

BEFORE THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

IN RE: SR 304)
SR 3 INTERCHANGE TO)
MONTGOMERY AVENUE) FINDINGS AND ORDER
MP 0.16 to MP 1.66) (Relating to Limited Access)
COMBINED HEARING ON DESIGN)
AND LIMITED ACCESS HEARING)

The hearing on the above entitled matter was held upon due notice to interested parties, beginning at 6 p.m. Thursday, April 23, 1998, at the West Hills Elementary School, Bremerton, Washington, before Ernest Heller, Hearing Examiner.

Interested persons and organizations were represented as follows:

DEPARTMENT OF TRANSPORTATION, by Anne Spangler, Assistant Attorney General, Temple of Justice, P.O. Box 40113, Olympia, Washington 98504-0113;

JAMES CAPPS, by self, 2601 Burwell Street, Bremerton, WA 98312;

BERNICE MORTON, representing Morton Enterprises, 121 Vine Street #2107, Seattle, WA 98121;

CARMELITA SHERIFF, by self, 112 N. Callow Avenue, Bremerton, WA 98312;

ROBERT PRICE, Representing Westbay Auto Parts, Inc., 2610 SE Mile Hill Drive, Port Orchard, WA 98366;

JACK ROBERTS, by self, 616 West Village Ave., Moses Lake, WA 98837-1521;

ED PIETRAS, by self, 128 Bloomington Ave., Bremerton, WA 98312;

NATALIE LEWIS, by self, 102 South Wycoff, Bremerton, WA 98312;

MARION SCHOENING, by self, 2800 North Mission Lake Road West, Bremerton, WA 98312-9702;

BROOKS SNYDER, by self, 416 Lafayette Avenue South, Bremerton, WA 98312;

RONALD W. AND SUSAN H. MOBLEY, 3735 Bahia Vista Drive, Bremerton, WA 98310, by Gary T. Chrey, 600 Kitsap Street, Ste. 202, Port Orchard, WA 98366;

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 Eugene Sampley, Bremerton Director of Public Works and Utilities, 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 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 304 in Kitsap County, Washington, was ordered under Commission Resolution No. 95 and amendments thereto.

Such a plan was prepared and entitled "SR 304, SR 3 INTERCHANGE TO MONTGOMERY AVENUE, MP 0.16 TO MP 1.66, KITSAP COUNTY," sheets 1 through 9 of 9 sheets, was introduced into evidence, marked Exhibit No. 5, 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 including formal approval from the local agencies was introduced into evidence marked Exhibit No. 4.

III

On March 20, 1998, the Deputy 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 Exhibit No. 1.

IV

Randy Witt, Bremerton City Engineer, issued a Notice of Hearing. On April 3, 1998, an exact copy of

this notice was mailed to Local Legislators, various agencies and other interested parties, and to each of the record owners of property listed on the County Tax Roll, as depicted in the Affidavit of Service by Mailing introduced into evidence marked Exhibit No. 2. Exact copies of the notice were published in The Bremerton Sun on March 24, and April 14, 1998 as shown by Affidavit of Publication of Bridget Haney, authorized agent of said newspaper, which affidavit was introduced into evidence marked Exhibit No. 3.

V

The plan proposed the establishment of full and partially controlled limited access control facility for State Route 304 in the vicinity of the junction of SR 3 to Montgomery Avenue between STA. 30+00 and STA. 108+95 as shown on sheets 1 through 9 of 9 sheets entitled "SR 304, SR 3 INTERCHANGE TO MONTGOMERY AVENUE, MP 0.16 TO MP 1.66, KITSAP COUNTY."

