crossing with livestock through approved approaches, including some limited lateral travel on highway right of way, will be allowed.

The implementation of access control on SR 24 will not preclude access to Hanford or farm to market use. Those users are the primary traffic generators, which have prompted recent and proposed improvement projects to upgrade this route. Although atomic wastes may be hauled along this route, such has not been a factor in the decisions for improvement of the highway and implementation of access control. In Reserved Exhibit No. 43, the Department recommended acquisition of partial access control as presented at the limited access hearing; but, with modifications as recommended herein after analysis of oral and written comments entered into the hearing record.

XI

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

1. Mr. Richard Walton, in his testimony on pages 78 through 80 and 84 of the Hearing Transcript, requested retention of his approach to Parcel No. 5-05207 at Sta. 467+85 Rt., requested a county road intersection on Sta. 475+67 Rt. in lieu of a multiple use Type B approach, and requested replacement of his barbed wire fence with Type 1 wire fencing.

   In Reserved Exhibit No. 36, the Department indicated the number and frequency of approaches in this general area exceed the criteria of four approaches per side, per mile. Therefore, the Department recommended closure of Mr. Walton's approach at Sta. 467+85 Rt. Mr. Walton can improve access to his easterly field either internally or via the joint use approach at Sta. 475+67 Rt.

   The Department cannot honor Mr. Walton's request for a county road intersection at Sta. 475+67 Rt. The designation of and responsibility for county

roads rests with Yakima County and not the Department of Transportation.

The Department denies Mr. Walton's request for replacement of his existing barbed wire fence with Type 1 fencing. The Department's intent is to only fence gaps and replace sections of existing dilapidated fencing.

2. Mr. Robert Charron and Mr. Gordon Meacham, in their testimony on pages 81 through 83 of the Hearing Transcript, requested approaches at Sta. 489+30 Lt. and Rt. to serve Parcel Nos. 5-05212 and 5-05213. Mr. Charron raises hops on the Palmer land and needs good access. Mr. Meacham indicated they frequently cross the highway with equipment at Sta. 489+30. The south side approach serves an irrigation ditch. Also, the mailman uses the left side access as a short cut to Den Beste Road.

   The Department indicated in Reserved Exhibit Nos. 37 and 38 that Mr. Meacham was in error. The existing opposing approaches, with connecting farm road to Den Beste Road and access to the drain ditch, are located at Sta. 502+70 Lt. and 503+05 Rt. The plan presented at the hearing perpetuated both of those approaches.

   The Department further indicated the number of approaches in this area must be reduced as much as practicable to comply with the access criteria of four approaches per side, per mile. The approach to Parcel No. 5-05212 at Sta. 475+67 Rt., coupled with the farm road around the hop field, was deemed to be sufficient access to the parcel. Mr. Charron can improve his internal access by constructing a direct connection across the drain separating Parcel Nos. 5-05212 and 5-05213.

3. Mr. Robert Charron and Mr. Gordon Meacham, in their oral comments on pages 85 through 87 of the Hearing Transcript, requested a 60-foot wide approach to Parcel No. 5-05213 at Sta. 523+03 Rt.

   The Department indicated in Reserved Exhibit No. 39 that the access control criteria set forth by WSDOT design standards limits the number and frequency of approaches to the highway. The approach at Sta. 523+03 Rt. connects only to the midpoint of a hop field and not to an access road. Its value is, therefore, limited and does not warrant perpetuation. The other approaches proposed on the access hearing plan and as

supplemented herein provide adequate access to the right side fields within Parcel No. 5-05213.

4. Mr. Gordon Meacham and Mr. Simon Martinez, on pages 91 through 94 and 98 of the Hearing Transcript, indicated the access at Sta. 587+00 Lt. should be a county road. A prior court case was cited wherein a Department representative testified that it was a county road and the property owners had county road access.

   In Reserved Exhibit No. 42, the Department stated there is an existing dedicated public right of way; however, Yakima County has not assumed maintenance responsibility for the dirt lane that exists. Therefore, the property owners only have access via a dedicted right of way, not via a public road. Until such time an actual roadway is to be constructed and placed under Yakima County's jurisdiction, the Department cannot designate a public intersection at this location.

