

City of Port Orchard
216 Prospect Street
Port Orchard, WA 98366

PORT ORCHARD CITY OF 200901200130
Ordinance Rec Fee: \$ 51.00
01/20/2009 01:07 PM Page: 1 of 10
Walter Washington, Kitsap Co Auditor


ORDINANCE NO. 048-08

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY, REQUIRING THE ANNEXED PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS OTHER PROPERTY WITHIN THE CITY, AND ESTABLISHING A COMPREHENSIVE PLAN DESIGNATION FOR THE PROPERTY

THE PROPERTY IS LOCATED IN NW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION. 2, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON

ASSESSORS ACCOUNT NUMBERS: 022301-3-003-2007, 022301-3-007-2003, 022301-3-026-2000, 022301-3-002-2008, 022301-3-001-2009

LEGAL DESCRIPTION:

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 2 AND A PORTION OF THE SOUTHEAST QUARTER OF SECTION 3 ALL IN TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., KITSAP COUNTY, WASHINGTON: MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 2; THENCE SOUTH ALONG THE WEST LINE THEREOF TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY BOUNDARY OF STATE HIGHWAY NO. 16, THE POINT OF BEGINNING;

THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY BOUNDARY TO A POINT ON THE WESTERLY RIGHT OF WAY BOUNDARY OF SIDNEY ROAD SW; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY BOUNDARY TO A POINT OPPOSITE HIGHWAY ENGINEERS STATION A14-35+15.40 ON THE AL41INE SURVEY OF STATE HIGHWAY NO. 16, OLYMPIC DRIVE TO TREMONT STREET;

THENCE EASTERLY AND LEAVING SAID WESTERLY RIGHT OF WAY BOUNDARY TO A POINT ON THE EASTERLY RIGHT OF WAY BOUNDARY OF SIDNEY ROAD SW OPPOSITE SAID HIGHWAY ENGINEERS STATION A14-35+15.40;

THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY BOUNDARY TO A POINT 30 FEET SOUTH OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2; THENCE EASTERLY, PARALLEL WITH SAID SOUTH LINE, TO A POINT 265 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 2; THENCE SOUTHERLY, PARALLEL WITH SAID WEST LINE, TO A POINT ON THE NORTH LINE OF LOT A, KITSAP COUNTY SHORT SUBDIVISION NO. 2752;

THENCE EASTERLY ALONG THE NORTH LINE OF LOTS A AND B OF SAID SHORT SUBDIVISION NO. 2752 TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY BOUNDARY OF STATE HIGHWAY NO. 16; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY BOUNDARY TO THE POINT OF BEGINNING.

A PORTION OF THE WEST HALF OF SECTION 2 AND A PORTION OF THE EAST HALF OF SECTION 3 ALL IN

TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., KITSAP COUNTY, WASHINGTON:
MORE PARTICULARLY

DESCRIBED AS FOLLOWS; COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 2; THENCE NORTH ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2 TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY BOUNDARY OF STATE HIGHWAY NO.16, THE POINT OF BEGINNING;

THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY BOUNDARY TO A POINT ON THE SOUTH LINE OF LOT 6 PLAT OF FERNWOOD PARK ADDITION TO PORT ORCHARD AS RECORDED IN VOLUME 10 OF PLATS AT PAGE 45 RECORDS OF KITSAP COUNTY;

THENCE WESTERLY TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY BOUNDARY OF STATE HIGHWAY NO. 16 BEING THE NORTHEAST CORNER OF LOT B OF KITSAP COUNTY SHORT SUBDIVISION NO. 2752; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY BOUNDARY TO A POINT ON THE WESTERLY RIGHT OF WAY BOUNDARY OF SIDNEY ROAD SW;

THENCE NORTHERLY ALONG SAID WESTERLY RIGHT OF WAY BOUNDARY TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY BOUNDARY OF STATE HIGHWAY NO. 16;

THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY BOUNDARY TO THE POINT OF BEGINNING.

