

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: U.S. 195, MP 89.91 TO MP 95.65)
HATCH ROAD TO INTERSTATE 90)
COMBINED HEARING ON DESIGN)
AND LIMITED ACCESS)

FINDINGS AND ORDER
(Relating to Limited Access)

The hearing for the above entitled matter was upon due notice to interested parties, beginning at 5:00 p.m., Wednesday May 29, 2002 at St. Stephens Episcopal Church, Spokane, Washington before Edward S. Steinmetz, Administrative Law Judge.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Jerry C. Lenzi, Regional Administrator, WSDOT Eastern Region, 2714 N. Mayfair Street, Spokane, WA 999207-2090;

Bettie Simmons, by Peter Hawkins, Attorney, 225 W. Main 1st Floor, Spokane, WA 99201;

Washington State Department of Natural Resources, by Gale Allen, 222 N. Havana, Rm. 108, Spokane, WA 99202;

Dennis P. Hession, Spokane City Councilman, by self, 818 W. Spokane Falls Blvd., Spokane, WA 99201;

Roberta Greene, Spokane City Councilwoman, by self, 211 E. Meadowlane Road, Spokane, WA 99224;

Bob Sanborn, by self, 6916 S. Inland Empire Way, Spokane, WA 99224;

Pat Coleman, by self, 6706 S. Inland Empire Way, Spokane, WA 99224;

Trisha and Steven D. Rickard and Family, by Trisha Rickard, 5408 S. Inland Empire Way, Spokane, WA 99224;

Hazel F. Cooper and Family, by Trisha A. Rickard (Power of Attorney - daughter), 5408 S. Inland Empire Way, Spokane, WA 99224;

Greta Gilman, by self, 31 E. Roscoe Court, Spokane, WA 99224;

John "Jack" C. Kampa, by self, 2434 NW 57th St., Seattle, WA 98107 and 3515 S. Inland Empire Way, Spokane, WA 99224;

Robert Lathrup, by self, P.O. Box 162, Marshall, WA 99020;

Kim and Dale Wright, by themselves, 3911 S. Inland Empire Way #1, Spokane, WA 99224;

Mark Johnson, by self, 7232 S. Hatch Road, Spokane, WA 99224;

Olsen Living Trust, by Brad Marshall, Senior Land Planner for Adams and Clark Engineering, 1720 W. 4th, Spokane, WA 99204;

Kerry Schanzerbach, by self, 2005 E. Wildflower Ln., Spokane, WA 99224;

Karen and Rich Stevens, by themselves, 6705 S. Highland Park Dr., Spokane, WA 99223;

Jim Berry, by self, 6605 N. Stevens, Spokane, WA 99208;

As a courtesy to interested citizens, the Department of Transportation 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 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 Jerry C. Lenzi, Eastern Region Administrator, after which witness were called. Evidence was taken 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, Don Nelson, the Director of Environment and Engineering, makes the following findings:

I

On July 23, 1953 a plan for the establishment of a limited access highway over a portion of SR 195, in Spokane County, Washington, was ordered under Commission Resolution No. 95 and amendments thereto. Such plans were prepared and entitled:

"SR 195, MULLEN HILL RD. VIC. TO MP. 93.15, MP 89.91 to MP 93.15, SPOKANE COUNTY" right of way and limited access plans between STA. L 625+00 to STA. L 796+00, as shown on sheets 1 through 18 of 18 sheets dated May 7, 2002; and

"SR 195, MP 93.15 TO SR 90, MP 93.15 TO 95.65, SPOKANE COUNTY", right of way and limited access plans, STA. L 796+00 to STA. L 928+05.22, as shown on sheets 1 through 20 of 20 sheets dated May 7, 2002.

These sheets were introduced into evidence marked Exhibit No. 6, which was made part of the hearing record.

II

The Department of Transportation received from public agencies concerned with the proposed plan their available data on planning, land use, local traffic, and other information required, and thereafter prepared and submitted to the appropriate officials an Access Report showing how those 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 Exhibit No. 4.