VI

This section of State Route 304 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 and the Department of Transportation Policy provides for full and partial 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 control of access to the facility. It has been demonstrated in the past that, as the number of access points to the highway increase, the efficiency and safety of the facility decreases and the highway gradually becomes obsolete. Control of access within established guidelines on interchange cross roads is an integral part of this policy. 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 Right of Way and Limited Access Plans for the establishment of a limited access control facility on SR 304, SR 3 Interchange to Montgomery Avenue, 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 part of the hearing record:

- Exhibit No. 5-A Modification to Plan Sheet 3, adding the name Schoening to Parcel No. 3-08386.
- Exhibit No. 6 Comment Sheet from Mr. James Capps (Parcel No. 3-08243) questioning the need for a left turn lane from east bound Burwell Street to north bound Montgomery Avenue.
- Exhibit No. 7 Reserved Exhibit, reply to Mr. Capps.
- Exhibit No. 8 Comment Sheet from Carmelita L. Sheriff (Parcel No. 2-08251) expressing concern for the loss of a portion of her property.
- Exhibit No. 9 Reserved Exhibit, reply to Ms. Sheriff.
- Exhibit No. 10 Reserved Exhibit, response to questions from hearing transcript pages 37-39 from Mr. Brooks Snyder.
- Exhibit No. 11 Comment sheet from Bernice Morton representing Morton Enterprises (Parcel Nos. 3-08280 & 3-08412) expressing concern about the “down zoning” of the property and the access taking.
- Exhibit No. 12 Reserved Exhibit, reply to Ms. Morton.
- Exhibit No. 13 Comment sheet from Gary T. Chrey representing Ronald W. Mobley and Susan H. Mobley (Parcel Nos. 3-08370 & 3-08371) concerning the loss of direct access to SR 304, improvements to Charleston Beach Road and the acquisition of 3,101 square feet of property.
- Exhibit No. 14 Reserved Exhibit, reply to Mr. Chrey.
- Exhibit No. 15 Letter from Mr. Robert Price representing Westbay Auto Parts, Inc. (Parcel No. 3-08389) concerning the loss of access, loss of parking and difficulty for customers to reach the business. Request for access from SR 304 to the proposed cul-de-sac at the west end of Charleston Beach Road.
- Exhibit No. 16 Reserved Exhibit, reply to Mr. Price.

VIII

The Assistant Secretary of Environment and Engineering also considered the following requests and makes the following findings:

1. Mr. James Capps questioned the need for a left turn lane for eastbound traffic turning north to Montgomery Avenue. Mr. Capps' written comment is contained in Exhibit No. 6.

As stated by the Department of Transportation in Exhibit No. 7, the left turn lane for eastbound traffic to turn north to Montgomery Avenue will not be deleted from the project.

2. Ms. Carmelita Sheriff expressed concern for the loss of a portion of her property. Ms. Sheriff's written comment is contained in Exhibit No. 8.

As stated by the Department of Transportation in Exhibit No. 9, the roadway section cannot be revised and a portion of this property will be needed for the project. The impact to the remaining property and appropriate compensation will be addressed during the right of way acquisition phase of the project.

3. Mr. Brooks Snyder requested an overpass and full interchange be constructed in place of the at grade, signalized intersection at Farragut Street. Mr. Brooks comments are in pages 37-39 of the Access Hearing transcript.

As stated by the Department of Transportation in Exhibit No. 10, a full interchange will not be added to the project at this location.

4. Ms. Bernice Morton representing Morton Enterprises expressed concern about the recent zone change to Parcel 3-08280 and the access taking from Parcel 3-08412. Ms. Morton's written comments are contained in Exhibit No. 11.

As stated by the Department of Transportation in Exhibit No. 12, Parcel No. 3-08280 will be appraised and a determination of value will be calculated based on its highest and best use with the current use and the zoning which existed prior to any zoning changes. Parcel 3-08412 was not rezoned. Any loss of real property, changes in access and any damages to the remaining property will be considered in the right of way acquisition phase of the project.

5. Mr. Gary T. Chrey representing Ronald W. Mobley and Susan H. Mobley expressed concern of loss of direct access to SR 304, improvements to Charleston Beach Road and the acquisition of 3,101 square feet of property. Mr. Chrey's comments are contained in Exhibit 13.

