

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE:	STATE ROUTE 395)	
	HASTINGS ROAD TO MP 172)	
	MP 166.60 TO MP 172.60)	FINDINGS AND ORDER
	COMBINED HEARING ON DESIGN)	
	AND LIMITED ACCESS)	

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 7 p.m., Wednesday, December 4, 1991, in the United Covenant Methodist Church, Spokane, Washington, before John H. McRae, Hearing Examiner.

The interested persons and organizations were represented as follows:

- DEPARTMENT OF TRANSPORTATION, by Jeffrey D. Stier, Assistant Attorney General, Temple of Justice, Olympia, Washington 98054;
- ASBELL, WILLIAM F., by self, 8501 W. Antler Rd., Deer Park, WA, 99006;
- BARTELS, S. CRAIG AND TRINA, by selves, N. 17112 Dartford Dr., Spokane, WA 99208;
- BERNTSEN, HOWARD, by self, E. 517 21st. Ave. #9, Spokane, WA 99203;
- BLACK, DONNA G, by self, N.1210 Monroe Rd., Colbert, WA 99005;
- CACERES, FRANK M., by self, 18005 N. Division Rd., Colbert, WA 99005;
- CHRISTIAN LIFE CENTER, by BARRY HILL, Elder, N.14011 Little Spokane Dr., Spokane, WA 99208;
- CLARK, MIKE, by self, 413 E. Timberwood Cir., Spokane, WA 99208;
- CORDILL, CLARK, by self, Rt. 5 Box 302, Spokane, WA 99208;
- CORDILL, CLARK, by LEONARD CORDILL, W. 10810 OLSEN Rd., Nine Miles Falls, WA 99026;
- CORDILL, CLARK AND EVELYN, by selves, E. 110 Commellini Rd, Spokane, WA 99208;
- CORDILL, CLARK AND EVELYN, by TERRY SNOW, Attorney, N. 711 Lincoln Suite A., Spokane, WA 99201;
- CORDILL, LEONARD, by self, 10810 W. Olson Rd., Nine Mile Falls, WA 99026;

DECKER, WAYNE AND CAROLE,, by selves, W. 521 Monroe Rd., Colbert, WA 99005;

DONAHUE, LINDA M, by self, N. 14504 Edencrest Dr., Spokane, WA 99208;

FERYN, MAURICE, by self, N. 14316 Dartford Dr., Spokane, WA 99208;

FROST, THOMAS P, by self, E. 906 Timberwood Cir., Spokane, WA 99208;

GARDNER, TIMOTHY , by self, 22 W. Ballard Rd., Colbert, WA 99005;

HARDING, RALPH R., by self, N.15609 Edencrest Dr., Spokane, WA 99208;

HARLEY, ROBERT W, by self, N. 11702 Fairwood Dr., Spokane, WA 99218;

HAST, DANIEL, by self, W. 1111 Ballard Rd., Spokane, WA 99208;

HUMPHRIES, FRANCES M., by self, 12912 E. 12th Ave. #209, Spokane, WA 99216;

HUMPRIES, FRANCES M., by DON FRIES, E. 5612 Mt. Spokane Park Dr., Mead, WA 99021;

KEITH, JOHN AND MARY, by selves, Route 5 Box 314 K, Spokane, WA 99208;

KLANTE, GREGOR, by self, N. 14918 Edencrest Dr., Spokane, WA 99208;

KRAMARZ, JOE AND BECKY, by selves, E. 407 Elto Dr., Spokane, WA 99208;

LAFFERTY, DONALD E, by self, N. 13113 Dakota, Spokane, WA 99208;

LENKE, WIL by self, N. 17805 Hwy 395, Colbert, WA 99005;

LONGMEIER, GREGG, by self, N.16008 Dalton, Rd. Spokane, WA 99208;

MATTINGLY SAM. by self, N. 14528 DARTFORD Dr., Spokane, WA 99208;

MCKAY, VERA, by self, 2204 N.Calispel, Spokane, WA 99208;

MCKAY, VERA, by WILLIAM M. MCKAY, W. 2605 Woodside, Spokane, WA 99208;

MISTRETTA, SAM AND LINDA, by selves, Route 5 Box 303 A, Spokane, WA 99008;

MISTRETTA, SAM AND LINDA, by JAMES P. OLSON, Attorney, N. 8414 Wall St. Suite A, Spokane, WA 99208;

MITCHEL, DON AND SHIRLEY, by selves, W. 412 Hazard Rd. Spokane, WA 99208;

MUELLER, HERBERT, by self, Box 317, Chewelah, WA 99109;

NORTHGATE BAPTIST CHURCH, by self, E. 311 Hastings Rd., Spokane, WA 99218

NORTHGATE BAPTIST CHURCH, by TIM DANIELS, Deacon, N. 7019 Standard,

Spokane, WA 99208;