5. Mr. Robert Charron, in his oral comments on pages 94 through 96 of the Hearing Transcript, requested right side approaches to Parcel No. 5-05217 at Sta. 591+10, 598+65 and 605+25. He further requested the right of way not be fenced adjacent to his hop fields.

   In Reserved Exhibit No. 41, the Department denied Mr. Charron's requests. The access control criteria limits the number and frequency of approaches to the highway. The proposed approach at Sta. 602+79 Rt. provides adequate access to his hop fields. The Department has found insufficient need to justify additional access points. Fencing of the highway right of way is essential to prevent indiscriminate access to adjacent properties and to minimize the hazard of farm animals straying onto the highway. If Mr. Charron so desires, an air space lease can be implemented at the time of acquisition of access rights to allow his use of a portion of the highway right of way for turn arounds and lateral travel with farm equipment.

6. Mr. Simon Martinez, in a written statement (Exhibit No. 45) submitted subsequent to the hearing, requested designation of future county road intersections at Sta. 844+90 Lt. and 879+10 Lt., in anticipation of future retailing of farm products.

In Reserved Exhibit No. 45, the Department indicated that designation of future county road intersections can only be made at the request of county officials. Partially controlled limited access does not allow direct access to properties for retail marketing. Therefore, until such time a public intersecton is established, Mr. Martinez cannot be allowed to conduct retail sales.

7. Mr. Simon Martinez made an oral request for a county road intersection at Sta. 879+10 Lt. in lieu of a Type B approach to Parcel No. 5-05228.

   The Department indicated in Reserved Exhibit No. 18 that the designation of and responsibility for county roads rests with Yakima County and not the Department of Transportation. Property owners who anticipate developments which will generate significant traffic volumes must arrange through the county for their access needs. The county will then coordinate with the Department for any needed county road intersection with the highway.

8. Mr. Peter S. Optekar, in a written statement (Exhibit No. 47) submitted subsequent to the hearing, opposed closure of the approach to Parcel No. 5-05227 at Sta. 880+10 Rt. Construction of an alternate road would be through a severe washout area, requiring an enormous culvert and costly annual repair.

   In Reserved Exhibit No. 47, the Department indicated Parcel No. 5-05227 presently has eight right side approaches in 1.23 miles of highway frontage, exceeding the access control criteria, which allows four approaches per side, per mile. The approach at Sta. 880+10 Rt. will, therefore, be closed. Alternate access to the pump and well can be established from the approach at Sta. 876+50 Rt.

9. Mr. Simon Martinez, in his oral comments on pages 42 and 43 of the Hearing Transcript, requested installation of Type 1 fencing throughout the area of Parcel No. 5-05229 to contain livestock.

   In Reserved Exhibit No. 21, the Department indicated the frontage of Parcel No. 5-05229 is presently fenced with barbed wire. The Department's intent is to not remove and replace existing, adequate fencing. New fencing will only be installed to fill unfenced gaps or replace existing, dilapidated sections. The type to be installed will be based on adjacent land use

activities and discussions with affected property owners. Mr. Martinez is not the owner of Parcel No. 5-05229.

10. Mr. J. Lawrence Wright, in a written statement (Exhibit No. 45) submitted subsequent to the hearing, requested 60-foot wide approaches at Sta. 27+80 Lt. and Sta. 29+15 Rt.

    The Department indicated in Reserved Exhibit No. 45 that the access road extending from the approach at Sta. 27+80 on the left is incised into the steep side slope of a drainage draw, precluding transportation of equipment of any significant width. Since equipment requiring extra wide approaches cannot physically cross the highway at this location and also cannot be legally moved along the highway, 60-foot wide approaches are not warranted.

11. Mr. Simon Martinez, on page 48 of the Hearing Transcript, requested a county right of way with public intersection in the vicinity of Sta. 1010+00 Lt.

    The Department indicated in Reserved Exhibit No. 23 that it cannot designate a public intersection with county right of way extending up his tentative easement through Parcel No. 5-05231. Designation of county rights of way are made by the county. The Department can only designate public intersections in response to requests from the county.