III

On May 10, 2002 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 Exhibit No. 1.

IV

Larry L. Eik, P.E., Project Engineer, for the Washington State Department of Transportation, Eastern Region, issued a Notice of Hearing. On May 13th and May 15th an exact copy of this notice was mailed to various agencies and interested parties, and to each of the record owners of property, as depicted in the Affidavits of Service by Mailing that were introduced into evidence marked Exhibit No. 3. Exact copies of the notice were published in The Spokesman-Review on April 28 and May 12, 2002; in the Valley Herald News on May 1 and May 15, 2002; in the Journal of Business on May 2 and May 16, 2002; and in the Cheney Free Press on May 16, 2002 as shown by Affidavits of Publication signed by the respective authority of said newspapers, which affidavits were introduced into evidence marked Exhibit No. 2.

V

The plan proposes the establishment of a limited access facility with full access control for State Route 195 from STA. L 625+00 to STA. L 928+05.22, as shown in Exhibit No. 6.

VI

This section of State Route 195 is an important part of the highway system for the State of Washington and represents a substantial expenditure in construction costs. It is functionally classified as a Principal Arterial and part of the National Highway System. The Department of Transportation Policy provides for full 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 business enterprise, the safe operation of the facility is jeopardized 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 and intersections.

The plan for the establishment of full access control as shown in Exhibit No. 6 will provide the necessary traffic safety improvements, preserve the operational characteristics and mobility through this rapidly developing area, maintain freight connections, and provide safe and effective interchange access at strategic locations. This section of roadway is the main commuter route for regional and local neighborhood trips. It is essential that the roadway system be maintained to provide efficient mobility for intrastate and interstate commerce and to serve as the primary transportation artery to the local city arterial street system.

VII

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

- Exhibit No. 5 Photocopies of representative parcel access description slides. These slides were used during the hearing plan presentation.
- Exhibit No. 7 Letter of concurrence for Access Report from the City of Spokane dated March 19, 2002.
- Exhibit No. 8 Letter of concurrence for Access Report from the Spokane County dated March 21, 2002.
- Exhibit No. 9 Letters with attachments dated June 7, 2002 from John Kampa.
- Exhibit No. 10 Reserved Exhibit, Department's response to Exhibit No. 9.
- Exhibit No. 11 Letters with attachments dated May 27, 2002 from Rickard family.
- Exhibit No. 12 Reserved Exhibit, Department's response to Exhibit No. 11.
- Exhibit No. 13 Comment sheet from Gale Allen, DNR.

VIII

The Director, Environmental and Engineering Programs has considered the following requests and makes the following findings:

1. John Kampa, in Exhibit No. 9 and on pages 38 through 43 of the hearing transcript, requested the Department of Transportation review the design of the access road to Parcel No. 6-04787 and access to Parcel No. 6-04784.

As stated, in Exhibit No. 10, the Department has reviewed Mr. Kampa's request and concluded that the access road can be redesigned to meet existing conditions that serve this property. Eliminating the cul-de-sac designed on the east end of the interchange and replacing it with a "T" intersection or a new hammerhead design will accomplish this. The Department will establish full access control along each side of the intersection, for a distance of 300 feet as determined by WSDOT access control standards. There will be no approaches allowed within that 300 foot of access control. The revision is consistent with the current use of the parcel.

The Department has determined that the cost to provide reasonable access to Parcel No. 6-04784 is not economically feasible. The Department therefore will consider this property as a total acquisition.

2. Trisha Rickard, in Exhibit No. 10 and on pages 46 through 52 of the hearing transcript, requested the Department of Transportation eliminate the access road (ML-N Line) and cul-de-sac through Parcel No. 6-04775 to Parcel No. 6-04779. She was also representing Parcel No. 6-04775, which is affected by this access road, at the hearing.

