

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: STATE ROUTE 90 EVERGREEN ROAD INTERCHANGE VICINITY MP 290.69 TO MP 291.35 COMBINED HEARING ON DESIGN AND LIMITED ACCESS	)	FINDINGS AND ORDER (Relating to Limited Access)
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The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 5:00 p.m., on Thursday July 8, 1993, at the Red Lion Inn, I-90 and Sullivan Road, Veradale, Washington, before John Loeffler, Hearing Examiner.

The interested persons and organizations were represented as follows:

- DEPARTMENT OF TRANSPORTATION, by Jeff Stier, Assistant Attorney General, P.O. Box 40113, Olympia, Washington 98054;
- AUSTIN, GARY R., by Stephen F. Backman, Attorney at Law, 5106 E. Sprague, Spokane, WA 99212;
- FIFER, MR. & MRS. GARY, by self, E. 13608 Nora, Spokane, WA 99216;
- ORCUTT, KERRY & JONI, by self, N. 1304 Evergreen, Spokane, WA 99216;
- PICKETT, NANCY A., by self, 1320 N. Evergreen, Spokane, WA 99216;
- SPOKANE COUNTY SHERIFFS DEPARTMENT, by SGT. JIM FINKE, Traffic Division, W. 1100 Mallon, Public Safety Bldg., Spokane, WA 99260;
- STRAUB, KYRA L., by self, 1321 N. Bolivar, Spokane, WA 99216-1912;
- TEDROW, ROD, of SPOKANE VALLEY FIRE DEPARTMENT, by self, 10319 E. Sprague, Spokane, WA 99212;
- WASHINGTON STATE PATROL, by WAYNE MCDOWELL, W. 6403 Rowand Rd., Spokane, WA 99208;
- WILSON, HARRY, E., by self, 10025 Montgomery, Spokane, WA 99206

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 party to the hearing.

The meeting was called to order, under the provisions of RCW 47.52 *et seq.*, by Leonard Cash, District 6 Design & Plans Engineer, for the Department of Transportation, after which witnesses were called and evidence was recorded 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, the Assistant Secretary of Environmental and Engineering makes the following findings:

I

Prior to November 24, 1963, a plan for the establishment of a limited access highway over a portion of State Route 90 in Spokane County, Washington was ordered under Commission Resolution No. 111 and its

amendments.

Such a plan was prepared and entitled "SR 90, EVERGREEN ROAD INTERCHANGE VICINITY, MP 290.69 TO MP 291.35, SPOKANE COUNTY," sheet 1 of 1 sheet. This sheet was introduced into evidence marked as Exhibit No. 9, which was made part of the hearing record.

## II

A consulting firm, Forsgren Associated, P.A., employed by the developers, 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 Washington State Department of Transportation a Preliminary Access Report showing how these 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 as Exhibit No. 8.

By letter dated July 8, 1993, Ronald C. Hormann, P.E., Spokane County Engineer, concurred with the Access Hearing Plan and the Access Report, and this letter was introduced into evidence, marked as Exhibit No. 12.

## III

On June 11, 1993, 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 as Exhibit No. 1.

## IV

Leonard Cash, P.E., Design and Plans Engineer for District 6, Washington State Department of Transportation, issued a Notice of Hearing. The Notice of Hearing was entered into evidence, marked as Exhibit No. 2. On May 28, 1993, an exact copy of this notice was mailed to Spokane County, the City of Spokane, various agencies and other interested parties, and to each of the owners of record of property listed on the Spokane County Tax Roll, as depicted in the Affidavit of Service by Mailing introduced into evidence and marked as Exhibit No. 4. Exact copies of the notice were published in The Spokesman-Review of Spokane on June 8, June 21, and June 28, 1993, as shown by the Affidavit of Publication of Kristin Pule, Principal Clerk of said newspaper, whose affidavit was introduced into evidence marked as Exhibit No. 3, and in The Valley Herald of Spokane on June 10, 1993, and on June 24, 1993, as shown by the Affidavit of Publication of Clark E. Hager, Sr., Publisher of said newspaper, whose affidavit was introduced into evidence, marked as Exhibit No. 3.

## V

This section of State Route 90 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 Interstate Highway, and the Department of Transportation policy provides for full and modified 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 for business enterprise, the safe operation of the facility is jeopardized; the road gradually becoming 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 Right of Way and Limited Access Plans for the establishment of limited access control on SR 90, Evergreen Interchange, introduced into evidence and marked as Exhibit No. 9, will facilitate travel, reduce accident rates, preserve public investment, and sustain the highway as a modern transportation facility.