O'HALLORAN III, JAMES E., by self, N. 16916 Dartford Dr., Spokane, WA 99208;

OTTOSON, MR. and MRS. CARL E., by W. 2121 Monroe Rd., Colbert, WA 99005;

PECCHIA, EUGENE M., by self, N. 13402 Mill Rd., Spokane, WA 99208;

PETERSON, OREN C., by self, N. 10110 Whitter, Spokane, WA 99218;

POSTLEWAIT, TOM, by self, Box 9084, Spokane, WA 99209;

POWELL, DAVID AND KATHY, by selves, N. 15216 Addison Ct., Spokane, WA
99208;

PRETTYMAN, BOB, by self, N. 18227 Atlantic Rd., Colbert, WA 99005;

RAMEY, RANDALL, by self, 16312 N. Pittsburg, Spokane, WA 99208;

RICHARDS, ROBERT H. , by self, N. 14925 Gleneden St., Spokane, WA 99208;

RIEBE, ELMER, H. by self, N. 18629 Hwy 395, Colbert, WA 99005;

RUBY, CHARLES, by self, Route 5 Box 312, Spokane, WA 99208;

RUBY, FRED, by self, N.18325 Atlantic Rd., Colbert, WA 99005;

SAVITZ, KEN, by self, 1805 W. Arabian Ave., Colbert, WA 99005;

SCHMID, KARL H., by self, N. 14721 Gleneden St., Spokane, WA 99208;

SHAW, EDWARD E. AND FRANCES B, by selves, Route 5 Box 307, Spokane, WA
99208;

SPENCER, ROBERT C., by self, W. 216 Fleming Ave., Colbert, WA 99005;

SPOKANE COUNTY ENGINEER, by self, N. 811 Jefferson, Spokane, WA 99260;

SPOKANE COUNTY FIRE DISTRICT 4, by JOE KRIZANIC, Deputy Chief, N. 712
Cedar Rd., Deer Park, WA 99006;

STONE, WILLIS F., by self, W. 19127 Division, Colbert, WA 99005;

SWIFT, RICHARD, by self, Route 5 Box 279, Spokane, WA 99208;

TERZIEFF, MARTY, by self, 14603 N. Gleneden St., Spokane, WA 99208;

WEST, JIM, by self, N. 18017 Hwy 395, Colbert, WA 99005;

WHORLEY, JACK, by self, N. 15714 Edencrest Dr., Spokane, WA 99208;

WHORTON, MICHAEL C, by self, E. 306 Silver Pine, Colbert, WA 99005;

WITWER, CONN E., by self, W. 911 Ballard, Spokane, WA 99208;

WITTWER, RANDALL, by self, W. 912 Ballard, Spokane, WA 99208;

ZELINSKI, KRIS, by self, E. 521 Timberwood Cir., Spokane, WA 99208;

ZINKGRAF, CARL E., self, E. 1735 Central, Spokane, WA 99207;

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 by Jerry C. Lenzi, District Administrator, after which witnesses were called. Evidence was taken by a Court Reporter 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 for the State of Washington, the Assistant Secretary for Program Development makes the following findings:

I

On July 23, 1953 and March 4, 1955, a plan for the establishment of a limited access highway over a portion of State Route 395 in Spokane County, Washington, was ordered under Commission Resolution No. 95 and Commission Resolution No. 236, and amendments thereto.

Such a plan was prepared and entitled "SR 395, HASTINGS ROAD TO MP 172, MP 166.60 TO MP 172.60, SPOKANE COUNTY," sheets 1 through 15 of 15 sheets. These sheets were introduced into evidence marked as Exhibit No. 5, which were made part of the hearing record.

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 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 report was introduced into evidence marked Exhibit No. 4.

By letter dated November 12, 1991, from John Nunnery, Senior Planner Spokane County planning Department and by letter dated November 22, 1991, from Ronald C. Horman, P.E., Spokane County Engineer, concurred with the Access Hearing Plan and the Access Report, and said letters were introduced into evidence marked Exhibits No. 7 and 8 respectively.

III

On November 8, 1991, the State Design 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 introduced into evidence marked as Exhibit No. 1.

IV

Harold L. White P.E., Project Engineer for the Department of Transportation in District 6, issued a Notice of Hearing. On November 20, 1991, an exact copy of this notice was mailed to Spokane County, the City of Spokane, various agencies, media and other interested parties, and to each of the record owners of property listed on the Spokane County Tax Roll, as depicted in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 3. Exact copies of the notice were published in The Spokane Review/Chronicle of Spokane on November 4, 1991 and November 25, 1991, as shown by the Affidavit of Publication of Robin Brown, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2, and in the Tri-County Tribune of Deer Park on November 6, 1991 and November 27, 1991, as shown by the Affidavit of Publication of Jaymi S. Gates, Principal Clerk of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 2.

