BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 270	)	
Forest Way to Idaho State Line	)	
MP 3.95 TO MP 9.91	)	FINDINGS AND ORDER
COMBINED HEARING ON DESIGN	)	(Relating to Limited Access)
AND LIMITED ACCESS	)	

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 5:30 p.m. Tuesday January 22, 2002 at the Pullman City Hall Council Chambers, 325 SE Paradise Avenue, Pullman, Washington, before Judge Edward Steinmetz, the Hearing Examiner.

The interested persons and organizations were represented as follows:

USA DRY PEA AND LENTIL COUNCIL, INC. by Jim Evans, 2780 W. Pullman Rd, Moscow, ID 83843;

POE ASPHALT PAVING INC., by Jeff Williams, Pullman Division Manager, P.O. Box 449, Lewiston, ID 83801;

CORALEE TUCKER, by Norm Druffel, Manager, 2654 Sand Rd., Pullman, WA 99163;

AVISTA UTILITIES, by Randy Daniels-Real Estate Representative, 5702 SR 270, Pullman, WA 99163;

SIG JORSTAD, by self, 5101 SR 270, Pullman, WA 99163;

ALPINE ANIMAL HOSPITAL by Jack D. Robinette, DVM, owner, 204 Brayton Rd., Pullman, WA 99163;

WILBUR-ELLIS CO., by Alan Martinson, Branch Manager, P.O. Box 896, Pullman, WA 99163;

HOWARD NEILL, by self, P.O. Box 307, Pullman, WA 99163;

CHAMPION ELECTRIC & LIGHTING, INC., by Sam Young, Owner, 7202 SR 270, Pullman, WA 99163;

DAN WELTER, by self, 262 Sunshine Rd., Pullman, WA 99163;

WASHINGTON STATE UNIVERSITY, by Gary Wells, Staff Civil Engineer, WSU Facilities Operations, Pullman, WA 99164-1150;

GARY ROBERTS, by self, 4503 SR 270, Pullman, WA 99163;

TOM HANDY, by self, 4505 SR 270 Pullman, WA 99163;

JIM STEMMENE, by self, 930 S.W. Mies, Pullman, WA 99163;

WHITMAN COUNTY PUBLIC WORKS, by Dane Dunford, PO Box 430, Colfax, WA 99111;

"SR 270, AIRPORT ROAD VICINITY TO SUNSHINE ROAD VICINITY, MP 4.82 TO MP 7.47, WHITMAN COUNTY", right of way and limited access plans between STA. LR2 126+01.24 and STA. LR2 266+00 P.O.C. as shown on sheets 1 through 19 of 19 sheets, dated December 28, 2001;

"SR 270, SUNSHINE ROAD VICINITY TO IDAHO STATE LINE, MP 7.47 TO MP 9.91, WHITMAN COUNTY" right of way and limited access plans between STA. LR2 266+00 P.O.C. and STA. LR2 394+86.43 P.O.T. as shown on sheets 1 through 14 of 14 sheets dated December 28, 2001.

VI

This section of State Route 270 is a part of the National Highway System. Part of this area has been designated as a High Accident Corridor (HAC). It is functionally classified as a Principal Arterial. Department of Transportation Policy provides for access control on highways of this type. The proposed access control within the project limits along SR 270 will be upgraded from access management to, full, partial, and modified access control reducing approaches to the highway by constructing frontage roads and improving intersections. In doing so, the investment of public funds is protected by preserving the highway for efficient future use.

The efficiency of the highway as a means of moving a maximum volume of traffic in a safe manner 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 business enterprise the safe operation of the facility is jeopardized and the mobility is greatly decreased. Therefore, access points should be kept to a minimum consistent with allowing local traffic adequate use of the facility at properly designed intersections.

The Right of Way and Limited Access Plans for the application of the limited access control facility on SR 270, Forest way to Idaho State Line 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 part of the hearing record:

Exhibit No. 7	Letter, dated January 23, 2002, from Dane R. Dunford, Director, Whitman County Department of Public Works.
Exhibit No. 8	Comment sheet, dated January 29, 2002 from Jeff Williams of Poe Asphalt, in support if the project.
Exhibit No. 9	Comment sheet, dated January 29, 2002 from Suzanne St. Pierre.
Exhibit No. 10	Letter, dated February 1, 2002, from Robert F. Corcoran, P.E., Assistant Director of Facilities Operations for Washington State University.
Exhibit No. 11	Reserved Exhibit, Department's response to Exhibit No. 10.

