



KEMI-K PRODUCTS, By Mr. Steve Weaver, 1005 Pitcher Street, Yakima, WA 98901;

CAROLYN MALONE, by self, 1026 Pitcher Street, Yakima, WA 98901-3016

As a courtesy to interested citizens, the Department of Transportation will furnish 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 Department, 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, under the provisions of RCW 47.52 *et seq.*, by Richard L. Larson, District Administrator for District 5 of the Department of Transportation, after which witnesses were called and evidence was recorded by a court reporter who, thereafter, transcribed the verbal testimony. Certain exhibits were duly introduced into evidence. Based upon the oral evidence and the exhibits introduced into evidence, and acting under the authority of the Secretary of Transportation for the State of Washington, the Assistant Secretary of Environment and Engineering makes the following findings:

## I

Prior to April 24, 1958, a plan for establishment of a limited access highway over a portion of State Highway 82 in Yakima County, Washington, was ordered by Commission Resolution No. 650 and Highway Commission Order dated February 20, 1961.

Such a plan was prepared and entitled "SR 82, EAST YAKIMA AVE. INTERCHANGE , MP 32.45 TO MP 33.59, YAKIMA COUNTY," sheets 1 through 12 of 12 sheets. These sheets were introduced into evidence as a part of the Access Report, marked as Exhibit No. 4, which was made 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 required, and thereafter prepared and submitted to the appropriate officials an Access Report showing how these factors have been taken into account and covering other matters required by RCW 47.52 *et seq.* A copy of that report was introduced into evidence, marked as Exhibit No. 4, and included plan sheets 1 through 12 of 12 sheets as titled above.

## III

On March 18, 1994, the State Design Engineer, by Order, proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52 *et seq.* The Order of Hearing was introduced into evidence, marked as Exhibit No. 1.

## IV

Dennis Covell, Director of Engineering and Utilities for the City of Yakima, issued a Notice of Hearing. On March 14, 1994, an exact copy of this notice was mailed to Yakima County, the City of Yakima, various agencies and other interested parties, and to each of the owners of record of property listed on the

County Tax Roll(Exhibit No. 2), as depicted in the Affidavit of Service by Mailing introduced into evidence and marked as Exhibit No. 2a. An exact copy of the notice was published in the The Herald Republic of Yakima on March 11, 1994, and on April 1, 1994, as shown by the Affidavit of Publication of Beth Breakey, Accounting Manager of said newspaper, whose affidavit was introduced into evidence as marked as Exhibit No. 3a and Exhibit No. 3b, respectively.

## V

The plan proposes the establishment of fully controlled and modified controlled limited access facilities for State Route 82 in the vicinity of the Yakima Avenue interchange between Sta. 138+69.12 and Sta. 197+00, as shown on sheets 1 through 12 of 12 sheets, entitled "SR 82, EAST YAKIMA AVE. INTERCHANGE, MP 32.48 TO MP 33.59, YAKIMA COUNTY."

## VI

This section of State Route 82 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 Interstate Highway, and the Department of Transportation policy provides for full and modified access control on highways of this type. 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 for business enterprise, the safe operation of the facility is jeopardized; the road gradually becoming obsolete. Therefore, access points should be kept to a minimum consistent with allowing local traffic adequate use of the facility at properly designed interchanges and intersections.

The Right of Way and Limited Access Plans for the establishment of limited access control on SR 82, Yakima Avenue Interchange, introduced into evidence and marked as Exhibits No. 4 and 6, will facilitate travel, reduce accident rates, preserve public investment, and sustain the highway as a modern transportation facility.

## VII

In addition to the exhibits previously mentioned above, the following exhibits were entered into evidence at or subsequent to the hearing and made a part of the hearing record:

- Exhibit No. 4a Letter dated April 8, 1994, from the city of Yakima concurring with the Access Report.
- Exhibit No. 5 A Report for New or Revised Access Points to the Interstate System, I-82/Yakima Avenue Interchange, dated April 1993.
- Exhibit No. 6a Design Report, "I-82/Yakima Avenue Interchange and Fair Avenue Project", dated December 1993.
- Exhibit No. 6b Appendix O, sheets 1 through 60 of 60 sheets, to the Design Report entered as Exhibit No. 6a.
- Exhibit No. 6c Letter dated May 16, 1994, from Brad Stein to Eilert Bjorge with design deviations attached.