V

The plan proposes the establishment of a limited access facility with modified access control for SR 395 from Station L 213+58.5 to L 222+50, full access control from Station L 222+50 to Station LR 471+540 and partial access control from Station LR 471+50 to Station LR 530+31.16, as shown on sheets 1 through 15 of 15 sheets entitled "SR 395, HASTINGS ROAD TO MP 172, MP 172, MP 166.60 TO 172.60, SPOKANE COUNTY."

VI

This section of State Route 395 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 a Principal Arterial Highway and the Department of Transportation Policy provides for limited 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 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 intersections and approaches.

The plan for the establishing a full, partial, and modified access controlled facility for State Route 395 in Spokane County, introduced into evidence marked Exhibit No. 5, 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. 6 IDC dated October 29, 1991 from Skip Burch to S. L. Chatterton, Conceptual approval for the Preliminary Design Report

- Exhibit No. 9 SR 395, Hastings Road to MP 172, the Mitigated Determination of Non-Significance and SEPA check list.
- Exhibit No. 10 SR 395, Hastings Road To MP 172, Biological Assessment, September, 1991.
- Exhibit No. 11 SR 395, Hastings Road To MP 172, Biological/Wetlands Report, March 8, 1991.
- Exhibit No. 12 Typical roadway section
- Exhibit No. 13 Letter dated November 29, 1991 from Clark and Evelyn Cordill, concerning Parcel Nos. 6-03031 and 6-03040 limited access.
- Exhibit No. 14 Reserved Exhibit, Department's response to Exhibits 13 and 18.
- Exhibit No. 15 Reserved Response of the Court concerning Parcel No. 6-03008 to Mr. Bill Hill's statement.
- Exhibit No. 16 Reserved Exhibit for a listing of the revisions to the Access Hearing Plan Exhibit No. 5 presented at the hearing., represented
- Exhibit No. 17 Letter dated February 24 1992 from Jeff Stier, Assistant Attorney General, to John H. McRae, Hearing Examiner, requesting revisions of the existing Exhibit No. 17, and adding additional Exhibits to the record.
- Exhibit No. 17a Response letter dated February 26, 1992 from John H. McRae, Hearing Examiner, granting request for the revision of Exhibit No. 17 and the addition of Exhibits to the record.
- Exhibit No. 18 Letter dated December 16, 1991 from Terry Snow, Attorney, representing Clark and Evelyn Cordill.
- Exhibit No. 19 Comment sheet dated December 4, 1991 from Russ Fleischauer.
- Exhibit No. 20 Reserved Exhibit, Department's response to Exhibit No. 19.
- Exhibit No. 21 Comment sheet dated December 4, 1991 from Waldo G. Magnuson, Jr.
- Exhibit No. 22 Reserved Exhibit, Department's response to Exhibit No. 21.
- Exhibit No. 23 Comment sheet dated December 4, 1991 from Bob Rundell.
- Exhibit No. 24 Reserved Exhibit, Department's response to Exhibit No. 23.
- Exhibit No. 25 Comment sheet dated December 4, 1991 from Thomas P. and Theresa D. Frost.
- Exhibit No. 26 Reserved Exhibit, Department's response to Exhibit No. 25..
- Exhibit No. 27 Letter dated December 4, 1991 from Bill Hill, representing Christian Life Center..
- Exhibit No. 28 Letter dated December 14, 1991 from Bill Hill, representing Christian Life Center..
- Exhibit No. 29 Reserved Exhibit, Department's response to Exhibit Nos. 27 and 28.

