

BEFORE THE WASHINGTON STATE TRANSPORTATION COMMISSION

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IN RE: STATE ROUTE 97 )  
INDIAN DAN VIC. TO SR 173 )  
MP 258.00 to MP 260.55 ) FINDINGS AND ORDER  
COMBINED HEARING ON DESIGN AND )  
LIMITED ACCESS )

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The hearing on the above entitled matter was held, upon due notice to interested parties, beginning at 7:00 p.m., Wednesday, February 8, 1989, in the American Legion Hall at Brewster, Washington, before John McRae, Hearing Examiner.

Interested parties and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by John Hurley, Assistant Attorney General, Temple of Justice, Olympia, Washington 98504;

BREWSTER AMBULANCE, By Clinton Baker, P.O. Box 680, Brewster, Washington;

BREWSTER AMBULANCE, by Monte L. Bulter, P.O. Box 1006, Brewster, Washington;

BREWSTER AMBULANCE, By Steve and Vicki Coffman, Route 1 Box 120, Brewster, Washington;

BREWSTER HTS. PACKING, J & J ENTERPRISE, TRI-RIVER GROCERY, by John Pariseau, P.O. Box 368, Brewster, Washington;

BREWSTER IGA, by Doug Chantry, 417 Hwy 97, Brewster, Washington;

BREWSTER SCHOOL DISTRICT, by Mark Jacobson, P.O. Box 333, Brewster, Washington;

CHAMBER OF COMMERCE/GRANGE SUPPLY CO., by Rick McGuire, P.O. Box 615, Brewster, Washington;

CHILDERS FRUITS, by Don and Sandy Childers, P.O. Box 545, Brewster, Washington;

CITY OF BREWSTER, by Vern Westerdahl, P.O. Box 607, Brewster, Washington;

LARRY D. CLINE, by self, P.O. Box 974, Brewster, Washington;

STEVEN COX, by self, Route 1 Box 120, Brewster, Washington;

FOYLE ORCHARDS, INC., by Bob Foyle, P.O. Box 770, Brewster, Washington;

BEN GALBRAITH, by self, P.O. Box 614, Brewster, Washington.

DAN GALBRAITH, by Ben Galbraith, P.O. Box 614, Brewster, Washington;

HOWARD GAMBLE, by self, P.O. Box 411, Brewster, Washington;

GEBBERS FARMS, INC., IGA, TRIANGLE, INC., by Mac Gebbers, P.O. Box 7, Brewster, Washington;

GRANGE 1018, by Ralph Morgan, Route 1 Box 93, Brewster, Washington;

GRANGE 1018, by George Wilson, P.O. Box 396, Brewster, Washington;

GOEHRYS, INC., by Stan Goehry, P.O. Box 338, Brewster, Washington;

HARMONY HOUSE, by Jerry Tretwold, P.O. Box 829, Brewster, Washington;

MUMMA TRUCKING, by Mac Wilson, N. Bridge Street, Brewster, Washington;

OKANOGAN COUNTY, by Joseph H. Nott, P.O. Box 232, Okanogan, Washington;

OKANOGAN COUNTY PUD NO. 1, by Barton J. Wert, P.O. Box 53, Brewster, Washington;

CHARLES OVEROSE, by self, 15 - 3rd SE, Brewster, Washington;

JERRY D. RIGGAN, by self, P.O. Box 1019, Brewster, Washington;

D. C. TROVILLO, by self, P.O. Box 781, Brewster, Washington;

IVAN VALLANCE, by self, Route 1 Box 19, Brewster, Washington.

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 included in the listing 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 Donald S. Senn, 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 December 23, 1988, a plan for the establishment of a limited access highway over a portion of State Route 97 in Okanogan County, Washington, was ordered under Commission Resolution No. 519 and its amendments and supplements thereto.

Such a plan was prepared and entitled "SR 97, BREWSTER VICINITY - SEC. 1, OKANOGAN COUNTY," sheets 1 through 4 of 6 sheets. These sheets were introduced into evidence marked as Exhibit Nos. 7a through 7d, which were made part of the hearing record.