As stated by the Department of Transportation in Reserved Exhibit No. 14, any loss of real property, changes in access and damages to the remaining property will be considered in the right of way acquisition phase of the project.

6. Mr. Robert Price representing Westbay Auto Parts, Inc. (Parcel 3-08389) expressed concern over the loss of access, the loss of parking and difficulty for customers to reach the business. He also requested that access be allowed between SR 304 and the west end of Charleston Beach Road. Mr. Prices's comments are contained in Exhibit No. 15.

As stated by the Department of Transportation in Exhibit No. 16, any loss of real property, changes to access and damages to the remaining property will be considered in the right of way acquisition phase of the project.

An additional access will not be allowed between SR 304 and the west end of Charleston Beach Road.

IX

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

Plan sheets 1 through 9 of 9 sheets dated March 20, 1998 will be replaced with new plan sheets with the same title. Sheets 1 through 9 will include the following changes:

1. Revise plan sheet 3 of 9 sheets to add the name Schoening to the ownership block for Parcel No. 3-08386 as requested by Schoening and recommended by the Department in Exhibit No. 5-A.
2. Minor revisions that correct ownerships and parcel details, area computations, and right of way details. (See plan sheets 1 through 9 of 9 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 304 in Kitsap County described as follows is hereby designated as a limited access highway of the fully controlled type:

Between Station 30+00 and Station 58+45 as shown on sheets 1 through 4 of 9 sheets entitled "SR 304, SR 3 INTERCHANGE TO MONTGOMERY AVENUE, MP 0.16 TO MP 1.66, KITSAP COUNTY."

That the section of State Route 304 in Kitsap County described as follows is hereby designated as a limited access highway of the partially controlled type:

Between Station 58+45 and Station 99+25.89 as shown on sheets 4 through 8 of 9 sheets entitled "SR 304, SR 3 INTERCHANGE TO MONTGOMERY AVENUE, MP 0.16 TO MP 1.66, KITSAP COUNTY."

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.

Plan sheets 1 through 9 of 9 sheets, dated March 20, 1998, will be replaced with new plan sheets, 1 through 9 of 9 sheets, using the same title but reflecting in Exhibit "A" the changes specified below:

1. Show that the name Schoening has been added to the ownership box for Parcel No. 3-08386 on plan sheet 3 of 9 sheets.
2. Show minor revisions that correct ownerships and parcel details, area computations, and right of way details. (See plan sheets 1 through 9 of 9 sheets)

III

That the plan entitled, "SR 304, SR 3 INTERCHANGE TO MONTGOMERY AVENUE, MP 0.16 TO MP 1.66, KITSAP COUNTY" sheets 1 through 9 of 9 sheets, as revised and reflected in Exhibit "A", is hereby adopted and further

That the following plans are hereby superseded:

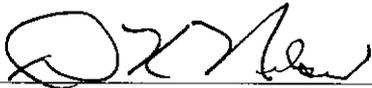
"SR 304, TIDEWATER CREEK TO BREMERTON" Sheets 9 and 10 of 12 sheets, approved March 14, 1939.

"SR 304, CAMBRIAN AVE. AND FARRAGUT ST. IN BREMERTON" Sheets 2 and 3 of 4 sheets, approved January 11, 1943.

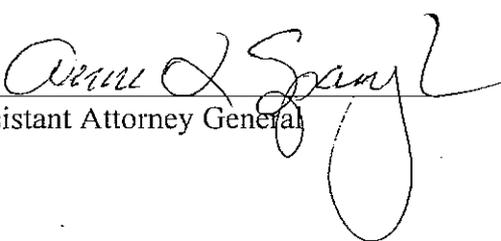
"SR 3, NAVY YARD WAY TO BURWELL STREET IN BREMERTON" Sheets 4 and 5 of 5 sheets, approved August 22, 1968.

ADOPTED THIS 19th DAY OF October, 1998

ASSISTANT SECRETARY OF
ENVIRONMENT AND ENGINEERING



Approved as to form:



Assistant Attorney General