- Exhibit No. 30 Letter dated December 4, 1991 from Michael C. Dobson..
- Exhibit No. 31 Reserved Exhibit, Department's response to Exhibit No. 30.
- Exhibit No. 32 Comment sheet dated November 27, 1991 from Donald J. Stanton.
- Exhibit No. 33 Reserved Exhibit, Department's response to Exhibit No. 32.
- Exhibit No. 34 Comment sheet dated December 16, 1991 from J. E. O'Halloran.
- Exhibit No. 35 Reserved Exhibit, Department's response to Exhibit No.34.
- Exhibit No. 36 Letter dated December 13, 1991 from Joe Krizanic, Deputy Chief, representing Spokane County Fire District No. 4.
- Exhibit No. 37 Reserved Exhibit, Department's response to Exhibit No. 36 .
- Exhibit No. 38 Letter dated December 16, 1991 from Raymond R. Smith,Field Office Chief, U.S. Dept. of Interior, Water Resources Division.
- Exhibit No. 39 Reserved Exhibit, Department's response to Exhibit No. 38.
- Exhibit No. 40 Comment sheet dated December 4, 1991 from Vera McKay.
- Exhibit No. 41 Reserved Exhibit, Department's response to Exhibit No. 40.
- Exhibit No. 42 Letter dated December 12, 1991 from Timothy J. Gardner..
- Exhibit No. 43 Reserved Exhibit, Department's response to Exhibit No. 42.
- Exhibit No. 44 Comment sheet dated December 15, 1991 from Robert L. Ross, Vice President of the Wandermere Company.
- Exhibit No. 45 Reserved Exhibit, Department's response to Exhibit No. 44.
- Exhibit No. 46 Letter dated December 18, 1991 from Kelle R. Vigeland, Environmental Engineer, Spokane County Air Pollution Control Authority..
- Exhibit No. 47 Reserved Exhibit, Department's response to Exhibit No. 46.
- Exhibit No. 48 Letter dated December 18, 1991 from Charles and Margaret Ruby.
- Exhibit No. 49 Reserved Exhibit, Department's response to Exhibit No. 48
- Exhibit No. 50 Letter dated December 15, 1991 from Wayne R. and Carole M. Decker.
- Exhibit No. 51 Reserved Exhibit , Department's response to Exhibit No. 50.
- Exhibit No. 52 Letter dated December 17, 1991 from Douglas and Vandervert Developments..
- Exhibit No. 53 Reserved Exhibit, Department's response to Exhibit No. 52.
- Exhibit No. 54 Reserved Exhibit, Copy of the Design Summary Responses
- Exhibit No. 55 Reserved Exhibit, concurrence letter dated March 6, 1992 from Spokane

County for the proposed frontage road FR6, introduced after the access hearing.

VIII

The Assistant Secretary for Program Development has considered evidence on the entire portion of the above entitled highway and finds the plan introduced into evidence marked Exhibit No. 5 should be modified as hereinafter set forth and shown on Exhibit "A" attached.

1. Revise plan sheets 1, 4, 5, 6 and 7 of 15 sheets to add a cul-de-sac on Farwell Rd., on the west side of SR 395; to add the FR6 line; to relocate the beginning of the divided highway section from Sta. L 280+00 to Sta. LR 314+00; to add a temporary grade intersection at Sta. L 235+00; and to add the TC1 line from Sta. 232+36.71 to Sta. 235+37.91 as recommended by the Department.
2. Revise plan sheet 2 of 15 sheets to realign the EW-S ramp of the Hatch Road I/C; delete Parcel No. 6-03041 from the vicinity map only; extend FR3 to Parcel No. 6-03050; relocate the FR3 centerline closer to SR 395 as requested by Mr. Stanton in Exhibit No. 32 and as recommended by the Department in Exhibit No. 33.
3. Revise plan sheet 3 of 15 sheets to add a temporary grade intersection on the right at Monroe Rd.; realign the future N-EW Ramp as recommended by the Department.
4. Revise plan sheet 4 of 15 sheets to delete Parcel No. 6-03630; relocate the end of Modified and the beginning of Full Access Control from Sta. L 222+50 to Sta. L 222+71; add a joint use Type C-3 approach at Sta. 221+81 Rt.; and to add a temporary approach at approximate Sta. FR1 237+00 Rt. as recommended by the Department.
5. Revise plan sheets 4 and 5 of 15 sheets to relocate the right of way and limited access line between Sta. N-S 19+ 14.60 Lt. to Sta. N-S 35+34.47 Lt. to accommodate the realignment of the N-S ramp; to add the FR6 line between Sta. FR 6 237+00 and Sta. FR6 248+98.75 on the right; to relocate the right of way and limited access line between Sta. S-N 38+12.31 and Sta. N-S 48+00 Lt. to accommodate the FR6 line; relocate the limited access line between Sta. FR1 249+13.01 and Sta. FR1 252+23.28; to add a temporary grade intersection at Sta. 235+00 Rt.; add the TC1 Line from Sta. TC 1 232+36.71 to Sta. 235+37.91 at Sta. 235+00 Rt. as recommended by the Department.
6. Revise plan sheet 5 of 15 sheets to add limited access hachures between Sta. L 241+99. 01 Rt. to Sta. L 249+53.69 Rt.; to add limited access hachures between Sta. N-S 40+00 Lt. to FR1 Sta. 249+13.01 Lt.; relocate right of way/access line Sta. L 252+13.24 Lt. to Sta. L 266+00 Lt.; to add a Type C approach at N-S 46+50 Lt. as recommended by the Department.
7. Revise plan sheet 7 of 15 sheets to relocate the cul-de-sac on Commellini Rd. as recommended by the Department.
8. Revise plan sheet 8 of 15 sheets to relocate the right of way and limited access line between Sta. EW-S 7+04.08 Lt. and Sta. EW-S 18+38.50 Lt. to accommodate the realignment and extension of the EW-S ramp; add Parcel No. 6-03706; delete Parcel No. 6-03037 as recommended by the Department .