- Exhibit No. 6d Letter dated September 13, 1994, Brad Stein to Eilert Bjorge, supplementing Exhibit No. 6c.
- Exhibit No. 7 Environmental Assessment, Draft, I-82/Yakima Avenue Interchange and Fair Avenue Project.
- Exhibit No. 8 Color photograph dated August 23, 1990, of the interchange area.
- Exhibit No. 9 Figure 3, Full build-out diagram for Functional Plan Alternative II.
- Exhibit No. 9a Figure 1, Stage 1 Proposal for Functional Plan Alternative II.
- Exhibit No. 9b Figure 2, Ultimate Stage Proposal, Functional Plan Alternative II.
- Exhibit No. 10 Chart: Four Stages of Right of Way Acquisition.
- Exhibit No. 11 Pamphlet: Relocation Assistance Program from the Washington State Department of Transportation.
- Exhibit No. 12 Combined Design/Access Hearing Comments sheet dated April 12, 1994, from Michael S. Dunaway, resident, requesting a copy of plan sheet 12 of 12 sheets.
- Exhibit No. 13 Reserved Exhibit, City of Yakima's response to Exhibit No. 12.
- Exhibit No. 14 Combined Design/Access Hearing Comments sheet dated April 12, 1994, from Bev Luby Bartz, resident, concerning pedestrian safety and possible cul-de-sacs at the A Street intersections with 8th, 9th, and 10th Streets.
- Exhibit No. 15 Reserved Exhibit, City of Yakima's response to Exhibit No. 14.
- Exhibit No. 16 Combined Design/Access Hearing Comments sheet dated April 12, 1994, from Steve Weaver of Kemi-K Products, concerning turnaround room for a single-trailer semi-truck at the east end of Pitcher Street.
- Exhibit No. 17 Reserved Exhibit, City of Yakima's response Exhibit No. 16.
- Exhibit No. 18 Letter dated April 18, 1994, from Greg G. Stewart, President and General Manager of Central Washington State Fair, concerning a permanent stoplight at Ramp E (EL Line) and Yakima Avenue.
- Exhibit No. 19 Reserved Exhibit, City of Yakima's response to Exhibit No. 18.
- Exhibit No. 20 Combined Design/Access Hearing Comments sheet dated April 12, 1994, from Carolyn Malone, homeowner, expressing concerns for receiving fair value for her property.
- Exhibit No. 21 Reserved Exhibit, City of Yakima's response to Exhibit No. 20.
- Exhibit No. 22 Combined Design/Access Hearing Comments sheet dated April 12, 1994, from Albert Cote, property owner, concerning access impacts to his property.
- Exhibit No. 23 Reserved Exhibit, City of Yakima's response to Exhibit No. 22.
- Exhibit No. 24 Letter dated April 15, 1994, from Gary Lukehart of Trail Wagons concerning a permanent signal at Ramp E (EL Line), and moving the access to All West Aluminum and Trail Wagons farther north on 10th Street.
- Exhibit No. 25 Reserved Exhibit, City of Yakima's response to Exhibit No. 24.

- Exhibit No. 26 Letter dated April 13, 1994, from David C. Franklund of KDF Architecture, concerning inclusion of the pedestrian overpass in Phase I, or extension of the sidewalk to 9th Street with a pedestrian crossing of Yakima Avenue.
- Exhibit No. 27 Reserved Exhibit, City of Yakima's response to Exhibit No. 26.
- Exhibit No. 28 Letter dated April 26, 1994, from F. Joe Falk, Jr., of the Law Offices of Walters, Whitaker, Finney & Falk, concerning parking and pedestrian access to the Fair avenue facility; the encroachment at B and 10th Streets and the lack of noise and pedestrian safety barriers; and the lack of a pedestrian safety barrier on B Street at 9th Street.
- Exhibit No. 29 Reserved Exhibit, City of Yakima's response to Exhibit No. 28.
- Exhibit No. 30 Reserved Exhibit, City of Yakima's response to Sioux Ane Lane for comments made at the hearing concerning cul-de-sacs at 8th and 9th Streets.
- Exhibit No. 31 Reserved Exhibit, City of Yakima's response to Oralee Payment for comments made at the hearing concerning use of D Street instead of B Street for the couplet.
- Exhibit No. 32 Reserved Exhibit, City of Yakima's transmittal a copy of Reserved Exhibit No. 29 to Roger Whittlesey.
- Exhibit No. 33 Reserved Exhibit, City of Yakima's transmittal a copy of Reserved Exhibit No. 29 to F. Joe Falk, Jr.
- Exhibit No. 34 Letter dated August 24, 1994, from the City of Yakima to Mr. Harlin Stewart, HUD, withdrawing and rescinding the City's July 22, 1994 proposal.