WHEREAS, The City Council was notified in writing by the owner of 100% in value of the real property legally described and geographically depicted in Exhibit "A" attached to Planning Commission Resolution No. 008-08 attach hereto as Exhibit 1, of the owner's intention to commence annexation proceedings; and

WHEREAS, a meeting was held on the 28th day of August, 2008, between the initiating party of this annexation and the Council of the City of Port Orchard, at which time the Council accepted the notice of intention to commence annexation proceedings and authorized the circulation of an annexation petition for annexation of the real property legally described and geographically depicted in Exhibit "A" as referenced above. At the meeting the Council also determined that it would require the assumption of city indebtedness by the area to be annexed upon annexation; and

WHEREAS, the Property is a 5.87 acre parcel contiguous to the City limits, located in the vicinity of Sidney Avenue and Berry Lake Road, adjacent to and west of State Highway 16 SW, in the NW ¼ of the SW ¼ of Sec. 2, T23N, R2E, W.M.; and

WHEREAS, the petition was circulated, filed with the City Council, and certified by the County Assessor as containing the signatures of owners as set forth in RCW 35.21.005, of 100% in value, according to the assessed valuation for general taxation, of the property to be annexed; and

WHEREAS, the proposed annexation areas is currently designated Urban High Intensity Commercial/Mixed Use in the Kitsap County Comprehensive Plan along with a Highway Tourist Commercial zoning designation; and

WHEREAS, pursuant to RCW 35.13.140, a public hearing was held on July 22, 2008, which hearing was duly noticed through publication in a newspaper of general circulation in the City and the proposed annexation area, and through posting of a hearing notice in three public places within the territory proposed for annexation, specifying the time and place of the hearing and inviting interested persons to appear and voice approval or disapproval of the annexation; and

WHEREAS, the Planning Commission held a Public Meeting for the pre-annexation comp plan/zoning designation on November 17, 2008 and recommended that the City Council designate the Property Commercial on the City of Port Orchard Comprehensive Plan Map and Commercial – Retail and Office (Co) on the City of Port Orchard Zoning Map, to become effective upon annexation; and

WHEREAS, pursuant to RCW 35.13.177 and 35.13.178, the Port Orchard Planning Commission adopted Resolution 008-08, recommending the designation of the proposed annexation area Commercial on the City of Port Orchard Comprehensive Plan Map and Commercial – Retail and Office (Co) on the City of Port Orchard Zoning Map, to become effective upon annexation; and

WHEREAS, pursuant to RCW 35.13.178 the City Council held two public hearings on the proposed comprehensive plan and zoning designations on October 28, 2008 and December 23, 2008; and

WHEREAS, the City Council has been fully advised and finds that all statutory requirements have been satisfied in order to accomplish the proposed annexation;

WHEREAS, the City Council adopts the Planning Commission's findings, conclusions, and conditions as set forth in the Planning Commission Resolution 008-08, attached Exhibit 1, as its own, and the same are incorporated by reference; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON DO ORDAIN AS FOLLOWS:

SECTION 1. The unincorporated real property located in Kitsap County, Washington, contiguous to the City of Port Orchard and legally described and geographically depicted in Exhibit "A" attached to Planning Commission Resolution No. 008-08 attach hereto as Exhibit 1, and incorporated herein by this reference, is hereby annexed to and made part of the City of Port Orchard, Kitsap County, Washington.

SECTION 2. As provided in the annexation petition, all property within the territory annexed shall be assessed and taxed at the same rate and on the same basis as other property within the City of Port Orchard, including assessments or taxes in payment of all or any portion of the outstanding indebtedness of the City contracted for, incurred prior to, or existing on, the date of annexation.

SECTION 3. As provided in Section VI-4 of the City of Port Orchard Comprehensive Plan, the territory annexed is hereby designated Commercial on the City of Port Orchard Comprehensive Plan Map, which is the most similarly corresponding designation to Kitsap County's Comprehensive Plan designation.

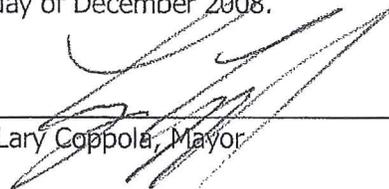
SECTION 4. The City of Port Orchard Zoning Map, is hereby amended by adding the property described in Exhibit "A" attached to Planning Commission Resolution No. 008-08 attach hereto as Exhibit 1, and classifying it Commercial-Retail and Office (Co).

