

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

---

IN RE: STATE ROUTE 90	)	
SPRAGUE AVENUE TO ARGONNE ROAD	)	
MP 284.51 TO MP 287.98	)	FINDINGS AND ORDER
COMBINED HEARING ON DESIGN	)	(Relating to Limited Access)
AND LIMITED ACCESS HEARING	)	

---

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 7:00 p.m. Wednesday, November 12, 1997 at the Centennial Middle School Gymnasium, North 915 Ella Road, Spokane, Washington, before John M. Gaffney, Hearing Examiner.

The interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Jeffrey D. Stier, Assistant Attorney General, PO Box 40113, Olympia, WA 98504-0113;

CURTIS ARCHER, by self, 5518 South Cree Drive, Spokane, WA 99206;

D. ERIC BATTLESON, by self, East 7407 Cataldo #10, Spokane, WA 99212;

ESTATE OF JEANETTE F. BROOKE, DECEASED, by Philip S. Brooke Jr., Attorney, 830 E. 35th Ave., Spokane, WA. 99203-3162;

LARRY CAMERON, by self, 510 S. Elm, Spokane, WA 99204;

CENTRAL PARK RACKET & ATHLETIC CLUB, by Jeff Foss, 5900 E. 4<sup>th</sup> Avenue, Spokane, WA 99212;

BRIAN M. CHAVEZ, by self, North 630 Park Road, Spokane, WA 99212;

WES CROSBY, by self, P.O. Box 13717, Spokane, WA 99213;

DICK EDWARDS, by self, 312 West 32<sup>nd</sup> Avenue, Spokane, WA 99203;

CAROL A. FERY, by self, 2908 N. Willow Road, Spokane, WA 99206;

JIM A. GARDNER, by self, 8321 E. Nora, Spokane, WA 99212;

KATHI GARY, by self, 14112 E. 42nd Ct., Veradale, WA. 99047;

DAVID GNORRA, by self, 805 S. Mariam Ct., Spokane, WA 99206;

US REPRESENTATIVE NETHERCUTT, by Michael Gruber, 920 W. Riverside # 594, Spokane, WA 99201;

LEE HERTEL, by self, 2014 S. Ridge Drive, Spokane, WA 99223;

SPOKANE VALLEY CHAMBER OF COMMERCE, by Jim Huttenmaier, 8817 E. Mission Suite B, Spokane, WA 99212;

JOHNSON FAMILY LIMITED PARTNERSHIP, by Lyle L. Johnson, partner, 502 N. Glenn Rd., Spokane, WA 99206;

CURT KOEGEN, by self, P.O. Box 3386, Spokane, WA 99220;

SHBA, by Suzanne Kuapp, 5813 E. 4<sup>th</sup> Avenue, Spokane, WA 99212;

STERLING REALTY ORG., by Michael Lancaster, P.O. Box 91723, Bellevue, WA 98009;

CRAIG LANGHANS, by self, P.O. Box 13145, Spokane, WA 99213;

KEN LAROQUE, by self, 1211 N. Park Road, Spokane, WA 99212;

L & L RV SERVICE INC., by Steve and Sandy Lizotte, 6310 E. Sprague, Spokane, WA 99212;

KEVIN LLEWELLYN, by self, 6522 E. 1<sup>st</sup> Avenue, Spokane, WA 99212;

DAN R. LOCHER, by self, 8222 E. Mission, Spokane, WA 99212;

STEVE MCINTOSH, by self, W. 601 Main Suite 400, Spokane, WA 99201;

PARK ROAD INVESTORS, by Mark Lucas, W 601 Main # 400, Spokane, WA 99201;

AL PAYNE, by self, 3602 S. Jefferson Drive, Spokane, WA 99203;

GLENNA PEDERSEN, by self, North 1203 Park Road, Spokane, WA 99212;

EDWARD J. SCHUH, by self, 6712 E. 2nd Avenue, Spokane, WA 99212;