## VI

The proposed Evergreen Interchange is intended to provide additional access to developing residential/commercial areas south of I-90, as well as proposed commercial developments north of I-90 (Sullivan Park Center). This interchange will also relieve present and future congestion and improve traffic safety at the existing Pines Road and Sullivan Road interchanges. The congestion and traffic accidents at these two existing interchanges has increased over the last three years and will continue to increase as the area grows. The proposed interchange will reduce the congestion at these adjacent interchanges significantly by providing additional access from I-90 to Indiana with additional connections to Pines and Sullivan north of I-90. In addition, the new interchange will provide a direct connection from Sullivan Park Center and adjacent commercial/industrial developments to I-90.

## VII

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

- Exhibit No. 5 Interstate (State Route) 90, Evergreen Road Interchange, Concept Design Report, dated February, 1990.
- Exhibit No. 6 Evergreen Interchange, Interstate (State Route) 90, MP 291, Preliminary Design Report, dated October, 1991.
- Exhibit No. 7 Revisions to Preliminary Design Plan and Layout.
- Exhibit No. 9 Access Hearing Plan, approved May 28, 1993.
- Exhibit No. 10 Final Environmental Impact Statement(FEIS), "Interstate 90, Four Lakes to Idaho State Line"
- Exhibit No. 11 FEIS Re-evaluation approved by the FHWA on March 19, 1991
- Exhibit No. 13 Letter dated July, 1, 1993 from R.A. Hanson Company, Inc.
- Exhibit No. 14 Reserved Exhibit, response to comments made by Al Lewis at the hearing on pages 19 and 20 of the hearing transcript.
- Exhibit No. 15 Reserved Exhibit, response to comments made by Rod Tedrow of the Spokane Valley Fire Department at the hearing on pages 21 and 22 of the hearing transcript..
- Exhibit No. 16 Reserved Exhibit, response to comments made by Clare Reich at the hearing on pages 28 and 29 of the hearing transcript.
- Exhibit No. 17 Reserved Exhibit, response to comments made by Alice Beattie of the Central Valley School District No. 36, Transportation Department at the hearing on pages 29 and 30 of the hearing transcript.
- Exhibit No. 18 Reserved Exhibit, response to comments made by Robert Huck at the hearing on pages 44 and 45 of the hearing transcript.
- Exhibit No. 19 Reserved Exhibit, response to comments made by George Bolks at the hearing on pages 46 and 47 of the hearing transcript.
- Exhibit No. 20 Reserved Exhibit, response to comments made by John Simmett at the hearing on pages 47 and 48 of the hearing transcript.

- Exhibit No. 21 Reserved Exhibit, response to comments made by Felix Cabrera at the hearing on page 48 of the hearing transcript.
- Exhibit No. 22 Reserved Exhibit, response to comments made by Kevin Cronkhite at the hearing on pages 48, 49 and 50 of the hearing transcript.
- Exhibit No. 23 Comment sheet dated July 8, 1993 from Gary L. Fifer.
- Exhibit No. 24 Reserved Exhibit, Department's response to Exhibit No. 23.
- Exhibit No. 25 Comment sheet received July 14, 1993 from Evelyn A. Smith.
- Exhibit No. 26 Reserved Exhibit, Department's response to Exhibit No. 25
- Exhibit No. 27 Comment sheet received July 15, 1993 from Norman & Aldythe Wilford.
- Exhibit No. 28 Reserved Exhibit, Department's response to Exhibit No. 27.
- Exhibit No. 29 Comment sheet received July 16, 1993 from Helen R. Benn.
- Exhibit No. 30 Reserved Exhibit, Department's response to Exhibit No. 29.
- Exhibit No. 31 Comment sheet received July 16, 1993 from Barbara J. Sanders.
- Exhibit No. 32 Reserved Exhibit, Department's response to Exhibit No. 31.
- Exhibit No. 33 Comment sheet received July 16, 1993 from Christine L. Morris.
- Exhibit No. 34 Reserved Exhibit, Department's response to Exhibit No. 33.
- Exhibit No. 35 Comment sheet received July 16, 1993 from Herbert J. Sanders.
- Exhibit No. 36 Reserved Exhibit, Department's response to Exhibit No. 35.
- Exhibit No. 37 Comment sheet received July 16, 1993 from Nancy A. Pickett & Lucille T. McLaughlin.
- Exhibit No. 38 Reserved Exhibit, Department's response to Exhibit No. 37.
- Exhibit No. 39 Comment sheet received July 16, 1993 from Patrick W. & Diane K. Knowles.
- Exhibit No. 40 Reserved Exhibit, Department's response to Exhibit No. 39.
- Exhibit No. 41 Letter dated July 19, 1993 from Thomas D. Hamilton of Premier Video.
- Exhibit No. 42 Department's response to Exhibit No. 41.
- Exhibit No. 43 Letter dated July 19, 1993 from Richard Rollnick of Pentzer Development Corporation.
- Exhibit No. 44 Department's response to Exhibit No. 43.
- Exhibit No. 45 Letter dated July 19, 1993 from Neal A. Degerstrom of N.A. Degerstrom, Inc.
- Exhibit No. 46 Reserved Exhibit, Department's response to Exhibit No. 45
- Exhibit No. 47 Letter received July 19, 1993 from Vince Zimmer of Alpine Haus MARINA, Inc.
- Exhibit No. 48 Department's response to Exhibit No. 47.
- Exhibit No. 49 Facsimile dated July 18, 1993 from Kyra L. Straub.