SECTION 5. The City Clerk is hereby directed to file a certified copy of this Ordinance with the Kitsap County Board of Commissioners. The Clerk is further directed to file a certificate of annexation with the State Office of Financial Management as directed by RCW 35.13.260, and to provide such other notice of this annexation as required by law.

SECTION 6. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

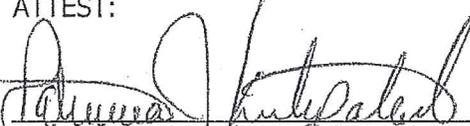
SECTION 7. Effective date of Annexation. This Ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

PASSED by the City Council of the City of Port Orchard, signed by the Mayor and attested by the City Clerk in authentication of such passage this 30th day of December 2008.



Lary Coppola, Mayor

ATTEST:



Patricia J. Kirkpatrick, City Clerk

APPROVED AS TO FORM:



Gregory A. Jacoby, City Attorney

Sponsored by:



John Clauson, Councilmember

Exhibit A
Sidney Annexation

A portion of the Southwest quarter of Section 2 and a portion of the Southeast quarter of Section 3 all in Township 23 North, Range 1 East, W.M., Kitsap County, Washington: more particularly described as follows;

Commencing at the Northwest corner of said Southwest quarter of Section 2;
Thence South along the west line thereof to a point on the southwesterly right of way boundary of State Highway No. 16, the POINT OF BEGINNING;
Thence northwesterly along said right of way boundary to a point on the westerly right of way boundary of Sidney Road SW;
Thence southerly along said westerly right of way boundary to a point opposite Highway Engineers Station A14-35+15.40 on the A14 line survey of State Highway No. 16, Olympic Drive to Tremont Street;
Thence easterly and leaving said westerly right of way boundary to a point on the easterly right of way boundary of Sidney Road SW opposite said Highway Engineers Station A14-35+15.40;
Thence northerly along said easterly right of way boundary to a point 30 feet south of the South line of the Northwest quarter of the Southwest quarter of said Section 2;
Thence easterly, parallel with said South line, to a point 265 feet east of the West line of the Southwest quarter of the Southwest quarter of said Section 2;
Thence southerly, parallel with said West line, to a point on the North line of Lot A, Kitsap County Short Subdivision No. 2752;
Thence easterly along the North line of Lots A and B of said Short Subdivision No. 2752 to a point on the southwesterly right of way boundary of State Highway No. 16;
Thence northwesterly along said right of way boundary to the POINT OF BEGINNING.

Exhibit A
Highway 16 Annexation

A portion of the West half of Section 2 and a portion of the East half of Section 3 all in Township 23 North, Range 1 East, W.M., Kitsap County, Washington: more particularly described as follows;

Commencing at the West quarter corner of said Section 2;

Thence North along the west line of the Northwest quarter of said Section 2 to a point on the northeasterly right of way boundary of State Highway No.16, the POINT OF BEGINNING;

Thence southeasterly along said right of way boundary to a point on the South line of Lot 6 plat of Fernwood Park Addition to Port Orchard as recorded in Volume 10 of plats at page 45 records of Kitsap County;

Thence westerly to a point on the southwesterly right of way boundary of State Highway No. 16 being the northeast corner of Lot B of Kitsap County Short Subdivision No. 2752;

Thence northwesterly along said right of way boundary to a point on the westerly right of way boundary of Sidney Road SW;

Thence northerly along said westerly right of way boundary to a point on the northeasterly right of way boundary of State Highway No. 16;

Thence southeasterly along said northeasterly right of way boundary to the POINT OF BEGINNING.

**CITY OF PORT ORCHARD
PLANNING COMMISSION
RESOLUTION NO. 008-08**

A RESOLUTION OF THE CITY OF PORT ORCHARD PLANNING COMMISSION DESIGNATING PROPERTY COMMERCIAL ON THE CITY OF PORT ORCHARD COMPREHENSIVE PLAN MAP AND COMMERCIAL – RETAIL/OFFICE ON THE CITY OF PORT ORCHARD ZONING MAP, TO BECOME EFFECTIVE UPON ANNEXATION. THE PROPERTY IS LOCATED WITHIN UNINCORPORATED KITSAP COUNTY, IN THE VICINITY OF SIDNEY AVENUE AND BERRY LAKE ROAD, ADJACENT TO AND WEST OF STATE HWY 16 SW, IN THE NW ¼ OF THE SW ¼ OF SEC. 2, T23N, R2E, W.M., IN KITSAP COUNTY, WASHINGTON