Exhibit No. 12	Letters dated January 22, and 24, 2002, from Tim McGreevy, Executive Director, USA Dry Pea and Lentil Council.
Exhibit No. 13	Reserved Exhibit, Department's response to Exhibit No. 12.
Exhibit No. 14	Comment sheet, dated January 22, 2002, from Sam Young.
Exhibit No. 15	Reserved Exhibit, Department's response to Exhibit No. 14.
Exhibit No. 16	Letter, dated January 31, 2002, from Alan Martinson, Pullman Branch Manager, Wilbur-Ellis Company.
Exhibit No. 17	Reserved Exhibit, Department's response to Exhibit No. 16.
Exhibit No. 18	E-mail, dated February 4, 2002 from Keith Kopf.
Exhibit No. 19	Reserved Exhibit, Department's response to Exhibit No. 18.
Exhibit No. 20	Comments recorded in pages 3 and 4 of the Design Hearing transcript, January 22, 2002 from Norm Druffel, lessee of Parcel No. 6-04456; letter dated March 15, 2002, from Mr. Tim Friedrickson; letter dated March 25, 2002 from Peter Enkema representing the Whitworth Foundation; letters dated April 23, 2002 and May 10, 2002 from Kristi Burns representing the Whitworth Foundation, owner of Parcel No. 6-04456; and letter dated January 24, 2002 from Whitman County Commissioner Jerry Finch commented on access to Parcel No. 6-04456.
Exhibit No. 21	Reserved Exhibit, Department's response to Exhibit No. 20.

VIII

The Director, Environmental and Engineering Programs has considered the following requests and makes the following findings:

1. Mr. Keith Kopf stated in Exhibit No. 18 that his driveway was not connected to the frontage road. He was concerned that connecting his driveway and/or future development for the frontage road would drastically impact his property at a later date.

   As stated by the Department in Exhibit No. 19, it was the Department's intention to leave the frontage roads to be easily developed. A right of way for the SN frontage will be extended to the end of the Wetland Preservation site where it can easily be extended if future development warrants it. The frontage road will be built with a cul de sac at Mr. Kopf's driveway.

2. Tim McGreevy and Jim Evans from USA Pea and Lentil Society in Exhibit No. 12 pointed out that there is a water valve on the south side of SR 270 that services their building. They requested that they be able to access the valve.

   As stated by the Department in Exhibit No. 13, a Type C utility approach is added at Sta. 394+10 Rt. to access the water valve.

The Director, Environmental and Engineering Programs also considered the following requests for changes to the plan but denies them for the following reasons:

1. Mr. Ron Corcoron, Parcel No. 6-04410, in Exhibit No. 10, requested a Type D commercial approach for Forest Way.

   As stated by the Department, in Exhibit No.11, Forest Way is a public road and therefore does not need a Type D approach.

2. Mr. Tim McGreevy and Mr. Jim Evans from USA Pea and Lentil Society in Exhibit No. 12 stated that their approach to SR 270 was dangerous and would be made more dangerous by widening the highway. They requested consideration of a driveway through the back of the property to access Warbonnet Drive in Moscow, Idaho.

   As stated by the Department in Exhibit No. 13, the approach at Sta. LR2 394+10 Lt. should be made safer by improvements to the highway. Discussions were entered into with the USA Pea and Lentil Council for an easement to Warbonnet Drive. The Department has no jurisdiction to force the easement for one property owner through another's property. The Department would facilitate the easement on the condition that the Type D approach at Sta. LR2 394+10 would be removed. The USA Pea and Lentil Council insisted that their approach to SR 270 remain. The planned commercial approach at Sta. LR2 394+10 Lt. will remain.

2. Mr. Sam Young in Exhibit No. 14, inquired as to what type of access he will have to the remainder of his property, Parcel No. 6-04446. He requested a commercial or residential approach be provided.

   As stated by the Department in Exhibit No. 15, a commercial approach is not permitted in the partial access control area. The size of the remainder is small. Residential usage is not permitted in the Pullman-Moscow Corridor and Whitman County would not allow a residence to be constructed here. No approach will be allowed for the parcel. The parcel will be purchased in total.

4. Mr. Alan Martinson of Wilbur-Ellis in Exhibit No. 16 expressed concerns about the location of the Airport Road East frontage Road. As shown in the plans it runs through lots 2,3, 4 and 5 of Parcel No. 6-04450. Lots 2, 3, and 4 are currently developed and used as equipment storage. He requested that consideration be given to locating the frontage road to lot 1, which is currently undeveloped.

   As stated by the Department in Exhibit No. 17, consideration was given to relocating the frontage road to lot 1. The cost/benefit of building a bridge to cross Paradise Creek into lot 1 make the proposal economically unfeasible.

5. Mr. Keith Kopf stated in Exhibit No. 18 that there was insufficient approaches to access the fields he farms in Parcel Nos. 6-04420, 6-04430, and 6-04437.

   As stated by the Department in Exhibit No. 19, there is sufficient access to these parcels. The request for additional approaches is denied.

