

BEFORE THE WASHINGTON STATE HIGHWAY COMMISSION

FINDINGS AND ORDER

IN RE: STATE ROUTE 82)
YAKIMA RIVER CROSSING TO EAST)
ZILLAH INTERCHANGE)
M.P. 38.94 to M.P. 54.33)
HEARING ON LIMITED ACCESS)

The hearing in the above entitled matter was held upon due notice to interested parties beginning at 7:35 P.M., Wednesday, April 21, 1976, in the Parker Heights School Gymnasium at the intersection of SR 12 and Parker Heights Loop Road in the vicinity of Sawyer, Washington, before Charles C. Countryman, Hearing Examiner, and Commissioners A. H. Parker and Howard Sorensen.

The interested persons and organizations were represented as follows:

DEPARTMENT OF HIGHWAYS, by JOSEPH B. LOONAM, Assistant Attorney General, Temple of Justice, Olympia, Washington;

YAKIMA COUNTY, by HAROLD R. SWEET, Director of Public Works, Room 408, Courthouse, Yakima, Washington 98901;

DAN A. McDONALD, by self, Rt. 2, Box 2200, Wapato, Washington 98951;

MR. E. E. GRISWOLD, by self, P.O. Box 86, Buena, Washington 98921;

MRS. E. E. GRISWOLD, by self, P.O. Box 86, Buena, Washington 98921;

WALTER OWENS, by self, 22426 Cedarview Drive East, Sumner, WA 98390;

MIRTH HOVLAND, Zillah, Washington 98953, by RANDALL L. MARQUIS, 1016 Larson Building, Yakima, Washington 98901;

UNION GAP IRRIGATION DISTRICT, by C. DALE WILLIAMS and DALE OLSEN, Board Members UGID, Rt. 2, Box 2211, Wapato, Washington 98951;

ARTHUR L. QUICK, by self, Rt. 1, Box 94, Zillah, Washington 98953;
CYRUS H. MAIR, by self, Rt. 2, Box 2255, Wapato, Washington 98951;
DON PUYEAR, by self, Rt. 1, Box 1213, Grandview, Washington 98932;
W. S. FARMS, INC., by self, Rt. 1, 313A, Zillah, Washington 98953;
FLOYD HEADDING, by self, Route 1, Box 132, Zillah, Washington 98953;
W. E. FITZSIMONDS, by self, Rt. 2, Box 2172, Wapato, Washington 98951;
GARLAND MOLSE, by self, Rt. 2, Box 2283, Wapato, Washington 98951;
CECIL A. HAGERMAN, by self, Rt. 1, Box 91, Zillah, Washington 98953;
ERLE L. PETTINGILL, by self, Rt. 1, Box 37, Zillah, Washington 98953;
ROY E. DEWHIRST, by self, Rt. 1, Box 122, Zillah, Washington 98953;
ROBERT HOOFNAGLE, by self, 3207 1/2 Main Street, Union Gap, WA 98903;
JOE KOREVAAR, by self, Box 425, Outlook, Washington 98938;
W. C. GIMLIN, by self, Rt. 4, Box 4103, Wapato, Washington 98951;
MR. KENNETH JONES, by self, Rt. 1, Box 125, Zillah, Washington 98953;
MRS. KENNETH JONES, by self, Rt. 1, Box 125, Zillah, Washington 98953;
FRANK W. GANGLE, by self, Rt. 2, Box 287, Wapato, Washington 98951;
ROBERT C. DUNBAR, by self, Rt. 1, Box 179, Outlook, Washington 98938;
YAKIMA COUNTY FIRE PROTECTION DISTRICT #5, by ELMER SCHULTZ,
District Fire Chief, P.O. Box 226, Zillah, Washington 98953;
MR. GEORGE M. ALLEN, by self, Rt. 1, Box 124, Zillah, Washington 98953;
MRS. GEORGE M. ALLEN, by self, Rt. 1, Box 124, Zillah, Washington 98953.