TAX PARCEL NO.: 022301-3-003-2007, 022301-3-007-2003, 022301-3-026-2000, 022301-3-002-2008, and 022301-3-001-2009

WHEREAS, the applicants submitted a petition for annexation of five parcels, totaling approximately 5.87 acres, and the associated rights-of-way, located in the vicinity of Sidney Road and Berry Lake Road, adjacent to and west of State Hwy 16 SW; and

WHEREAS, in December 2006 Kitsap County included the property legally described and geographically depicted in Exhibit "A" ("the Property") to the Port Orchard Urban Growth Area (UGA) and designated the Property in the County comprehensive plan as Urban High-Intensity Commercial/Mixed Use; and

WHEREAS, RCW 35.13.177 allows the City to prepare comprehensive plan and zoning designations to become effective upon the annexation of any area which might reasonably be expected to be annexed by the City at any future time; and

WHEREAS, the Planning Commission held a Public Hearing for the zoning/comp plan designation on November 17, 2008; and

WHEREAS, the Planning Commission heard testimony in favor of the proposal from the applicant and there was no testimony in opposition to the proposal; and

WHEREAS, being fully advised, the Planning Commission finds and concludes as follows:

FINDINGS

1. A Petition for Annexation of the Property into the City was received on October 20, 2008.
2. The Property is located with the City's Urban Growth Area and is contiguous to the City limits.

3. The Property is currently designated Urban High-Intensity Commercial/Mixed Use in the County Comprehensive Plan and Highway Tourist Commercial (HTC) on the County zoning map.
4. The Property will be served by adequate public sewer, water supply, roads, and other needed public facilities and services.
5. The Property will have access from Sidney Road.
6. The Property is adjacent to areas of Urban High-Intensity Commercial/Mixed Use comprehensive plan designations within Kitsap County.
7. The Growth Management Act requires that upon approval of an annexation request, the City give a Comprehensive Plan and Zoning designation to the subject properties.
8. The purpose of the Commercial designation is to provide for the broadest mix of retail, service, office, and commercial recreation/cultural uses serving Port Orchard and surrounding market areas while offering significant employment opportunities.

CONCLUSIONS

1. Commercial is the most appropriate comprehensive plan designation for Tax Parcel Numbers 022301-3-003-2007, 022301-3-007-2003, 022301-3-026-2000, 022301-3-002-2008, and 022301-3-001-2009.
2. Designating the Property Commercial is in conformance with the goals and policies of the Comprehensive Plan and the Growth Management Act.
3. Designating Tax Parcel Numbers 022301-3-003-2007, 022301-3-007-2003, 022301-3-026-2000, 022301-3-002-2008, and 022301-3-001-2009 as Commercial is in furtherance of the health, safety, and general welfare of the community.
4. Zoning for Tax Parcel Numbers 022301-3-003-2007, 022301-3-007-2003, 022301-3-026-2000, 022301-3-002-2008, and 022301-3-001-2009 Commercial – Retail and Office (Co), is consistent with the City's Municipal Code: Title 16 Land Use Regulatory Code and its Comprehensive Plan, and is in furtherance of the health, safety, and general welfare of the community.

NOW, THEREFORE, BE IT RESOLVED THAT: The Planning Commission of the City of Port Orchard hereby recommends that the City Council approve the application for a Comprehensive Plan designation of Commercial and Commercial – Retail/Office zoning for Tax Parcel Numbers

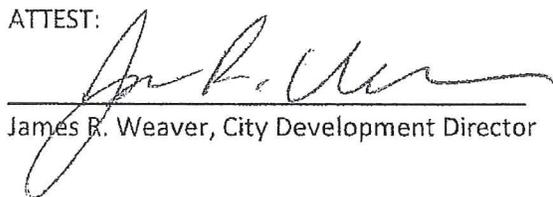
022301-3-003-2007, 022301-3-007-2003, 022301-3-026-2000, 022301-3-002-2008, and 022301-3-001-2009, to be effective upon annexation.

PASSED by the Planning Commission of the City of Port Orchard this 17th day of November, 2008.



Gil Michael, Chairman

ATTEST:


James R. Weaver, City Development Director

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