6. The Whitworth Foundation in Exhibit No. 20 stated that their farming operations on Parcel No. 6-04456 would be limited by not being able to cross the highway. They also opposed any limitation of access to the parcel asking for more approaches than are currently there.

   As stated by the Department in Exhibit No. 21, access is provided to Parcel No. 6-04456. The left side of the parcel has access through a right in and right out approach onto SR 270 at Sta. LR2 380+65 Lt. and access to Airport Road. The right side of the parcel has the same access through Palouse Producer's Subdivision now connected through Airport East Frontage Road. They are able to cross SR 270 through the improved Airport East intersection. Their request for more approaches is denied.

X

The Director, Environmental and Engineering Programs has considered evidence on the entire portion of the above entitled highway and finds the plans introduced into evidence marked Exhibit No. 6, should be modified as hereinafter set forth and as shown on Exhibit "A" hereto attached.

Exhibit No. 6 "SR 270, FOREST WAY TO AIRPORT ROAD VICINITY, WHITMAN COUNTY"

1. Revise plan sheets 1 of 5 sheets to make minor revisions, to correct ownership's and parcel details, area computations, and right of way details.

Exhibit No. 6 "SR 270, AIRPORT ROAD VICINITY TO SUNSHINE ROAD VICINITY, WHITMAN COUNTY"

1. Revise plan sheets 12 and 13 of 19 sheets to extend the SN frontage road into Parcel No. 6-04436; relocate the limited access line from between Sta. LR2 243+52.70(170' LT) and Sta. LR2 257+00(270' LT) to between Sta. LR2 243+52.70(170' LT) and Sta. LR2 257+00(170' LT) as requested by Mr. Kieth Kopf in Exhibit No. 17. The Department in Reserved Exhibit No. 18 recommends this plan revision.

2. Revise plan sheets 1 through 19 of 19 sheets to make minor revisions, to correct ownership's and parcel details, area computations, and right of way details.

Exhibit No. 6 "SR 270, SUNSHINE ROAD VICINITY TO IDAHO STATE LINE, WHITMAN COUNTY"

1. Revise plan sheet 11 of 14 sheets to add a Type C utility approach at Sta. LR2 394+10 RT. as requested by Mr. Tim McGreevy of the USA Dry Pea and Lentil Council in Exhibit No. 11. The Department in Reserved Exhibit 13 recommends this plan revision.

2. Revise plan sheet 11 of 14 sheets to relocate the break in limited access from Partial Access Control to Modified Access Control from Sta. LR2 393+65.69 LT. to Sta. LR2 390 +64.86 on the left; revise the right of way and limited access from between Sta. LR2 390+92.10 (230' Lt.) and Sta. LR2 392+65.69 (90.44' Lt.) to between Sta. LR2 391+04.04 (120' Lt.) and Sta. LR2 392+65.69 (90.44' Lt.). The Department recommends this revision.

3. Revise plan sheets 1 through 14 of 14 sheets to make minor revisions, to correct ownership's and parcel details, area computations, and right of way details.

XI

The Director, Environmental and Engineering Programs, specifically 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 Director, Environmental and Engineering Programs for the Department of Transportation of the State of Washington

ORDERS:

I

That the section of State Route 270 in Whitman County described as follows is hereby designated as a limited access highway of the fully, partially and modified controlled type:

Between Sta. 80+00 and Sta. 126+00 as shown on sheets 1 through 5 of 5 sheets of the right of way and limited access plan entitled, "SR 270 FOREST WAY ROAD TO AIRPORT ROAD VICINTY, MP 3.95 TO MP 4.82, WHITMAN COUNTY;

Between Sta. LR2 126+00 and Sta. LR2 266+00 as shown on sheets 1 through 19 of 19 sheets of the right of way and limited access plan entitled, "SR 270 'AIRPORT ROAD VICINITY TO SUNSHINE ROAD VICINITY, MP 4.82 TO MP 7.47, WHITMAN COUNTY;

Between Sta. LR2 266+00 and Sta. LR2 394+86.43, as shown on sheets 1 through 14 of 14 sheets of the right of way and limited access plan entitled, "SR 270 SUNSHINE ROAD VICINTY TO IDAHO STATE LINE, MP 7.47 TO MP 9.91, WHITMAN COUNTY;

II

That the plan set forth in Exhibit No. 6 for the modification of access control of said highway be revised as follows, and as shown on Exhibit "A" hereto attached and by this reference made a part thereof.

Exhibit No. "SR 270, FOREST WAY TO AIRPORT ROAD VICINITY, WHITMAN COUNTY"

1. Show minor revisions that correct ownership and parcel details, area computations, and right of way details. (See plan sheets 1 through 5 of 5 sheets)

Exhibit No. "SR 270, AIRPORT ROAD VICINITY TO SUNSHINE ROAD VICINITY, WHITMAN COUNTY"