- Exhibit No. 50 Department's response to Exhibit No. 49.
- Exhibit No. 51 Comment sheet received July 20, 1993 from Dale R. Mason.
- Exhibit No. 52 Reserved Exhibit, Department's response to Exhibit No. 51.

## VIII

The Assistant Secretary of Engineering and Environmental has considered the following requests and makes the following *findings*:

1. Robert Huck in pages 43-45 of the hearing transcript questioned the proximity of the proposed Evergreen Interchange in relation to the location of the Pines and Sullivan Interchanges.

As stated by the Department in Reserved Exhibit No. 18, each proposed facility must be considered in conjunction with adjacent interchanges, intersections, and other points of access along the route as a whole to avoid excessive interruption of mainline traffic.

Both Sullivan and Pines Interchanges are presently providing reduced levels of service and those levels will continue to degrade. Level of service is a qualitative measure describing the operational conditions within a traffic stream; generally described in terms of such factors as speed, travel time, freedom to maneuver, comfort and convenience, safety, and others. In the last three years, congestion and traffic accidents at the Pines and Sullivan Interchanges has increased and will continue to increase as the area grows.

The additional interstate access with corresponding north-south access along Evergreen will be a key element in serving the additional commercial development, as well as the increased traffic due to residential growth in the area.

2. George Bolks in pages 45-47 of the hearing transcript and Kyra L. Straub in Exhibit No. 49 questioned the amount of square footage of commercial development which necessitates construction of an interchange. Ms. Straub also questioned whether there was a requirement related to a percentage of the mall being occupied for one year to preceding construction of an interchange. Nancy A. Pickett and Lucille T. McLaughlin in Exhibit No. 37 requested information regarding the square footage of commercial development required to initiate traffic adjustments.

As stated by the Department in Reserved Exhibit Nos. 19, 38, and 50, there is no mall occupancy requirement related to warranting construction of an interchange. A major portion of the proposed mall will be developed preceding construction of the interchange. The amount of square footage of commercial development allowed prior to construction of the Evergreen Interchange is 650,000 square feet. After the Evergreen Interchange is constructed, the developer will be allowed to construct an additional 388,000 sq. ft. of commercial space.

An extension of Indiana between Pines and Sullivan is required prior to development of Phase I of the Sullivan Park Center/Spokane Galleria constructed. Additional ramp modifications on the Sullivan Interchange, will add direct connections to Indiana from the west-bound ramps.

3. John Simmett on pages 47 and 48 of the hearing transcript had comments regarding the impact to residential areas as a result of the proposed location of the interchange. He suggested access to the north side of I-90 be obtained via Pines and Sullivan Interchanges or by construction of a partial cloverleaf at Evergreen Road, as he believes the general focus of this project is to provide access to commercial developments on the north side of I-90

As stated by the Department in Reserved Exhibit No. 20, the purpose of constructing an interchange at Evergreen Road is to provide access to commercial developments in the area, improve south-bound traffic flow, and relieve congestion at Pines and Sullivan Interchanges. Both Pines and Sullivan

Interchanges are currently providing reduced levels of service and will continue to degrade if anticipated commercial/residential growth continues.

Partial cloverleaf interchanges were considered as alternatives in the Preliminary Design Report (Exhibit No. 6). One option considered a partial cloverleaf interchange with no Evergreen connection; another option considered an Evergreen connection.