As a courtesy to interested citizens, the Commission furnishes a copy of its Findings and Order to all persons filing a Notice of Appearance even though some may not properly be parties to the hearing. For administrative convenience, all persons filing a Notice of Appearance are listed above. The Commission, by including a person in this listing and by

furnishing a copy of its 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 Commissioner A. H. Parker, after which witnesses were called. The evidence was taken by a stenographer and thereafter transcribed. Certain exhibits were duly introduced as evidence. All witnesses testified under oath as in the Superior Court of the State of Washington. Based upon the oral evidence and the exhibits introduced in evidence, the Highway Commission of the State of Washington makes the following findings:

I

Heretofore and prior to March 12, 1976, the Commission in its Resolution No. 95 and its amendments and supplements thereto instructed the Director of Highways to prepare a plan for the establishment of a limited access highway over a portion of State Route 82 in Yakima County. Such plan was prepared and entitled "SR 82, YAKIMA RIVER CROSSING TO EAST ZILLAH INTERCHANGE, M.P. 38.94 to MP 54.33, YAKIMA COUNTY", and sheets 1 through 33 of 61 sheets of said plan were introduced into evidence marked as Exhibit Nos. 9-1 through 9-33, which exhibits were made a part of the hearing record.

II

The Department of Highways 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 local officials a report showing how those factors had been taken into account and the other matters required by RCW 47.52.131, et seq., and a copy of the aforementioned Access Report was

introduced into evidence marked Exhibit Nos. 4-A and 4-B.

By letter dated April 2, 1976, the Yakima County Board of County Commissioners concurred with the Access Report, subject to certain modifications to the plan, and said letter was introduced into evidence marked Exhibit No. 5.

By letter dated March 16, 1976, the Town of Zillah concurred with the Access Report, and said letter was introduced into evidence marked Exhibit No. 6.

III

On March 26, 1976, the Assistant Director for Highway Development by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52.131, et seq., said Order being introduced into evidence marked Exhibit No. 1.

IV

Harold L. Boulac, Secretary, Washington State Highway Commission, prepared and issued a Notice of Hearing. On April 1, 1976, an exact copy of the aforesaid notice was mailed to Yakima County and to each of those record owners of property listed in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 3. An exact copy of the aforesaid notice was published in the Yakima Herald-Republic on April 5, 1976, as shown by the affidavit of S.W. Watt, the Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-A. An exact copy of the aforesaid notice was published in the Toppenish Review on April 7, 1976, as shown by the affidavit of J.A. Farquharson, the Business Manager of said newspaper, which affidavit was introduced into

evidence marked Exhibit No. 2-B. An exact copy of the aforesaid notice was published in the Wapato Independent on April 7, 1976, as shown by the affidavit of Betty Heintz, the Editor of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-C.

V

The plan hereinbefore referred to proposes the establishment of fully controlled, limited access highway facilities for State Route 82 from Yakima to Zillah between Station L^E 480+00 and Station L^E 1295+49.34, as shown on sheets 1 through 33 of 61 sheets entitled "SR 82, YAKIMA RIVER CROSSING TO EAST ZILLAH INTERCHANGE, M.P. 38.94 to M.P. 54.33, YAKIMA COUNTY".

VI

The section of State Route 82 herein concerned 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 an Interstate highway and Highway Commission policy provides for full control of access on all highways of this type. In so doing, the investment of public funds is protected by preserving the highway for future use.

The projected average daily traffic volume for the design year of 1995 indicates that there will be 33,400 vehicles from the beginning of the project to the Gangle Road Interchange; 30,500 vehicles between the Gangle Road Interchange and the Donald Road Interchange; 26,200 vehicles between the Donald Road Interchange and the SR 22 Interchange; 15,800 vehicles between the SR 22 Interchange and the West Zillah Interchange; 15,200 vehicles between the West Zillah Interchange and the East Zillah Interchange; and 15,600 vehicles from the East Zillah Interchange to the end of the project. It is vital in planning highways to provide adequate

capacity for increasing traffic demands in order to prevent the facility from becoming obsolete within a short period of time.

The four-year 1972 through 1975 accident history on existing State Route 12 from the end of existing State Route 82 to a point just east of Zillah indicates that there were a total of 262 accidents with 253 people injured and 3 fatalities. This figures into a fatality rate of 3.2 fatalities per one hundred million vehicle miles of travel and an accident rate of 2.8 accidents per million vehicle miles. The estimated fatality rate for proposed State Route 82 would be 1.6 fatalities per one hundred million vehicle miles of travel, and the estimated accident rate would be 0.9 accidents per million vehicle miles. It is anticipated that the accident and fatality rates would be reduced substantially by the construction of this project.