II

The Department 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. A copy of that Access Report was introduced into evidence marked Exhibit No. 5.

By letter dated January 25, 1989, the Okanogan County Department of Public Works gave their concurrence to the plan and the Access Report, and said letter was introduced into evidence marked Exhibit No. 8.

### III

On December 23, 1988, 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.

### IV

Lue Clarkson, Administrator, Washington State Transportation Commission, issued a Notice of Limited Access Hearing. On January 9, 1989, an exact copy of this notice was mailed to 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 by Mailing introduced into evidence marked Exhibit No. 3a. An exact copy of the notice was published in The Wenatchee World on January 11 and January 18, 1989, as shown by the Affidavit of Publication of Georgia E. Valdez, Legal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2a. An exact copy of the notice was published in The Quad-City Herald on January 12 and January 19, 1989, as shown by the Affidavit of Publication of

Marilyn Benge, a Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2b.

V

The plan proposes the establishment of a modified controlled limited access facility for the following described section of State Route 97:

Between Sta. 1083+00 and Sta. 1187+00 as shown on sheets 1 through 4 of 6 sheets entitled "SR 97, BREWSTER VICINITY - SEC. 1," dated May 3, 1938, revised December 23, 1988.

VI

This section of State Route 97 is an important part of the state of Washington. It is functionally classified as a Principal Arterial, and Department policy provides for access control on highways of this type. In doing so, 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 those approaches, 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, intersections, and approaches.

The plan for the establishment of a modified controlled access highway facility on State Route 97 in Okanogan County, introduced into evidence marked Exhibit Nos. 7a through 7d, 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. 3b Cover letter with announcement of hearing.

Exhibit No. 3c Mailing list.

Exhibit No. 4a Environmental Classification Summary.

Exhibit No. 4b Determination of Nonsignificance and State Environmental Policy Act Checklist dated June 28, 1988.

Exhibit No. 5 Access Report.

Exhibit No. 6 Design Report.

Exhibit No. 9 Letter dated February 16, 1989, from the City of Brewster.

Exhibit No. 10 Letter dated February 16, 1989, from John Pariseau.

Exhibit No. 11 Letter from Jerry Riggan.

Exhibit No. 12 Letter from Mac E. Gebbers.

## VIII

The Commission has considered evidence on the entire portion of the above entitled highway and finds the plan introduced into evidence marked Exhibit Nos. 7a through 7d should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

1. Revise plan sheet 2 of 6 sheets to redesignate the Type B-2 approach for Parcel No. 2-02716 at Sta. 1095+31 Lt. to a Type B approach. This plan revision is the result of the deletion of the joint use of this approach by Parcel No. 2-02717 and is recommended by the Department.
2. Revise plan sheet 2 of 6 sheets to delete the Type B-2 approach for Parcel No. 2-02717 at Sta. 1095+31 Lt. Access to this parcel will be through a joint use approach at Sta. 1107+37 Lt. This plan revision is recommended by the Department.
3. Revise plan sheet 2 of 6 sheets to redesignate the Type B approach for Parcel No. 2-02718 at Sta. 1107+78 Rt. to a Type C-3 approach. This plan revision is recommended by the Department to accommodate the development that has occurred on that parcel.
4. Revise plan sheet 2 of 6 sheets to relocate the right of way and limited access line from Sta. 1102+00 and 1108+00 on the left to accommodate highway construction. This plan revision is recommended by the Department.
5. Revise plan sheet 3 of 6 sheets to delete the Type C-2 approach for Parcel No. 2-02721 at Sta. 1127+16 Lt. and to add a Type C-3 approach between Sta. 1124+75 and 1126+55 Lt. This plan revision was requested by

Mr. Jerry Riggan in Exhibit No. 11 and is recommended by the Department to allow direct access from SR 97 to Parcel No. 2-02721.