9. Revise plan sheets 9 and 10 of 15 sheets to relocate the right of way and limited access line between Sta. LR 385+30 Rt. and Sta. LR 403+69.60 Rt. to accommodate the realignment of the FR3 centerline closer to SR 395 and extension of the FR3 to enter Parcel No. 6-03050; as requested by Mr. Stanton in Exhibit No. 32 and as recommended by the Department in Exhibit No. 33; as recommended by the Department
10. Revise plan sheet 10 of 15 sheets to relocate the right of way line, between Sta. FR3 20+00 Rt. to Sta. FR3 35+46.04 Rt. as recommended by the Department.
11. Revise plan sheet 12 of 15 sheets to relocate the Monroe Rd. temporary grade intersection on the left from Sta. LR 450+00 to Sta. LR 449+70; add the Monroe Rd. temporary grade intersection on the right at Sta. LR 449+70; add the TM line from Sta. TM 20+00 to Sta. TM 27+16.56 on the Rt.; relocate the right of way and limited access line from Sta. N-EW 60+99.30 Lt. to N- EW 76+28.29 Lt. to accommodate the extension of the N- EW ramp as recommended by the Department.
12. Revise plan sheets 12 and 13 of 15 sheets to relocate the right of way and limited access line from Sta. LR 466+50 Lt. to Sta. LR 471+00 Lt.; to relocate the right of way and limited access line from LR 464+00 Rt. to LR 483+00 Rt. as recommended by the Department.
13. Revise plan sheets 1 through 15 of 15 sheets to make minor plan revisions, to correct ownerships and parcel details, area computations, and right of way details.

IX

The Assistant Secretary of Program Development also considered the following requests and makes the following findings:

1. Mr. Clark Cordill in Exhibit No. 13, Mr. Terry Snow on page 93 of the hearing transcript and in Exhibit No. 18, a petition with 21 signatures attached to Exhibit No. 18, and Mr. Krizanic, Deputy Chief, Fire District 4 Exhibit No. 36, request that access to SR 395 from Commellini Rd. remain as an at grade intersection with SR 395 or with two ramps, southbound on and southbound off. For both reasons of convenience and safety.

As stated by the Department in Reserved Exhibits No. 14 and 37, the area where Commellini Road intersects SR 395 is in the Full Access Control section. No access is allowed to a highway in a full access control section, except through an interchange (example FR1 I/C or Hatch Road I/C).

WSDOT design standards states that the minimum spacing, between adjacent interchanges, is one mile in urban areas and two miles in rural areas. The distance between the Hatch Rd. I/C southbound on ramp and the Cordill's proposed Commellini Rd. southbound off ramp would not meet the minimum required distance for either urban or rural. Also, additional right of way would be required to construct the directional ramps, thus increasing the impact to the Cordill's and Zinkgraf's (Parcel No. 6-03012) properties. Therefore, for safety considerations, the Commellini Road ramps could not be built.

The response time to the furthestmost residence on Commellini Rd. will unavoidably increased but is within the established response times for the Monroe Rd. Fire Station and is acceptable to Fire District 4. The overall travel time from this fire station to the nearest hospital (Holy Family Hospital) should stay the same or improve by reduced congestion on SR 395.

2. Mr. Russ Fleischauer in Exhibit No. 19 and Mr. Michael Dobson in Exhibit No. 30 are requesting early purchase of their property.

As stated by the Department in Reserved Exhibit Nos. 20 and 31, the requests were forwarded to our Real Estate Services Department. The Department will seek to purchase this property as soon as the appraisal can be completed. Any early purchase is contingent on a sales agreement acceptable to both the property owner and the Department.

3. Mr. Bob Rundell Exhibit No. 23, Mr. Thomas Frost Exhibit No. 25, Mr. Bob Reynolds pages 41-42 of the hearing transcript, and Mr. David Powel pages 42-44 of the transcript request left turn channelization be installed on SR 395 at Hatch Road.

As stated by the Department in Reserved Exhibit Nos. 24 and 26 southbound left turn channelization, northbound right turn channelization, and illumination for SR 395, at the Hatch Rd. intersection, will be included in Stage 1 construction.

4. Mr. Clark Cordill , Exhibit No. 13, Mr. Terry Snow, Exhibit No. 18, Mr. Thomas Frost, Exhibit NO. 25, Mr. Barry Hill, Exhibit No. 28, Mr. J.E. O'Halloran, Exhibit No. 34, Mr. Timothy Gardner, Exhibit No. 42, Mr. Charles Ruby, Exhibit No. 48, and pages 38-39 of the hearing transcript request noise mitigation along SR 395.