As stated, in Exhibit No. 12, the Department has reviewed the request and determined that the access road, referred to as the ML-AC line, can be reduced in length such that impacts to Parcel Nos. 6-04775 and 6-04779 are eliminated. The Department has also determined that the relocation of the cul-de-sac southerly to its new position eliminates the need for right-of-way

relocation of the cul-de-sac southerly to its new position eliminates the need for right-of-way purchase from 4 other Parcel Nos. 6-04771, 6-04773, 6-04774, and 6-04775. The plan sheets will be changed accordingly. The revision is consistent with the current use for these parcels.

The existing driveway access for Parcel No. 6-04779 will be eliminated at the landowner's request. The result of this action does not land lock this parcel. In Trisha Rickard's letter submitted as part of this hearing, and signed by her, Hazel Cooper, and others, access to this parcel will be across the Cooper property, Parcel No. 6-04775.

3. Gale Allen, in Exhibit No. 13, requested the Department review the design of the loop ramp on the west side of the Cheney-Spokane interchange and its effects on access to his remaining property.

As stated, in Exhibit No. 14, the Department has determined that reasonable access to the remaining property cannot be established through the current design. The Department therefore will consider this property as a total acquisition.

IX

The Director, Environmental and Engineering Programs has considered evidence on the entire portion of the above entitled highway and finds the plans introduced into evidence marked Exhibit Nos. 6, should be modified as hereinafter set forth.

Exhibit No. 6 "SR 195, MULLEN HILL RD. VIC. TO MP. 93.15, MP 89.91 to MP 93.15, SPOKANE COUNTY"

Plan sheets 1 through 18 of 18 sheets dated May 7, 2002 will be replaced with new plan sheets with the same title. Sheets 1 through 18 of 18 sheets will include the following changes:

1. Revise plan sheets 15 and 16 of 18 sheets to relocate the cul-de-sac on the ML AC Line from Sta. L 766+00 Lt. to Sta. L 747+32 Lt., delete the ML-AC Line from Sta. L 747+32 Lt. to Sta. L 766+00 Lt., delete Parcel Nos. 6-04773, 6-04774, 6-04775. Revise plan sheet 14 and 15 to delete Parcel No. 6-04771. These revisions were requested by the Rickard family representatives in Exhibit No. 11 and are recommended by the Department in Exhibit No. 12.
2. Revise plan sheets 15 and 16 of 18 sheets to add Pedestrian and Bicycle trail between Sta. L 752+00 and Sta. L 783+00 as recommended by the Department in Exhibit No. 12.
3. Revise plan sheets 1 through 18 of 18 sheets to make minor revisions, to correct ownership's and parcel details, area computations, and right of way details.

"SR 195, MP 93.15 TO SR 90, MP 93.15 TO 95.65, SPOKANE COUNTY",

Plan sheets 1 through 20 of 20 sheets dated May 7, 2002 will be replaced with new plan sheets with the same title. Sheets 1 through 20 of 20 sheets will include the following changes:

1. Revise plan sheet 5 of 20 sheets, to delete the cul de sac on the C2 Line, delete the Type C-2 approach for Avista and the Type A-2 approach for Parcel No. 6-04787; realign the C2 Line

from the intersection with the C Line to the vicinity of the Latah Creek crossing; revise the limited access line from Sta. L 833+30.25 and Sta. L 835+08.13 to accommodate the realignment of the C2 Line. These plan revisions were requested by John Kampa, in Exhibit No. 9 and on pages 38 through 43 of the hearing transcript and recommended by the Department in section VIII above.

2. Revise plan sheets 1 through 20 of 20 sheets to make minor revisions, to correct ownership's and parcel details, area computations, and right of way details.

X

The Director, Environmental and Engineering Programs 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 Exhibit A, is required for public convenience and necessity.