6. Revise plan sheet 3 of 6 sheets to delete the Type B-2 approach for Parcel No. 2-02722 at Sta. 1131+33 Lt. and to revise the Type C-2-3 at Sta. 1127+16 Lt. to a Type C-3. These revisions recommended by the Department will provide adequate access to this parcel.
7. Revise plan sheet 3 of 6 sheets to redesignate the Type D-2 approach for Parcel No. 2-02723 to a Type D approach. This revision removes the joint use of this approach with Parcel No. 2-02722 and is recommended by the Department.
8. Revise plan sheet 3 of 6 sheets to relocate the Type D-2 approach for Parcel Nos. 2-02724 and 2-02725 from Sta. 1134+29 Lt. to between Sta. 1134+00 and 1134+30 Lt. This plan revision is recommended by the Department to allow more flexibility in the location of this approach.
9. Revise plan sheet 3 of 6 sheets to redesignate the Type D-2 approach for Parcel No. 2-02726 to a Type C-2-3. This plan revision is recommended by the Department to allow more flexibility in the type of use for this approach.
10. Revise plan sheet 3 of 6 sheets to relocate the Type D-2 approach for Parcel No. 2-02727 from Sta. 1142+25 to between Sta. 1142+25 and 1142+50 Lt.; and to redesignate that approach to a Type C-2-3 approach. This revision recommended by the Department will allow more flexibility in the location and type of use for this approach.

11. Revise plan sheet 3 of 6 sheets to redesignate the Type B approaches for Parcel No. 2-02729 to Type C-3 approaches. This revision, recommended by the Department, will allow more flexibility in the type of use for these approaches.
12. Revise plan sheet 3 of 6 sheets to redesignate the Type B-2 approach for Parcel No. 2-02739 to a Type C-2-3 approach. This revision, recommended by the Department, will allow more flexibility in the type of use for this approach.
13. Revise plan sheet 3 of 6 sheets to relocate the Type C-2 approach for the Department parcel from Sta. 1142+25 to between Sta. 1142+50 Lt. and to redesignate that approach to a Type C-2-3 approach. This revision, recommended by the Department, will allow more flexibility in the location and type of use for this approach.
14. Revise plan sheet 3 of 6 sheets to relocate the right of way and limited access line between Sta. 1139+10 on the left and Sta. BG 11+30 on the right to accommodate highway construction. This plan revision is recommended by the Department.
15. Revise plan sheet 4 of 6 sheets to relocate the Type B approach for Parcel No. 2-02735 at Sta. 1178+40 Rt. to between Sta. 1178+00 and 1178+40 Rt. and to redesignate that approach to a Type C-2-3. This revision, requested by Mr. Gebbers in Exhibit No. 12, will allow more flexibility in the type of use for this approach and is recommended by the Department.
16. Revise plan sheet 4 of 6 sheets to relocate the Type A approach for Parcel No. 2-02738 at Sta. 1171+50 Rt. to

between Sta. 8+00 and 8+65 Lt. on First Avenue. This revision, recommended by the Department, will correct the actual location of this existing approach.

17. Revise plan sheets 1 through 4 of 6 sheets to make minor plan revisions and to correct ownerships and parcel details, area computations, and right of way details.

## IX

The Commission also considered the following request made at the hearing and makes the following findings:

1. Mr. Steven Cox, on pages 34 and 35 of the hearing transcript, asked to retain his approach, which allows him to leave the highway at approximately 40 mph.

Based on current design standards, providing a road approach that could be driven at 40 mph would involve construction of an exit ramp. Providing a ramp for private use is not consistent with current Department policies. The type of access to be provided for private use is stated in Section 314.04(d) of the Design Manual. It is proposed to construct a standard Type B road approach for Parcel 2-02717. This complies with design standards.

## X

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 modified controlled type:

Between Sta. 1083+00 and Sta. 1187+00 as shown on sheets 1 through 4 of 6 sheets of the right of way and limited access plan entitled "SR 97, BREWSTER VICINITY - SEC. 1, OKANOGAN COUNTY," dated May 3, 1938, revised December 23, 1988.

II

That the plans set forth in Exhibit Nos. 7a through 7d 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 2 of 6 sheets to redesignate the Type B-2 approach for Parcel No. 2-02716 of Sta. 1095+31 Lt. to a Type B approach.
2. Revise plan sheet 2 of 6 sheets to delete the Type B-2 approach for Parcel No. 2-02717 at Sta. 1095+31 Lt.