12. Mr. Simon Martinez and Mr. Larry Wright, in their oral testimony on pages 50 through 52 of the Hearing Transcript, requested a county road intersection in lieu of a private approach in the vicinity of Sta. 1093+00 Lt.

    In Reserved Exhibit No. 25, the Department denied their request. The designation of and responsibility for county roads rests with Yakima County and not the Department of Transportation.

13. Mr. Larry Wright, in his oral testimony on pages 53 and 54 of the Hearing Transcript, stated Black Rock Ranch was in the process of dividing portions of Sections 15 and 22. Therefore, the approach at Sta. 1148+05 Lt. should be a county road. He further requested a left side access at the midpoint of Section 22 (approximate Sta. 1121+00).

In Reserved Exhibit No. 26, the Department denied Mr. Wright's request for a county road intersection at Sta. 1148+05 Lt. The Department can only designate a public intersection at the request of the county. His request for an additional left side approach to Parcel 5-05234 at approximate Sta. 1121+00 was also denied. The adjacent approach at Sta. 1120+20 Lt. physically provides access to Parcel Nos. 5-05231 and 5-05234, which are owned and farmed as one unit.

14. Mrs. Edith Taylor, in her oral testimony on pages 53, 55 and 59 of the Hearing Transcript, requested an additional left side approach to Parcel No. 5-05235, based on a possible land use change or future sale of a portion of the property. She also requested Type 1 fencing for her frontage.

    Mrs. Taylor's requests were denied in Reserved Exhibit No. 27. Corner accesses are provided at Sta. 1148+05 and 1175+35. Allowing additional access would exceed the criteria for number and frequency of approaches and would unfarily reduce the number of allowable access points to adjacent ownerships. The frontage of her property is adequately fenced with barbed wire. The Department does not intend to remove and replace existing, adequate fencing. New fence will only be installed to fill unfenced gaps or to replace dilapidated sections.

15. Mr. Simon Martinez, in his testimony on pages 57 and 58 of the Hearing Transcript, requested Type 1 wire fencing for the frontage of Parcel No. 5-05241.

    The Department indicated in Reserved Exhibit No. 28 that the frontage of the property is adequately fenced with barbed wire, which will not be replaced.

16. Mr. Everett Christen, in his testimony on page 61 of the Hearing Transcript and subsequent letter (Exhibit No. 29), requested in behalf of Mr. Edwin E. Spaulding the installation of Type 1 fencing throughout the half-mile frontage of Parcel No. 5-05242, if the existing fence is to be replaced.

    The Department indicated in Reserved Exhibit Nos. 29 and 30 that the frontage of the property is presently fenced with barbed wire. It is not intended to remove and replace existing, adequate fencing throughout SR 24. New fencing will only

be installed to fill unfenced gaps or replace existing, dilapidated sections. Where new fence is to be installed, the type to be utilized will be determined by Department representatives after review of adjacent land uses and discussions with property owners.

17. Mr. Douglas A. Wilson, Attorney at Law representing Dr. Richard S. Koch, in a written statement (Exhibit No. 14) submitted prior to the hearing, requested additional Type B approaches to Parcel No.5-05246 at Sta. 1510+00 Lt. and Rt. and 1520+00 Lt. and Rt.

    The Department indicated in Reserved Exhibit No. 14a that the access control criteria allows only four approaches per side, per mile. Dr. Koch's left side fields are served by approaches at Sta. 1500+20 and 1529 10. Therefore, the requested approaches at Sta. 1510+00 Lt. and 1520+00 Lt. would not be vital to farming operations. The opposing right side approaches were to have allowed crossing the highway with equipment. Other approaches proposed herein allow such crossings at approximate Sta. 1486+00 and 1500+00.

18. Mr. Emile L. Robert, Jr., in a written statement (Exhibit No. 13) submitted prior to the hearing, requested additional Type B approaches to Parcel No. 5-05247 at Sta. 1540+00 Lt. and 1550+00 Lt.

    The Department indicated in Reserved Exhibit No. 13a that the partial access control criteria limits property access to four approaches per side, per mile. The portions of Parcel No. 5-05247 to have been served by these requested approches will be adequately served by other proposed approaches. There is insufficient justification to exceed the access control criteria by allowing these approaches.