The efficiency of the highways as a means of moving a maximum volume of traffic in safety is directly connected with 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 becomes increasingly great and the road gradually becomes obsolete. Therefore, access points should be kept to a minimum consistent with allowing local traffic adequate use of the facility at properly designed interchanges.

The plan for the establishment of fully controlled limited access facilities for State Route 82 in Yakima County introduced into evidence marked Exhibit Nos. 9-1 through 9-33 will facilitate travel, reduce accident rates, preserve the public investment and sustain the highway as a modern transportation facility.

VII

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

- Exhibit No. 7 Letter, April 8, 1976, to Mr. Harold Sweet, Yakima County Engineer, signed by W.I. Hordan, District Location Engineer, Department of Highways.
- Exhibit No. 8-A Advance Planning Study and Environmental Report, Parker to Prosser.
- Exhibit No. 8-B Final Supplemental Environmental Impact Statement for State Route 82, Union Gap to Prosser and Final Environmental Impact Statement for State Route 82, Prosser Vicinity: Albro Road to M.P. 84.27.
- Exhibit No. 8-C Final Environmental/Section 4(f) Statement for Interstate 82/182 Prosser, Washington, to Interstate 80N in Oregon.
- Exhibit No. 10 Reserved Exhibit, the Department of Highways response to a request by Mr. Fred Plath regarding access to Parcel No. 5-03576.
- Exhibit No. 11 Reserved Exhibit, the Department of Highways response to a request by Mr. Dan A. McDonald regarding access to Parcel No. 5-03603.
- Exhibit No. 12 Reserved Exhibit, the Department of Highways response to a request by Mr. Cy Mair regarding the relocation of the FR⁴ Line frontage road.
- Exhibit No. 13-A Letter, April 21, 1976, signed by Mr. Michael D. Finney, Attorney at Law, representing Mr. Arthur Quick (Parcel No. 5-03655).
- Exhibit No. 13-B Reserved Exhibit, the Department of Highways response to Exhibit No. 13-A and Mr. Quick's comments on flooding.
- Exhibit No. 14 Letter, April, 1976, signed by Mrs. Rex Puyear and Don Puyear.
- Exhibit No. 15 Reserved Exhibit, the Department of Highways response to Exhibit No. 14.

VIII

The Commission finds that the plan introduced into evidence marked Exhibit Nos. 9-1 through 9-33 should be modified as hereinafter set forth and as shown on Exhibit "A" hereto attached.

1. Revise the FR¹ Line and add the GP Line to provide replacement access for Parcel No. 5-03576, as requested by Mr. Fred Plath on Page 31 of the hearing transcript and recommended by the Department of Highways in Reserved Exhibit No. 10. (Plan Sheets 1, 8, and 10)
2. Revise plan sheet 15 to include a Type B road approach for Parcel No. 5-03603 as requested by Mr. Dan A. McDonald on Page 37 of the hearing transcript and recommended by the Department of Highways in Reserved Exhibit No. 11. (Plan Sheet 15)
3. Revise the location of the FR⁴ Line to a position parallel to the SR 82 right of way line as requested by Mr. Cy Mair on Page 42 of the hearing transcript and recommended by the Department of Highways in Reserved Exhibit No. 12. (Plan Sheets 2 and 12)
4. Revise plan sheets to make minor plan revisions, to correct ownership and parcel details, area computation, and right of way details as recommended by Mr. Hordan, Department of Highways on Page 60 of the hearing transcript. (Plan Sheets 4, 5, 12, 13, 17, 18, 22, 23, 25, 26, and 29 through 32).

IX.

The Commission also considered the following request for changes in the plan, but denies it for the following reason:

1. Mr. Arthur Quick (Parcel No. 5-03655) claimed that the construction of the present SR 82 plan would divert a substantial portion of the natural overflow waters of the Yakima River in flood stage onto his property. Mr. Quick's attorney followed with a letter (Exhibit No. 13-A) stating that the effect on Mr. Quick's property, caused by the diversion of foreseeable flood waters from their accustomed channel is compensable and also requested that the plans be altered to appropriately consider the effect on Mr. Quick's property.

The effect of SR 82 on flood potential has been thoroughly investigated and the determination made that SR 82 will not have a significant effect on flood potential. Alteration of the plans to reduce flood potential and any possible impact on Mr. Quick's property is not required. Since the effect of the proposed plan on Mr. Quick's property is not expected to be significant, compensation for Mr. Quick is not considered appropriate.