3. Revise plan sheet 2 of 6 sheets to redesignate the Type B approach for Parcel No. 2-02718 at Sta. 1107+78 Rt. to a Type C-3 approach.
4. Revise plan sheet 2 of 6 sheets to relocate the right of way and limited access line from Sta. 1102+00 and 1108+00 on the left to accommodate highway construction.
5. Revise plan sheet 3 of 6 sheets to delete the Type C-2 approach for Parcel No. 2-02721 at Sta. 1127+16 Lt. and to add a Type C-3 approach between Sta. 1124+75 and 1126+55 Lt.
6. Revise plan sheet 3 of 6 sheets to delete the Type B-2 approach for Parcel No. 2-02722 at Sta. 1131+33 Lt. and to revise the Type C-2-3 at Sta. 1127+16 Lt. to a Type C-3.
7. Revise plan sheet 3 of 6 sheets to redesignate the Type D-2 approach for Parcel No. 2-02723 to a Type D approach.
8. Revise plan sheet 3 of 6 sheets to relocate the Type D-2 approach for Parcel Nos. 2-02724 and 2-02725 from Sta. 1134+29 Lt. to between Sta. 1134+00 and 1134+30 Lt.
9. Revise plan sheet 3 of 6 sheets to redesignate the Type D-2 approach for Parcel No. 2-02726 to a Type C-2-3.
10. Revise plan sheet 3 of 6 sheets to relocate the Type D-2 approach for Parcel No. 2-02727 from Sta. 1142+25 to between Sta. 1142+25 and

1142+50 Lt. and to redesignate that approach to a Type C-2-3 approach.

11. Revise plan sheet 3 of 6 sheets to redesignate the Type B approaches for Parcel No. 2-02729 to Type C-3 approaches.
12. Revise plan sheet 3 of 6 sheets to redesignate the Type B-2 approach for Parcel No. 2-02739 to a Type C-2-3 approach.
13. Revise plan sheet 3 of 6 sheets to relocate the Type C-2 approach for the Department parcel from Sta. 1142+25 to between Sta. 1142+50 Lt. and to redesignate that approach to a Type C-2-3 approach.
14. Revise plan sheet 3 of 6 sheets to relocate the right of way and limited access line between Sta. 1139+10 on the left and Sta. BG 11+30 on the right to accommodate highway construction.
15. Revise plan sheet 4 of 6 sheets to relocate the Type B approach for Parcel No. 2-02735 from Sta. 1178+40 Rt. to between 1178+00 and 1178+40 Rt. and to redesignate that approach to a Type C-2-3.
16. Revise plan sheet 4 of 6 sheets to relocate the Type A approach for Parcel No. 2-02738 at Sta. 1171+50 Rt. to between Sta. 8+00 and 8+65 Lt. on First Ave.
17. Revise plan sheets 1 through 4 of 6 sheets to make minor plan revisions and to correct

ownerships and parcel details, area  
computations, and right of way details.

III

That the plan entitled, "SR 97, BREWSTER  
VICINITY - SEC. 1, OKANOGAN COUNTY," sheets 1 through 4  
of 6 sheets, dated May 3, 1938, revised December 23,  
1988, as revised above and as shown in Exhibit "A," be  
and the same is hereby adopted.

ADOPTED this 18 day of May, 1989.

WASHINGTON STATE TRANSPORTATION COMMISSION

William J. Kamps  
WILLIAM J. KAMPS, Chairman

Richard Odabashian  
RICHARD ODABASHIAN, Vice Chairman

Bernice Stern  
BERNICE STERN, Member

Leo B. Sweeney  
LEO B. SWEENEY, Member

Albert D. Rosellini  
ALBERT D. ROSELLINI, Member

James Henning  
JIM HENNING, Member

Norm Mc Kibben  
NORM MC KIBBEN, Member

ATTEST:  
Anna Peterson  
ANNA PETERSON, Administrator

APPROVED AS TO FORM:  
[Signature]  
Assistant Attorney General