19. Mr. Ramon Martinez, in his testimony on page 73 of the Hearing Transcript, requested in behalf of Frances Fleming, an 80-foot wide commercial approach to Parcel No. 5-05249 at Sta. 1562+09 Lt., in lieu of a 20-foot wide Type B approach.

    The Department denied Mr. Martinez's request in Reserved Exhibit No. 34. State law prohibits commercial access within the limits of partial access control.

20. Mr. J. Lawrence Wright and Mr. Simon Martinez, in their written statements (Exhibit No. 45),

requested the right of way be fenced with Type 1 fencing throughout the project and inset to allow weed control and use of the right of way by all adjacent land owners.

In Reserved Exhibit No. 45, the Department indicated new fencing will only be installed to fill gaps and replace existing, inadequate fences. Where new fence is to be installed, the type to be utilized will be based on adjacent land uses. Type 1 fencing is considerably more costly and will not be used indiscriminately. In individual areas where land owners wish to have the fence inset to allow their use of a portion of the highway right of way, air space leases can be drawn up and implemented when their access rights are acquired.

21. Mr. Simon Martinez, in a written statement (Exhibit No. 45) submitted subsequent to the hearing, requested three overpasses for movement of livestock, in the event livestock cannot be legally moved across a limited access highway.

In Reserved Exhibit Nos. 20, 43, 44 and 45 relative to comments or requests by Simon and Ramon Martinez, J. Lawrence Wright and a Citizens' Petition, the Department indicated cattle crossings and lateral travel on the highway right of way with livestock will be allowed. Therefore, construction of livestock overpasses is not warranted and will not be further considered.

XII

The Commission particularly finds in the case of each abutting ownership that the adoption of the plans for 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 sections of State Route 24 in Yakima County described as follows are hereby designated as limited access highway of the partially controlled type:

Between Sta. L 436+75.00 and Sta. L 627+55.00 as shown on sheets 1 through 9 of 9 sheets of the right of way and limited access plan entitled, "SR 24, ROZA CANAL TO DESMARAIS ROAD, MP 9.03 TO MP 12.68, YAKIMA COUNTY," dated April 4, 1980; and

Between Sta. 780+20.00 and Sta. 1564+00.00 as shown on sheets 1 through 32 of 32 sheets of the right of way and limited access plan entitled "SR 24, DESMARAIS RD. EASTERLY TO JCT. SR 241, MP 15.56 to MP 30.40, YAKIMA COUNTY," dated December 23, 1977.

II

That the plans set forth in Exhibit Nos. 10-1 through 10-9 and 11-1 through 11-32 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 3 of 9 sheets to add a Type B approach, not to exceed 40 feet in width, at Sta. 458+11 Rt. for use by Parcel No. 5-05206.

2. Revise plan sheet 5 of 9 sheets to add Type B approaches to Parcel No. 5-05213 at Sta. 513+49 Lt. and 513+93 Rt., both not to exceed 40 feet in width and revise the Type B approaches at Sta. 503+05 Rt. and 503+03 Lt. not to exceed 30 feet in width.

3. Revise plan sheet 6 of 9 sheets to add a supplemental note to widen the Type B approaches at Sta. 530+37 Lt. and 530+54 Rt. for Parcel No. 5-05213, and at Sta. 544+39 Lt., and 545 00 Rt. for Parcel Nos. 5-05213 and 5-05214, not to exceed 30 feet in width.

4. Revise plan sheet 7 of 9 sheets to add Type B approaches, not to exceed 30 feet in width, at

Sta. 561+32 Lt. and Sta. 582+46 Rt., for use by Parcel No. 5-05216.

5. Revise plan sheet 7 of 9 sheets to add a supplemental note to widen the Type B approaches at Sta. 557+67 Lt. and 573+31 Rt. for Parcel No. 5-05214; Sta. 567+23 Rt., for Parcel No. 5-05215; Sta. 573+53 Lt.; not to exceed 30 feet in width, and 580+95 Lt., for Parcel No. 5-05216.

6. Revise plan sheets 8 and 9 of 9 sheets to add Type B approaches, not to exceed 30 feet in width, at Sta. 602+79 Rt., and 603+28 Lt. and revise the Type B approach at Sta. 616+20 Lt., not to exceed 30 feet in width, for use by arcel No. 5-05217.

