

BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

IN RE: STATE ROUTE 97 ) INDIAN DAN CANYON TO COUNTY ROAD 1685 ) M.P. 255.92 to M.P. 258.00 ) HEARING ON LIMITED ACCESS )	FINDINGS AND ORDER
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The hearing on the above entitled matter was held, upon due notice to interested parties, beginning at 7 p.m., Wednesday, September 28, 1983 in the Pateros City Hall, located in Pateros, Washington.

Interested parties and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Joseph Loonam, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

H. J. COX, by self, Route 1, Box 11-B, Pateros, Washington, 98846;

VERNON M. LYNN, by self, P.O. Box 217, Brewster, Washington, 98812;

JOHN NEFF ORCHARDS, INC., by Joan E. Brownlee, Secretary, P.O. Box 35, Pateros, Washington 98846;

OKANOGAN COUNTY DEPARTMENT OF PUBLIC WORKS, P.O. Box 232, Okanogan, Washington 98840;

ED ULRICH, by self, P.O. Box 387, Pateros, Washington 98846;

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 Roland C. Cook, District Administrator, after which witnesses were called. 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 August 18, 1983, a plan for the establishment of a limited access highway over a portion of State Route 97 in Okanogan County, Washington was ordered under Resolution No. 519 dated July 17, 1957.

Such a plan was prepared and entitled "INDIAN DAN CANYON TO CO. RD. 1685, M.P. 255.92 to M.P. 258.00, OKANOGAN COUNTY", sheets 1 through 5 of 5 sheets, approved August 18, 1983. These sheets were introduced into evidence marked as Exhibit Nos. 6A through 6E, which were part of the hearing record.

#### II

Subsequent to the hearing it was discovered that the Order of Hearing and the Access Report were inadvertently left out of the hearing record. Both documents were available for inspection at the open house and at the hearing.

The information contained in the Order of hearing is also contained in the Limited Access Hearing Notice which was entered into the record as Exhibit No. 1. The Access Report is developed by the District to inform local governmental officials of the proposed route and principal access features involved, and to secure their approval. This report is not furnished to abutting owners. The letter from the county approving the Access Report was entered into the record as Exhibit No. 5.

To complete the documentation of the hearing the Department has entered the Order of Hearing and Access Report into the record as Exhibits' Nos. 9 and 10 respectively.

### 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 required, and thereafter prepared and submitted to the appropriate local officials an Access Report showing how those factors have been taken into account and covering other matters required by RCW 47.52.131, et seq. That Access Report was marked Exhibit No. 10.

By letter, dated September 20, 1983, the Okanogan County Board of County Commissioners gave their concurrence to the plan and the Access Report, and said letter was introduced into evidence marked Exhibit No. 5.

### IV

On August 29, 1983, the Project Development Engineer by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52.131, et seq. The Order of Hearing was marked as Exhibit No. 9.

V

Lue Clarkson, Administrator, Washington State Transportation Commission, issued a Notice of Limited Access Hearing. On September 1, 1983, an exact copy of this notice was mailed to Okanogan County, various agencies, and other interested parties and to each of those record owners of property listed on the County Tax Roll, as depicted in the Affidavit of Service of Mailing introduced into evidence marked Exhibit No. 3. An exact copy of the notice was published in The Wenatchee World on September 8, 1983 as shown by the Affidavit of Publication of Cathy S. Trimble, Legal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2. An exact copy of the notice was published in the Omak-Okanogan County Chronicle on September 7, 1983, as shown by the Affidavit of Publication of John E. Andrist, Publisher of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2. An exact copy of the notice was published in The Quad-City Herald on September 22, 1983, as shown by the Affidavit of Publication of Marilyn Benge, Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2.

VI

The plan proposes the establishment of partially controlled limited access facility for SR 97 from the vicinity of Indian Dan Canyon to County Road 1685, between Station 973+11.80 and Station 1083+00, as shown on sheets 1 through 5 of 5 sheets entitled "SR 97, INDIAN DAN CANYON TO COUNTY ROAD 1685, M.P. 255.92 to MP 258.00, OKANOGAN COUNTY."