## VIII

The Assistant Secretary of Environment and Engineering has considered the evidence on the entire portion of the above entitled highway and finds the plans as presented should be modified as hereafter set forth.

Plan sheets 1 through 12 of 12 sheets, dated March 18, 1994, will be replaced with new plan sheets using the same title. Sheets 1 through 12 of 12 sheets will include the changes following:

1. The right of way and limited access line was relocated from between Sta. Y 316+13.40 and Sta. J 12+10 as shown on plan sheet 9 of 12 sheets. The relocation allows construction of a cul-de-sac on Pitcher Street as requested by Mr. Steve Weaver in Exhibit No. 16 and as recommended by the City of Yakima in Reserved Exhibit No. 17.
2. The right of way and limited access lines, as shown on sheet 12 of 12 sheets, have been relocated from Sta. F 238+10.97 to Sta. F 238+13.93 and from Sta. F 238+63.72 to Sta. F 238+64.94 to reduce the impact on Parcels 5-YG049 and 5-YG053; additionally, Parcel Nos. 5-YG048 and 5-YG054 have been deleted from the plan as they are no longer needed. (See Exhibit No. 6)
3. Minor revisions to correct ownerships and parcel details, area computations, and right of way details are shown on plan sheets 1 through 12 of 12 sheets.

## IX

The following request, relating to limited access, was considered and the following finding made:

1. Mr. Gary Lukehart, in Exhibit No. 24, suggested the driveway to All West Aluminum and Trail Wagons be moved farther north on 10th Street.

As stated by the City of Yakima in Reserved Exhibit No. 25, the suggestion will not be implemented because of the anticipated extra cost and disruption to current residents.

## X

The Assistant Secretary of Environment and Engineering 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 as Exhibit "A", is required for public convenience and necessity.

Base upon the foregoing findings and evidence supporting them, the Assistant Secretary of Environment and Engineering for the Department of Transportation of the State of Washington

### ORDERS:

#### I

That the section of State Route 82 in Yakima County described as follows is hereby designated as a limited access highway of the fully controlled and modified controlled type:

Between STA. L 138+69.12 and STA. L 197+03.57. as shown on sheets 1 through 12 of 12 sheets entitled, "SR 82, EAST YAKIMA AVE. INTERCHANGE, MP 32.48 TO MP 33.59, YAKIMA COUNTY."

#### II

That the plan set forth in Exhibit No. 4 for the establishment of access control of said highway be revised as reflected in Exhibit "A" as follows:

Plan sheets 1 through 12 of 12 sheets, dated February 18, 1994 and shown in Exhibit No. 4, will be replaced with new plan sheets, 1 through 12, using the same plan title but reflecting in Exhibit A the changes specified below:

1. The relocation of the right of way and limited access line from:  
between Sta. Y 316+13.40 and Sta. J 12+10 -- TO  
between Sta. J 11+07.59 and Sta. J 12+10(see sheet 9).
2. The removal of the limited access line from:  
between Sta. F 238+10.97 and Sta. F 238+13.93; and  
between Sta. F 238+63.72 and Sta. F 238+64.94; and  
the deletion of Parcel Nos. 5-YG048 and 5-YG054(see sheet 12).

3. Minor revisions that correct ownerships and parcel details, area computations, and right of way details.  
(See plan sheets 1 through 12 of 12 sheets)

### III

That the plan entitled, "SR 82, EAST YAKIMA AVE. INTERCHANGE , MP 32.45 to MP 33.59, YAKIMA COUNTY" sheets 1 through 12 of 12 sheets, as revised and reflected in Exhibit "A", is hereby adopted, and further

That the following plans are hereby superseded:

"SR 82, SELAH JCT. TO EAST YAKIMA AVE., Right of Way Plan sheets 5 and 6 of 6 sheets, approved April 29, 1958; and

"SR 82, SELAH JCT. TO EAST YAKIMA AVE., PLAN SHOWING ACCESS, sheet 3 of 3 sheets, approved April 8, 1958; and

"SR 82, E. YAKIMA AVE. TO UNION GAP," Right of Way Plan, YAKIMA COUNTY, sheet 2 of 11 sheets, approved May 5, 1959; and

SR 82, E. YAKIMA AVE. TO UNION GAP, PLAN SHOWING ACCESS, sheet 1 of 4 sheets, approved July 29, 1958.

ADOPTED THIS 05 DAY OF December, 1994

ASSISTANT SECRETARY OF  
ENVIRONMENTAL AND ENGINEERING  
SERVICE CENTER

E. R. Burch

Approved as to form:

Ann E. Salay  
Assistant Attorney General