As stated by the Department in Reserved Exhibit No. 54, a traffic noise analysis was conducted for the existing and the projected 2011 design year traffic levels. The analysis predicts that noise levels will decrease or remain the same for residences in the Glenenden Subdivision. However, the analysis does predict that six residences will be slightly impacted by traffic noise.

The impacted residences are too widely separated to consider construction of noise barrier walls because of the height and length required for the walls to be effective. Other means of noise mitigation, such as additional change to the vertical and horizontal alignment or reducing the speed limit, are not cost effective.

5. Mr. Waldo Magnuson in Exhibit No. 21 requested that we build the new Little Spokane River Bridge east of the existing SR 395 bridge rather than west of the existing bridge.

As stated by the Department in Reserved Exhibit No. 22 several alternative alignments were investigated during the design process. Your suggestion of a bridge to the east (upstream) of the present structure was studied. Several factors lead to its dismissal as a possibility. These factors included steep grades in and out of the bridge, excessive environmental impacts (to the river, wetlands, floodplain, the small creek on the east side of SR 395), and the impacts to a greater number of improved parcels.

A Value Engineering Study was preformed by a team of experts who were independent of this project. Economic, social, environmental, and design considerations were evaluated for each alternative. The proposed design was determined to be the best alternative with the least overall impact.

6. Mr. Barry Hill in Exhibit Nos. 27&28 requested that the access into the Christian Life Center remain open at all times, that the access be wide enough for two way traffic, that snow be controlled from falling on their access road from the bridge, and that their gate be replaced. Also requests that their irrigation well and storage tank be replaced or relocated.

As stated by the Department in Reserved Exhibit No. 29 access into the Center will be maintained at all times. There could be times when access will be restricted for short periods due to construction activity. Any temporary closure will be coordinated with the

Center. Upon completion of Stage 1 an access road, allowing two way traffic, will be constructed into the Center from the Little Spokane River Drive.

The Department will provide snow screens in designated areas on the proposed bridge to avert snow from being thrown over the bridge barrier.

Concerns about damages, fencing, and right of way and access control acquisitions will be addressed during the right of way negotiations.

7. Mr. Joe Krizanic, Deputy Chief for Fire District 4 in Exhibit No. 36 requested an alternative route between Hatch and Commellini roads other than Dartford Drive.

As stated by the Department in Reserved Exhibit No. 37 the Department studied the feasibility of a frontage road, from Hatch to Commellini, after Fire District 4's request was received. The results showed that any proposed alignment would have several limiting factors such as: terrain restrictions, inability to build to design standards, excessive right of way needs, steep grades and/or high cuts, difficulty for abutting parcels to access the frontage road, very low usage, and excessive cost. Also, there is existing access to Commellini Rd., Dartford Drive, and Hatch Rd. Consequently the Department is recommending not to build a connecting frontage road between Commellini and Hatch Rd.

The Department will coordinate with Fire District 4 on minor improvements to the Dartford/Commellini intersection necessary to improve the radius for southbound traffic turning onto Commellini Rd.

8. Mr. Joe Krizanic, Deputy Chief for Fire District 4 in Exhibit No. 36 requested the installation of emergency gates, through the access control fencing, to fields on either side of SR 395.

As stated by the Department in Reserved Exhibit No. 37 emergency gates are not proposed in the fencing, north of Monroe Rd., because access from SR 395 to the fields will be provided through existing approaches.

After construction of the Monroe Rd. Interchange (which will also provide east/west access and the opportunity for north/south directional changes), median crossovers (not for public use) will be constructed where required per design standards. Access to SR 395 for Division and Fender roads will be closed. Private approaches within partial access control, from the Monroe Rd. Interchange to the end of the project (1.1 miles), will retain access (right in and right out only) to SR 395 where shown on the Findings and Order Plan. Also the roadway median, in emergency situations, could be traversed during the fire season.

9. Mr. Ray Smith, Field Office Chief, U. S. Department of the Interior (USDO), Geological Survey-Water Resource Division, in Exhibit No. 38 requested coordination with the WSDOT on access to their gaging station and the relocation of their cableway.

As stated by the Department in Reserved Exhibit No. 39, access to the gaging station will be maintained throughout the project. The Department has determined that there will be no impact on the gaging station and it may remain in its present location. The location of the cable way will require review and approval by the Department prior to installation. Also, a permit will be required for this installation and any costs incurred will be the responsibility of the U.S. Department of Interior.

10. Mr. Timothy J. Gardner on pages 35-37 and 109-110 of the hearing transcript and in Exhibit No. 42, requested construction of a 14' median throughout the entire project, save all trees possible, and move frontage road FR2 as close to SR 395 as possible. Also Mr.