It was determined that the no Evergreen connection option would serve the new development north of the interstate but not provide the additional north-south capacity and linkages planned on by Spokane County.

Sharp curves would be an issue on Evergreen as well as on the loop ramps of the interchange in the option with an Evergreen connection. Maintenance of the north facing slopes, particularly with sharp curves was considered to be a problem. It was felt that the east bound ramps would impact the well field. The ramps, as well as the increased length of Evergreen, would take additional fills and right of way when compared to other alternatives.

4. Kevin Cronkhite on pages 48-50 of the hearing transcript had comments regarding the proposed alignment. He questioned why the proposed horizontal layout is not straight.

As stated in Exhibit No. 22, an alternate considered in the Preliminary Design Report (Exhibit No. 6) utilized a full diamond interchange with a direct north-south connection. The problems associated with this option were considered to be the steep grades and excessive fills required to connect Evergreen with I-90 and the impact on both the water tank and the well field.

The Mission/Evergreen connector was proposed in response to the need for a secondary (at-grade) intersection as a result of the proposed overpass structure at Mission over Evergreen. The Mission/Evergreen overpass provides for minimal vertical grades on Evergreen, from Mission to the I-90 overpass, and will allow minimal height of the structure over I-90 and the ramps. It will also minimize the impact to properties along Mission. The elimination of a major at grade intersection at Mission will provide better traffic operations and increased safety. The secondary connection will discourage most of the through traffic and allow local traffic operations to continue along Mission.

5. Kevin Cronkhite on pages 48-50 of the hearing transcript believes an interchange at University Road would be better served. Kyra L. Straub in Exhibit No. 49 questioned whether University Road had been considered a location for an interchange.

As stated by the Department in Reserved Exhibit Nos. 22 and 50, the Final Environmental Impact Statement "Interstate 90, Four Lakes to Idaho State Line" analyzed the need for and possible impacts related to construction of an interchange at University Avenue. Nine homes would be lost, as opposed to two homes at the proposed Evergreen Interchange location. No developer participation results in considerably higher costs to the taxpayer. Moreover, an interchange at University Avenue does not address the capacity problems between Pines and Sullivan Interchanges due to increased commercial/industrial development.

6. Herbert Sanders in Exhibit No. 35 and George Bolks on pages 45-46 of the hearing transcript recommended improving Pines Interchange rather than constructing Evergreen Interchange. Evelyn A. Smith in Exhibit No. 25 stated that both Sullivan and Pines Interchanges were built to accommodate heavy traffic. Nancy A. Pickett and Lucille T. McLaughlin in Exhibit No. 37 requested information regarding alternate routes (not utilizing Evergreen) that have been considered. They suggested improving Pines and/or Sullivan Interchanges.

As stated by the Department in Reserved Exhibit Nos. 19, 26, 36, and 38 the purpose of constructing an interchange at Evergreen Road is not only to provide access to commercial developments in the area and improve south bound traffic flow, but also to relieve congestion at Pines and Sullivan Interchanges. Both Pines and Sullivan Interchanges are currently congested during morning and evening rush hours. Congestion at these interchange will increase if the proposed mall is constructed. Improving Pines

Interchange only, would not resolve the current and future congestion at Sullivan Interchange. Even with construction of the Evergreen Interchange, both Pines and Sullivan Interchanges will require improvements in the future.

Developer participation in the Evergreen Interchange project allows the state to improve deficiencies in the area at an earlier time.

Other Interchange alternatives that did not directly involve Evergreen Road include: 1) partial cloverleaf interchange with no Evergreen Road connection; 2) no build; 3) build a modified collector-distributor.

As stated in Reserved Exhibit Nos. 22 & 50, University Avenue has also been previously considered for the location of an interchange. However, an interchange at this site would result in considerably higher costs to the taxpayer and not address the current and future capacity problems at Sullivan Interchange.

The proposed Evergreen Interchange design was the selected alternative. It facilitates reducing the level of service and capacity problems presently occurring on existing adjacent facilities. The interchange will serve the new development north of the interstate, as well as provide the additional north-south capacity and linkages planned on by Spokane County. This will positively impact commuter traffic operations by pulling peak hour traffic away from other area roads/streets and interchanges.

7. Helen Rae Benn in Exhibit No. 29, Barbara Sanders in Exhibit No. 31, Christine L. Morris in Exhibit No. 33, Patrick W. and Diane K. Knowle in Exhibit No. 39, and Herbert Sanders in Exhibit No. 35, requested elimination of or modifications that would limit access to Sharp from Evergreen. There is concern that traffic volumes will substantially increase along Sharp/Bolivar/Sinto/Bolivar, in a residential area. Motorist may attempt to avoid traffic signals and congestion along Mission and Evergreen and use the aforementioned route as a bypass.

