

BEFORE THE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 97
STARR TO PATEROS
M.P. 248.96 to M.P. 253.49
HEARING ON LIMITED ACCESS

FINDINGS AND ORDER

The hearing on the above entitled matter was held, upon due notice to interested parties, beginning at 7:00 P.M., Thursday, November 8, 1979 in the Pateros High School Auditorium, located in Pateros, Washington.

Interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Michael Kenny, Assistant Attorney General,
Temple of Justice, Olympia, Washington 98504

GODBEY RED-E-MIX CONCRETE, by Vaughn B. Godbey, P. O. Box 505, Brewster,
Washington 98812

DELBERT L. JUHL, by self, P. O. Box 504, Pateros, Washington 98846

As a courtesy to interested citizens, the Department of Transportation 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 Department of Transportation, 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 Daniel W. O'Brien, District Location and Construction Engineer, Department of Transportation, Wenatchee, Washington. Witnesses were then called. Evidence was taken by a stenographer and thereafter transcribed. Certain exhibits were duly introduced as evidence. Based upon the oral evidence and the exhibits introduced in evidence, and acting under the authority of

the Secretary of Transportation, the Deputy Secretary of Transportation of the State of Washington makes the following findings:

I

Prior to September 21, 1979, 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. 95 and its supplement No. 519.

Such plans were prepared and entitled "SR 97, STARR TO PATEROS, M.P. 248.96 to M.P. 253.49, OKANOGAN COUNTY", sheets 1 through 10 of 14 sheets, approved September 21, 1979, and "SR 97, AZWELL VICINITY TO STARR, CHELAN and OKANOGAN COUNTIES", sheet 5 of 9 sheets approved December 6, 1966 and revised September 21, 1979. These sheets were introduced into evidence marked as Exhibit Nos. 7-1 through 7-11, which were made a part of the hearing record. Profile sheet 14 of 14 sheets was introduced into evidence as Exhibit No. 7-12.

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 local officials an Access Report showing how those factors had been taken into account and covering other matters required by RCW 47.52.131, et seq. A copy of that report was introduced into evidence marked Exhibit No. 4.

By letter, dated October 16, 1979, 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.

III

On September 21, 1979, the Design Engineer by Order proposed said plan and set a hearing date in accordance with the provisions of RCW 47.52.131, et seq. Said Order was introduced into evidence marked Exhibit No. 1

IV

Mr. V.W. Korf, Deputy Secretary of Transportation, issued a Notice of Hearing on September 21, 1979. An exact copy of this notice was mailed to Okanogan County, the Town of Pateros and to each of those recorded 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 Omak-Okanogan County Chronicle on October 18, 1979, as shown by the affidavit of Karen L. Wehmeyer, Office Manager 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 Wenatchee World on October 18, 1979, as shown by the affidavit of Donele Bowden, Legal Clerk 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 Quad-City Herald on October 18, 1979, as shown by the affidavit of Marilyn Benge, Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2-C.

V

The plan proposes the establishment of partially controlled limited access highway facilities for State Route 97 from Starr to Pateros, between Station 319+50 and Station 346+26.67, as shown on sheet 5 of 9 sheets entitled "SR 97, AZWELL VICINITY TO STARR, CHELAN and OKANOGAN COUNTIES", and between Station 602+28.98 and Station 841+30.46 as shown on sheets 1 through 10 of 14 sheets entitled "SR 97, STARR TO PATEROS, M.P. 248.96 to M.P. 253.49, OKANOGAN COUNTY".

VI

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 Principal Arterial highways. In so doing, 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 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, 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. 7-1 through 7-11, 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 6 The Environmental checklist for the project approved by the FHWA October 17, 1979 and the Final Declaration of Non-Significance concurred in by the FHWA on October 17, 1979.
- Exhibit 8 Reserved exhibit, the Department of Transportation's response to Mr. Juhl's comments concerning an easement across parcel 2-01862.

VIII

The Deputy Secretary of Transportation has considered evidence on the entire portion of the above entitled highway and finds the plan introduced into evidence marked Exhibit Nos. 7-1 through 7-11 should be modified as hereinafter set forth and as shown on Exhibit "A" attached.

IX

The Deputy Secretary of Transportation also considered the following requests for changes in the plans, and makes the following findings:

1. Mr. Delbert Juhl (Parcel No. 2-01862) on pages 15 and 16 of the hearing transcript asked if access would be provided to the quarry area located behind his property.

The Department of Transportation determined in Reserved Exhibit No. 8 that the recorded deeds for the properties in question do not indicate any easements which would provide access to the quarry area; therefore, no access is provided by this plan.

X

The Deputy Secretary of Transportation particularly finds, in the case of each abutting ownership, that the adoption of the plans for making said highways limited access facilities, 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 Deputy Secretary of Transportation 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 319+50 and Station 346+26.67 (602+28.98 P.C. AHD) as shown on sheet 5 of 9 sheets of the plan entitled "SR 97, AZWELL VICINITY TO STARR, CHELAN and OKANOGAN COUNTIES", dated December 6, 1966, and;

Between Station 602+28.98 P.C. (346+26.67 P.O.T. Back) and Station 841+30.46 P.O.C. as shown on sheets 1 through 10 of 14 sheets of the plan entitled "SR 97, STARR TO PATEROS, M.P. 248.96 to M.P. 253.49, OKANOGAN COUNTY", dated September 21, 1979.

II

That the plan entitled "SR 97, AZWELL VICINITY TO STARR, STATION 319+50 TO STATION 346+26.67 P.C., OKANOGAN COUNTY", sheet 5 of 9 sheets, dated December 6, 1966, and that the plan entitled "SR 97, STARR TO PATEROS, M.P. 248.96 to M.P. 253.49, OKANOGAN COUNTY", sheets 1 through 10 of 14 sheets, dated September 21, 1979, as shown on Exhibit "A", is hereby adopted.

That the following plans are hereby superseded:

"SR 97, AZWELL VICINITY TO STARR", right of way, sheets 5 (pt.) and 6 of 9 sheets, approved December 6, 1966.

"SR 97, CHELAN COUNTY LINE TO PATEROS", right of way, sheet 4 through 7 of 8 sheets approved December 21, 1926.

"SR 97, PATEROS VICINITY", right of way, sheets 2 and 3 (pt.) of 10 sheets, approved November 10, 1964.

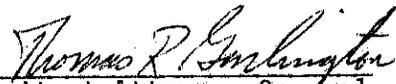
"SR 153, JCT. PSH 10 (SR 97) TO ALTA LAKE ROAD", right of way, sheet 2 (pt.) of 6 sheets, approved December 29, 1964.

ADOPTED this 27th day of February, 1980.

DEPUTY SECRETARY OF TRANSPORTATION


V. W. KORF

APPROVED AS TO FORM:


Assistant Attorney General