Wayne Decker in Exhibit No. 50 requested a 60' median be built across the new Little Spokane River Bridge and a 14' median from there to the end of the project.

As stated by the Department in Reserved Exhibit No. 43, 51 and 54, a 14' median was proposed from the beginning of the project to the north end of Little Spokane River Bridge because of the extremity in the terrain, environmental, and economic considerations. Once north of the river the required design standards call for a 60' median.

When additional capacity on SR 395 is required, lanes can be constructed within the 60' median at a minimal cost. Planning for future capacity improvements is necessary because of the constant high growth, in residential development, recorded in this area. Therefore, the Department proposes to purchase needed right of way for future improvements on this project.

The Department plans to save as many trees as possible without compromising safety or the design of the project.

Design standards set the minimum distance between the frontage roads and the highway. Terrain restrictions also must be taken into consideration in the design. At present FR2 is at the minimum distance allowed from the proposed SR 395 alignment along Mr. Gardner's parcel.

11. Wayne & Carole Decker on pages 111-113 of the hearing transcript and in Exhibit No. 50 is concerned about access to SR 395 and requested the construction of the Monroe Rd. Interchange now, not later.

As stated by the Department in Reserved Exhibit No. 51, Stage 2 construction in the vicinity of Monroe Rd. will include left turn pockets with a median crossover. Therefore, you will not have to stand in traffic while waiting to make your left turn. Traffic will also be less congested with two lanes in each direction. Also within this project Monroe Rd. will be extended to the east until it intersects Division Rd.

When traffic volumes reach the required minimum for a rural interchange and funds become available, the Monroe Rd. Interchange will be constructed.

12. Douglass-Vandervert Development (no specific name included) in Exhibit No. 52 requested that the previous design, utilizing a signalized intersection at Farwell Rd., be reinstated rather than the proposed FR1 Interchange. The FR1 Interchange drastically restricts the potential commercial use of the surrounding property for any future expansion of Wandermere Mall.

As stated by the Department in Reserved Exhibit No. 53, access control is established to preserve the safety and efficiency of SR 395 and to preserve the public investment by limiting the number, type, and location of access points to the highway. It will also prevent further deterioration in the operational characteristics of SR 395 caused by traffic interference associated with strip development.

A signalized intersection at Farwell Rd. was rejected by our Traffic Division due to Farwell Rd.'s close proximity to Hasting Rd. An interchange allows for a smoother transition onto or off of the main highway causing less effect on the traffic flow. This transition will also produce less effect on the capacity than a signalized intersection with the same amount of traffic.

A temporary grade intersection will be constructed at Sta. L 235+00 Rt. as a part of the stage 1 construction. This intersection will allow direct access to SR 395 southbound from the FR1 frontage road. The S-N Ramp will be constructed as indicated on the limited access plan sheets 4 and 5 of 15. A temporary approach will be added at approximate Sta.

FR1 237+00. When the interchange is constructed this intersection and temporary approach will be removed.

The parcel (a portion is zoned commercial and owned by Wandermere Co.), directly north of the present Wandermere Mall property line, would have a portion of the parcel within modified access control. If the Wandermere Mall is expanded into this property their existing approach (Sta.L 221+81 Rt.) will become a joint use approach with the proposed Mall expansion. A joint use Type C-3 approach will be added to the plan at Sta. L 221+81 Rt. Two separate access points in close proximity to each other will not be allowed.

Concerns about damages for the limitation of access control will be considered at the time of right of way negotiations are made.

X

The Assistant Secretary for Program Development particularly 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 the evidence supporting them, the Assistant Secretary for Program Development for the Department of Transportation of the State of Washington,

ORDERS:

I

That the section of State Route 395 in Spokane County described as follows is hereby designated as a limited access highway of the partially controlled type:

Between Station L 213+58.5 and Station LR 530+31.16 as shown on sheets 1 through 15 of 15 sheets entitled, "SR 395, HASTINGS ROAD TO MP 172, MP 166.60 TO MP 172.60, SPOKANE COUNTY," dated November 8, 1991.

II

That the plan set forth in Exhibit No. 5 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:

1. Revise plan sheets 1, 4, 5, 6 and 7 of 15 sheets to add a cul-de-sac on Farwell Rd., on the west side of SR 395; to add the FR6 line; to relocate the beginning of the divided highway section from Sta. L 280+00 to Sta. LR 314+00; to add a temporary grade intersection at Sta. 235+00 Rt.; and to add the TC1 line from Sta. 232+36.71 to Sta. 235+37.91.
2. Revise plan sheet 2 of 15 sheets to realign the EW-S ramp of the Hatch Rd. I/C; delete Parcel No. 6-03041 from the vicinity map only; extend FR3 to Parcel No. 6-03050; relocate the FR3 centerline closer to SR 395.
3. Revise plan sheet 3 of 15 sheets to add a temporary grade intersection on the right at Monroe Rd.; realign the future N-EW Ramp.
4. Revise plan sheet 4 of 15 sheets to delete Parcel No. 6-03630; relocate the end of Modified and the beginning of Full Access Control from Sta. L 222+50 to Sta. L 222+71; add joint use Type C-3 approach at Sta. 221+81 Rt.; and to add a temporary approach at approximate Sta. FR1 237+00 Rt.