VII

This section of State Route 97 is an important part of the highway system of the State of Washington and part

of an International route extending from California into Canada. It is functionally classified as a Principal 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 approaches, becomes increasingly great and the highway gradually becomes obsolete. Therefore, access points should be kept to a minimum consistent with allowing local traffic adequate use of the facility at properly designed interchanges, intersections and approaches.

The plan for establishment of partially controlled limited access facilities for this section of SR 97 in Okanogan County, introduced into evidence marked Exhibit Nos. 6A through 6E, 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 the hearing and made a part of the hearing record:

Exhibit 1 Notice of Limited Access Hearing

Exhibit 4 The Final Declaration of Non-Significance approved by the FHWA on February 3, 1978.

Exhibit 7 A typical roadway section for SR 97 and for the county road connection.

Exhibit 8 Design Report for Indian Dan Canyon Vicinity,  
SR 97, dated April 1978.

IX

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

1. Revise plan sheet 5 of 5 to relocate the joint use Type B approach to Parcel Nos. 2-02283 and 2-02277 for Parcel No. 2-02283 from Station 1078+75 to Station 1081+00 Rt. as recommended by the Department.
2. Revise plan sheet 5 of 5 sheets to add Parcel No. 2-02279 with a Type B approach at Station 1076+25 Lt. as recommended by the Department.
3. Revise plan sheets 1 through 5 of 5 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 request made prior to the hearing, and at the hearing itself, and makes the following findings:

1. Several landowners throughout the project requested that no fence be installed on this project. Fencing would restrict the turning movement of farm equipment at the ends of orchard rows adjacent to the right of way line.

It is the Department's policy on access controlled highways to provide fencing along the right of way line to discourage encroachment onto the highway right of way from adjacent property. Wherever

practical the Department will relocate or eliminate the fence line to minimize the impact on the normal operation of an orchard without jeopardizing the safe operation and maintenance of the highway facility.

## XI

The Commission particularly finds in the case of each abutting ownership that the adoption of the plans 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 section of SR 97 in Okanogan County described as follows is hereby designated as a limited access highway of the partially controlled type:

Between Station 973+11.80 and Station 1083+00 as shown on sheets 1 through 5 of the plan entitled "SR 97, INDIAN DAN CANYON TO COUNTY ROAD 1685, OKANOGAN COUNTY", dated August 18, 1983.

### II

That the plans set forth in Exhibit Nos. 6A through 6E, for the 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 5 of 5 to relocate the joint use Type B approach to Parcel Nos. 2-02283 and 2-02277 from Station 1078+75 Rt. to Station 1081+00 Rt.
2. Revise plan sheet 5 of 5 sheets to add Parcel No. 2-02279 with a Type B approach at Station 1076+25 Lt.
3. Revise plan sheets 1 through 5 of 5 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 97, INDIAN DAN CANYON TO COUNTY ROAD 1685, M.P. 255.92 to M.P. 258.00, OKANOGAN COUNTY," sheets 1 through 5 of 5 sheets, dated August 18, 1983, as revised above and as shown on Exhibit "A", be and the same is hereby adopted.

The following plans are superseded:

SR 97 PATEROS VICINITY," right of way, sheet 7 of 7 approved November 10, 1964.

"SR 97 PATEROS TO BREWSTER FLATS," right of way, sheet 3 (pt.) 4 and 5 (pt.) of 5 approved August 9, 1932.

"PSH No. 10 (SR 97) BREWSTER VICINITY, Sec. 11, right of way, sheet 1 (pt.) of 6 approved May 3, 1938.

ADOPTED this 19<sup>th</sup> day of January, 1984.

WASHINGTON STATE  
TRANSPORTATION COMMISSION

Richard Odabashian  
RICHARD ODABASHIAN, CHAIRMAN

Pat Wanamaker  
PAT WANAMAKER, MEMBER

Vaughn Hubbard  
VAUGHN HUBBARD, MEMBER

Albert D. Rosellini  
ALBERT D. ROSELLINI, MEMBER

Jerry Overton  
JERRY OVERTON, MEMBER

Bernice Stern  
BERNICE STERN, MEMBER

Leo B. Sweeney  
LEO B. SWEENEY, MEMBER

ATTEST:

Lue Clarkson  
LUE CLARKSON, ADMINISTRATOR

APPROVED AS TO FORM:

Thomas R. Jarlington  
ASSISTANT ATTORNEY GENERAL