SPOKANE TRANSIT AUTHORITY, by Christine Fueston, W. 1230 Boone Avenue, Spokane, WA 99201;

TRAILER INNS, INC., by Don Kramer, President, 6021 E. 4<sup>th</sup> Avenue, Spokane, WA 99212;

VALLEY NEWS HERALD, by Vicki Hillhouse, Reporter, 8940 E. Sprague Avenue, Spokane, WA 99207;

WEST VALLEY SCHOOL DISTRICT # 363, by Joe Dawson, 7205 E. Mission, Spokane, WA 99206;

RUSSELL J. WILLIAMS, by self, 11622 E. 20<sup>th</sup> Avenue, Spokane, WA 99206;

GARY WILSON, by self, 7422 E. Sharp Avenue, Spokane, WA 99212;

RON WILSON, by self, 6224 S. Moran Drive, Spokane, WA 99223;

STEVE YOUNG, by self, 8011 E. Sinto, Spokane, WA. 99212.

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, the Assistant Secretary of Environment and Engineering makes the following findings:

## I

Prior to July 23, 1953, 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. 95 and amendments thereto.

Such a plan was prepared and entitled "SR 90, SPRAGUE AVE. INTERCHANGE VIC., MP 284.51 TO MP 285.90, SPOKANE COUNTY," sheets 1 through 11 of 11 sheets. These plan sheets were introduced into evidence marked Exhibit No. 7, which was made a 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 47.52.131, *et seq.* A copy of that report was introduced into evidence marked Exhibit No. 6.

### III

On October 20, 1997 the Deputy 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

Theodore J. Trepanier P.E., Project Engineer, Washington State Department of Transportation, Eastern Region, issued a Notice of Hearing. On October 6, 1997 an exact copy of this notice was mailed to various agencies and interested parties, and to each of the record owners of property listed on the County Tax Roll listed in Exhibit No. 4, as depicted in the Affidavits of Service by Mailing that were introduced into evidence marked Exhibits No. 3(A) through 3(G). Exact copies of the notice were published in The Spokesman-Review on October 12, 1997 and November 2, 1997, as shown by Affidavits of Publication of Jennee M. Bartos, Principal Clerk of said newspaper, and Jan Eastman, Principal Clerk of said newspaper, which affidavits were introduced into evidence marked Exhibits No. 5(A) and 5(B) respectively, and in The Valley News Herald on October 24, 1997 and November 7, 1997, as shown by Affidavits of Publication of Michael Huffman, Managing Editor of said newspaper, which affidavits were introduced into evidence marked Exhibits No. 5(C) and 5(D) respectively.

### V

The plan proposes the establishment of a limited access control facility with full access controlled for State Route 90 in the vicinity of the Sprague Avenue Interchange between STA. L 14+00.00 and STA. L 87+24.36 as shown on sheets 1 through 11 of 11 sheets entitled "SR 90, SPRAGUE AVE. INTERCHANGE VIC., MP 284.51 TO MP 285.90, SPOKANE COUNTY".

### VI

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 an Interstate Highway and 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 plans for the establishment of fully controlled limited access facilities for SR 90, Sprague Avenue Interchange Vicinity, introduced into evidence marked Exhibit No. 7, 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 part of the hearing record:

- |                 |   |
|-----------------|---|
| Exhibit No. 2   | Notice of Hearing   |
| Exhibit No. 8   | Notices of Appearances numbered 8A through 8LL  |
| Exhibit No. 9   | Hearing Slide Presentation  |
| Exhibit No.10   | Letter dated November 12,1997, from William A. Johns P.E., County Engineer for Spokane County Division of Engineering and Roads, concurring with the Access Report  |
| Exhibit No. 11A | Project Roadway Sections  |
| Exhibit No. 11B | Project Roadway Sections  |
| Exhibit No. 12  | Letter dated November 20, 1997 from James E. Reed, of Winston & Cashatt Lawyers, representing Lyle Johnson (Parcel No. 6-04226), concerning an objection to the realignment of Park Road to cross over the freeway. |
| Exhibit No. 13  | Reserved Exhibit, Departments response to Exhibit No. 12.   |
| Exhibit No. 14  | Reserved Exhibit, Departments response to questions from hearing transcript pages 91-92 from Lyle Johnson (Parcel No. 6-04226).   |
| Exhibit No. 15  | Reserved Exhibit, Departments response to questions from hearing transcript pages 92-95 from Steve Lizotte (Parcel No. 6-042530).   |
| Exhibit No. 16  | Reserved Exhibit, Departments response to questions from hearing transcript page 97 from Lyle Johnson (Parcel No. 6-04226).   |
| Exhibit No. 17  | Reserved Exhibit, Departments response to questions from hearing transcript pages 98-99 from Brian Nelson.  |

- Exhibit No. 18      Copy of the "Final Environmental Impact Statement (FEIS) for SR-90, Four Lakes to Idaho State Line" which was approved July 21, 1990 by the Federal Highway Administration and the Washington State Department of Transportation.
- Exhibit No. 19      Copy of the informational booklet titled, "Transportation Property Needs and You", published by the Washington State Department of Transportation.

## VIII

The Assistant Secretary of Environment and Engineering has considered the following requests and made the following findings:

1. Mr. James E. Reed, of Winston & Cashatt Lawyers, on behalf of his client Lyle Johnson, Parcel No. 6-04226, in Exhibit No. 12, stated an opposition to the realignment of Park Road to go over Interstate 90 because it would limit the use of both his current office building and the future use of the lot to the west, between the building and Park Road.

Mr. Lyle Johnson, on pages 66-68, 91 and 92 of the hearing transcript, expressed these same concerns.

As stated by the Department of Transportation in Reserved Exhibit No. 13, the Department is aware of the impact to Mr. Johnson's property and is currently working with him to minimize those impacts. Any limits imposed on the use of his property will be discussed during the right of way negotiations.

2. Mr. Steve Lizotte on pages 92-95 of the hearing transcript was concerned about the possibility of high traffic flow and speed at his business access on First Avenue. He also had other concerns as noted in Reserved Exhibit No. 14.

As stated by the Department of transportation in Reserved Exhibit No. 14 First Avenue will be divided by barrier allowing ample time for existing I-90 traffic to decelerate to the 35 mph speed before they are able to merge with existing traffic along First Avenue. This will in turn allow traffic traveling along First Avenue from the Sprague crossover to flow at the posted speed without interference from the exiting I-90 traffic.

## IX

The Assistant Secretary of Environment and Engineering has considered evidence on the entire portion of the above entitled highway and finds the plans should be modified as hereinafter set forth.

1. Minor revisions to correct ownerships and parcel details, area computations, and right of way details are shown on plan sheets 1 through 11 of 11 sheets.

X

The Assistant Secretary for 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 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 State Route 90 in Spokane County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between STA. L 14+00.00 and STA. L 87+24.36 as shown on sheets 1 through 11 of 11 sheets entitled "SR 90, SPRAGUE AVE. INTERCHANGE VIC., MP 284.51 TO MP 285.90, SPOKANE COUNTY".

II

That the plan entitled, "SR 90, SPRAGUE AVE. INTERCHANGE VIC., MP 284.51 TO MP 285.90, SPOKANE COUNTY," sheets 1 through 11 of 11 sheets, reflected in Exhibit "A", is hereby adopted.

That the following plans are hereby superseded:

"SR 90, SPRAGUE AVENUE INTERCHANGE, MP 284.51 TO MP 285.90, SPOKANE COUNTY", Right of Way and Limited Access, sheets 11 of 11 sheets, dated March 1, 1991.

ADOPTED THIS 16th DAY OF April, 1998

ASSISTANT SECRETARY OF  
ENVIRONMENT AND ENGINEERING  
SERVICE CENTER

  
\_\_\_\_\_

Approved as to form:

  
\_\_\_\_\_  
Assistant Attorney General