7. Revise plan sheet 8 of 9 sheets to revise the future grade intersection supplemental note to allow the backlying ownerships, having access to the county right of way, joint use of the Type B at Sta. 587+00 until the grade intersection is constructed.

8. Revise plan sheet 8 of 32 sheets to add a note designating a future grade intersection at Sta. 780+30± Lt. to serve the backlying ownerships having access to the dedicated easement through the Morningside Orchards plat.

9. Revise plan sheet 8 of 32 sheets to revise the Type B approach for Parcel No. 5-05224 at Sta. 785+50 Rt., not to exceed 60 feet in width and to add a Type B approach at Sta. 793+55 Rt., not to exceed 30 feet in width.

10. Revise plan sheet 9 of 32 sheets to revise Type B approaches, not to exceed 60 feet in width, at Sta. 820+00 Lt. for use by Parcel Nos. 5-05226 and 5-05228, and at Sta. 820+00 Rt. for use by arcel No. 5-05227.

11. Revise plan sheet 9 of 32 sheets to add a supplemental note to widen the Type B approach not to exceed 60 feet in width, at Sta. 818+35 Rt. for Parcel No. 5-05225.

12. Revise plan sheets 9 and 10 of 32 sheets to add Type B approaches to Parcel No. 5-05228 at Sta. 830+90 Lt., not to exceed 20 feet in width, and at Sta. 844+90 Lt., not to exceed 60 feet in width.

13. Revise plan sheet 10 of 32 sheets to add supplemental notes to widen the Type B approaches at Sta. 859 30 Lt. not to exceed 30 feet in width,

for Parcel No. 5-05228 and at Sta. 862+40 Rt. not to exceed 40 feet in width, for Parcel No. 5-05227.

14. Revise plan sheet 11 of 32 sheets to revise the Type B approach, not to exceed 60 feet in width, at Sta. 879+10 Lt., for use by Parcel No. 5-05228.

15. Revise plan sheet 11 of 32 sheets to add a supplemental note to widen the Type B approach at Sta.870+65 Rt., not to exceed 40 feet in width, for Parcel No. 5-05227, as recommended by the Department.

16. Revise plan sheets 11 and 12 of 32 sheets to add Type B approaches to Parcel No. 5-05227 at Sta. 890+45 and 927+17, both on the right.

17. Revise plan sheet 14 of 32 sheets to revise the Type B approach, not to exceed 40 feet in width, at Sta. 27+80 Lt., for use by Parcel No. 5-05231.

18. Revise plan sheet 14 of 32 sheets to revise the Type B approach, not to exceed 40 feet in width, to arcel No. 5-05232 at Sta. 29+15 Rt.

19. Revise plan sheet 15 of 32 sheets to delete the Type B approach to Parcel No. 5-05231 at Sta. 1016+75 Lt. and to revise the Type B approaches, not to exceed 30 feet in width, at Sta. 1000+50 Lt. and 1012+00 Rt.

20. Revise plan sheet 16 of 32 to revise the Type B approaches to Parcel No. 5-05231 at Sta. 1024 40 Lt. and Rt., not to exceed 30 feet in width, and to add a Type B approach at Sta. 1039+50 Lt. and Rt., not to exceed 40 feet in width.

21. Revise plan sheets 17, 18 and 19 of 32 sheets to revise the Type B approaches, not to exceed 30 feet in width, to Parcel No. 5-05231 at Sta. 1058+80 Lt., 1065+30 Rt., 1070+00 Lt., 1070+65 Rt., 1091+20 Lt., and 1091+30 Rt., and to add a Type B approach, not to exceed 30 feet in width, at Sta. 1059+45 Rt., and also revise the Type B approaches, not to exceed 60 feet in width, at Sta. 1148+05 Lt. for use by Parcel Nos. 5-05234 and 5-05235 and at Sta. 1148+10 Rt. for use by Parcel Nos. 5-05233 and 5-05236.

22. Revise plan sheet 21 of 32 sheets to revise the Type B approaches, not to exceed 80 feet in width, to Parcel No. 5-05236 at Sta. 1202+00 Rt. and to Parcel Nos. 5-05236 and 5-05237 at Sta. 1203+10 Lt.