As stated in Reserved Exhibit Nos. 30, 32, 34, 36, and 40, Spokane County indicated these streets are mostly east-west residential access streets. For the most part, motorists using these streets will be accessing homes in the area. There should not be an increase in traffic unless additional residences are constructed in the immediate area. It is anticipated that commuters and shoppers will opt to use arterial streets, such as Broadway Avenue or Mission Avenue.

8. Evelyn A. Smith in Exhibit No. 25 and Nancy Pickett & Lucille McLaughlin in Exhibit No. 37 expressed concern regarding access to their properties. The additional traffic on Evergreen may result in hazardous conditions when attempting to enter or exit their driveways. Ms. Pickett & Ms. McLaughlin are concerned that the proposed traffic signal at Evergreen and the Mission/Evergreen connector will make access to and from their property extremely dangerous.

As stated in Reserved Exhibit Nos. 26 and 38, Spokane County recommends residents to exercise caution when backing out of driveways. If room permits, a circular driveway can help alleviate this situation.

9. Rod Tedrow of the Spokane Valley Fire Department on pages 20-22 of the hearing transcript requested an established access the to area below the elevated approach to the I-90 overpass structure.

As stated in Reserved Exhibit No. 15, I-90 is part of the Federal Aid Interstate Systems and has full access control throughout the project length. In the vicinity of the proposed interchange, it will be necessary to provide for limited access in order to protect the capacity and integrity of the ramps, ramp terminals and the above grade crossing itself. No driveway access will be designed or permitted within the boundary of the limited access area. The limited access control limits will parallel the ramp terminals and extend North and South a minimum of 300 feet beyond the ramp terminals.

Typically, access is not allowed on a fully access controlled facility. In the case of an emergency, access can be gained from I-90.

10. Helen Rae Benn in Exhibit No. 29, Christine L. Morris in Exhibit No. 33, Barbara J. Sanders in Exhibit No. 31, Patrick W. & Diane K. Knowles in Exhibit No. 39, and Herbert J. Sanders in Exhibit No. 35 stated that they believe the project mailings announcing the hearing were inadequate. Although residents along Evergreen Road (further south) may subsequently be affected by widening, these property owners did not receive hearing announcements through the U.S. mail.

As stated in Reserved Exhibit Nos. 26, 30, 32, 34, and 40, mailings announcing the access hearing were performed by WSDOT in accordance with RCW 47.52 *et seq.*

Notices were mailed on June 22, 1993 to property owners whom about the proposed limited access facility. Notice of the hearing was published in the Valley Herald, from June 10, 1993 to June 24, 1993 and in the Spokesman-Review, on June 8, 21, & 28, 1993.

Properties on Evergreen Road which are south of the project limits do not abut the proposed limited access facility. These areas are under the authority of Spokane County. If widening Evergreen Road in these areas is proposed Spokane County will conduct the necessary Environmental studies and conduct the appropriate hearings.

## X

The Assistant Secretary of Environment and Engineering 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 as Exhibit "A", is required for public convenience and necessity.

Based upon the foregoing findings and the evidence supporting them, the Assistant Secretary of Environment and Engineering for the Department of Transportation of the State of Washington

### ORDERS:

#### I

That the section of SR 90 in Spokane County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Sta. 340+00 P.O.C. and Sta. 375+00 P.O.C. as shown on sheet 1 of 1 sheet entitled, "SR 90, EVERGREEN ROAD INTERCHANGE VICINITY, MP 290.69 TO MP 291.35, SPOKANE COUNTY," dated May 28, 1993.

#### II

That the plan set forth in Exhibit No. 9 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. Minor revisions that correct ownerships and parcel details, area computations, and right of way details. (See plan sheet 1 of 1 sheet)

#### III

That the plan entitled "SR 90, EVERGREEN ROAD INTERCHANGE VICINITY, MP 290.69 TO MP 291.35, SPOKANE COUNTY," sheet 1 of 1 sheet, dated May 28, 1993, as revised above and as shown in Exhibit "A", and be the same is hereby adopted.

ADOPTED THIS 08 DAY OF FEBRUARY, 1995

ASSISTANT SECRETARY OF  
ENVIRONMENTAL AND ENGINEERING

E. R. Barcl

Approved as to form:

  
Assistant Attorney General