Based upon the foregoing findings and evidence supporting them, the Director, Environmental and Engineering Programs for the Department of Transportation, State of Washington,

ORDERS:

I

That the section of State Route 195 in Spokane County, Washington is hereby designated as a limited access highway of the full and modified controlled type:

Between STA. L 625+00 to STA. L 796+00, as shown on sheets 1 through 18 of 18 sheets of the right of way and limited access plans entitled "SR 195, MULLEN HILL RD. VIC. TO MP. 93.15, MP 89.91 to MP 93.15, SPOKANE COUNTY";

Between STA. L 796+00 to STA. L 928+05.22, as shown on sheets 1 through 20 of 20 sheets of the right of way and limited access plans entitled "SR 195, MP 93.15 TO SR 90, MP 93.15 TO 95.65, SPOKANE COUNTY".

II

That the plans set forth in Exhibit No. 6 for the establishment of access control of said highway be revised as follows, and as shown on Exhibit "A" hereto attached and by this reference made a part hereof.

Exhibit No. 6 "SR 195, MULLEN HILL RD. VIC. TO MP. 93.15, MP 89.91 to MP 93.15, SPOKANE COUNTY"

Plan sheets 1 through 18 of 18 sheets dated May 7, 2002 will be replaced with new plan sheets with the same title. Sheets 1 through 18 of 18 sheets will include the following changes:

1. Show that the cul-de-sac was relocated on the ML AC Line, as relocated from Sta. L 766+00 Lt. to Sta. L 747+32 Lt.; that the ML-AC Line has been deleted from Sta. 747+32 Lt. to Sta. L 766+00 Lt.; that Parcel Nos. 6-04773, 6-04774, 6-04775 have been deleted as shown on sheets 15 and 16 of 18 sheets; that Parcel No. 6-04771 has been deleted from sheet 14 of 18 sheets.
2. Show that the Pedestrian and Bicycle trail between Sta. L 748+00+/- and Sta. L 783+38+/- has been added to sheet 15 and 16 of 18 sheets.
3. Show minor plan revisions, to correct ownerships and parcel details, area computations, and right of way details are shown on plan sheets I through 18 of 18 sheets.

"SR 195, MP 93.15 TO SR 90, MP 93.15 TO 95.65, SPOKANE COUNTY",

Plan sheets 1 through 20 of 20 sheets dated May 7, 2002 will be replaced with new plan sheets with the same title. Sheets 1 through 20 of 20 sheets will include the following changes:

1. Show that the cul-de-sac on the C2 Line has been deleted; that the Type C-2 approach and Type A-2 at Sta. L 833+30.25 Rt. have been deleted; that the C2 Line has been realigned and that the right of way and limited line has been relocated as shown on sheet 5 of 20 sheets.
2. Show minor plan revisions that correct ownership and parcel details, area computations, and right of way details. (See plan sheets 1 through 18 of 18 sheets).

III

That the Plans entitled:

"SR 195, MULLEN HILL RD. VIC. TO MP. 93.15, MP 89.91 to MP 93.15, SPOKANE COUNTY" right of way and limited access plans between STA. L 625+00 to STA. L 796+00; and

"SR 195, MP 93.15 TO SR 90, MP 93.15 TO 95.65, SPOKANE COUNTY", right of way and limited access plans, STA. 796+00 to STA. L 928+05.22 as revised above and reflected in Exhibit "A", are hereby adopted

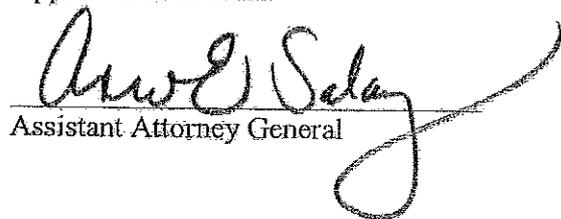
ADOPTED THIS 25th DAY OF November, 2002

DIRECTOR,
ENVIRONMENTAL AND ENGINEERING PROGRAMS



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Approved as to form:



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Assistant Attorney General