23. Revise plan sheet 24 of 32 sheets to add a Type B approach, not to exceed 80 feet in width, to Parcel No. 5-05242 at Sta. 1306+50 Rt., and to delete a Type B approach at Sta. 1304+55 Rt., which was erroneously assigned to Parcel No. 5-05241.

24. Revise plan sheet 25 of 32 sheets to add a supplemental note to widen the Type B approach at Sta. 1323+10 Lt. not to exceed 30 feet in width, for Parcel No. 5-05241 and at Sta. 1331 50 Rt. not to exceed 30 feet in width, for Parcel No. 5-05242.

25. Revise plan sheet 26 of 32 sheets to revise the joint use of Type B approaches, not to exceed 80 feet in width, to Parcel Nos. 5-05241 and 5-05243 at Sta. 1360+30 Rt. and Sta. 1361+00 Lt.

26. Revise plan sheets 27 and 28 of 32 sheets to revise the Type B approach, not to exceed 40 feet in width, to Parcel No. 5-05243 at Sta. 1387+60 Lt., add a Type B approach, not to exceed 30 feet in width, at Sta. 1392+40 Rt., revise the Type B approach, not to exceed 80 feet in width, at Sta. 1415+80 Rt., and revise the Type B approach, not to exceed 40 feet in width, at Sta. 1416 60 Lt.

27. Revise plan sheets 28 and 29 of 32 sheets to add Type B approaches to Parcel No. 5-05244 at Sta. 1430+00 Lt. and 1460+00 Lt., not to exceed 20 feet in width, and at Sta. 1470+00 Lt. and Rt., not to exceed 80 feet in width.

28. Revise plan sheet 28 of 32 sheets to add a supplemental note to widen the Type B approach at Sta. 1432+00 Rt., not to exceed 30 feet in width, for Parcel No. 5-05245.

29. Revise plan sheet 30 of 32 sheets to revise the Type B approaches for Parcel No. 5-05246 at Sta. 1486+30 Rt., 1486+50 Lt., and 1500+20 Lt., not to exceed 80 feet in width. Also to add a Type B approach at Sta. 1490+00 Lt., not to exceed 30 feet in width and add a Type B approach at Sta. 1501+00 Rt., not to exceed 80 feet in width.

30. Revise plan sheets 31 and 32 of 32 sheets to revise the Type B approaches, not to exceed 80 feet in width, to Parcel Nos. 5-05246 and 5-05247 at Sta. 1529+10 Lt. and to Parcel No. 5-05247 at Sta. 1533+55 Lt. and to add a Type ~ approach, not to exceed 80 feet in width, at Sta. 1560+00 Lt. for Parcel No. 5-05247.

31. Revise plan sheets 1 through 9 of 9 sheets and 1 through 32 of 32 sheets to make minor plan revisions, to correct ownerships and parcel details, area computations, and right of way details.

III

That the plan entitled "SR 24, ROZA CANAL TO DESMARAIS ROAD, MP 9.03 TO MP 12.68, YAKIMA COUNTY," sheets 1 through 9 of 9 sheets, dated April 4, 1980, as revised on and prior to February 11, 1985, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

IV

That the plan entitled "SR 24, DESMARAIS RD. EASTERLY TO JCT. SR 241, MP 15.56 to MP 30.40, YAKIMA COUNTY," sheets 1 through 32 of 32 sheets, dated December 23, 1977, as revised on and prior to February 11, 1985, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

ADOPTED this 15th day of May, 1986.

WASHINGTON STATE TRANSPORTATION COMMISSION

Bernice Stern
BERNICE STERN, Chairman

Vaughn Hubbard
VAUGHN HUBBARD, Vice Chairman

Pat Wanamaker
PAT WANAMAKER, Member

Jerry B. Overton
JERRY OVERTON, Member

LEO B. SWEENEY, Member

Richard Odabashian
RICHARD ODABASHIAN, Member

Albert Rosellini
ALBERT ROSELLINI, Member

ATTEST:

Lue Clarkson
LUE CLARKSON, Administrator

APPROVED AS TO FORM:

Thomas R. Farlington
Assistant Attorney General