5. Revise plan sheets 4 and 5 of 15 sheets to relocate the right of way and limited access line between Sta. N-S 19+ 14.60 Lt. to Sta. N-S 35+34.47 Lt. to accommodate the alignment of the N-S ramp; to add the FR6 between Sta. FR6 237+00 and Sta. FR6 248+98.75 on the right ; to relocate the right of way and limited access line between Sta. S-N 38+12.31 and Sta. N-S 48+00 Lt. to accommodate the FR6 line; relocate the limited access line between Sta. FR1 249+13.01 and Sta. FR1 252+23.28; to add a temporary grade intersection at Sta. 235+00 Rt.; and to add TC1 Line from Sta. TC1 232+36.71 to Sta. 235+37.91 at Sta. 235+00 Rt..
6. Revise plan sheet 5 of 15 sheets to add limited access hachures between Sta. L 241+99.01 Rt. to Sta. L 248+53.69 Rt.; to add limited access hachures between Sta. N-S 40+00 Lt. to FR1 Sta. 249+13.01 Lt.; relocate right of way/ access line Sta. L 252+13.24 Lt. to Sta. L 266+00 Lt. ; to add a Type C approach at N-S 46+50 Lt.
7. Revise plan sheet 7 of 15 sheets to relocate the cul-de-sac on Commellini Rd.
8. Revise plan sheet 8 of 15 sheets to relocate the right of way and limited access line between Sta. EW-S 7+04.08 Lt. and Sta. EW-S 18+38.50 Lt. to accommodate the realignment and extension of the EW-S ramp; add Parcel No. 6-03706; delete Parcel No. 6-03037.
9. Revise plan sheets 9 and 10 of 15 sheets to relocate the right of way and limited access line between Sta. LR 385+30 Rt. and Sta. LR 403+69.60 Rt. to accommodate the realignment of the FR3 centerline closer to SR 395 and extension of the FR3 to enter Parcel No. 6-03050.
10. Revise plan sheet 10 of 15 sheets to relocate the right of way line, between Sta. FR3 20+00 Rt. to Sta. FR3 35+46.04 Rt..
11. Revise plan sheet 12 of 15 sheets to relocate the Monroe Rd. temporary grade intersection on the left from Sta. LR 450+00 to Sta. LR 449+70; add the Monroe Rd. temporary grade intersection on the right at Sta. LR 449+70; add the TM line from Sta. TM 20+00 to Sta. TM 27+16.56 on the Rt.; relocate the right of way and limited access line from Sta. N-EW 60+99.30 Lt. to N- EW 76+28.29 Lt. to accommodate the extension of the N- EW ramp.
12. Revise plan sheets 12 and 13 of 15 sheets to relocate the right of way and limited access line from Sta. LR 466+50 Lt. to Sta. LR 471+00 Lt.; to relocate the right of way and limited access line from LR 464+00 Rt. to LR 483+00 Rt. as recommended by the Department.
13. Revise plan sheets 1 through 15 of 15 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 395, HASTINGS ROAD TO MP 172, MP 166.60 TO MP 172.60, SPOKANE COUNTY," sheets 1 through 15 of 15 sheets, dated November 8, 1991, as revised above and as shown in Exhibit "A", and be the same is hereby adopted.

That the following plans are hereby superseded:

"SR 395, JCT. P.S.H. No. NORTH", Right of Way, SPOKANE COUNTY, sheets 2 through 11 of 11 sheets, approved September 4, 1951.

"SR 395, FENDER ROAD TO WILD ROSE ROAD", Right of Way , SPOKANE COUNTY, sheets 1 and 2 of 5 sheets, approved July 13, 1954.

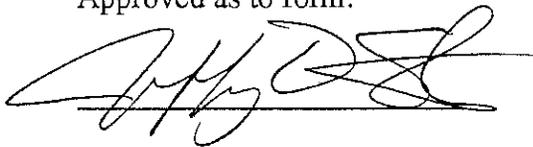
ADOPTED THIS 7th DAY OF August, 1992

ASSISTANT SECRETARY FOR
PROGRAM DEVELOPMENT



S. A. MOON

Approved as to form:



Assistant Attorney General