

City of Port Orchard  
City Clerk's Office  
216 Prospect Street  
Port Orchard, WA 98366

Introduced by: Development Director  
Requested by: Development Director  
Drafted by: Development Director  
Introduced: November 22, 2011  
Adopted: November 22, 2011

**ORDINANCE NO. 018-11**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 619.49 ACRES IN THE VICINITY OF THE INTERSECTION OF SW OLD CLIFTON ROAD AND SW FEIGLEY ROAD, SOUTH OF SW OLD CLIFTON ROAD, AND WEST OF MCCORMICK WOODS DRIVE SW, REQUIRING THE ANNEXED PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS OTHER PROPERTY WITHIN THE CITY, ESTABLISHING COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR THE PROPERTY, AND ESTABLISHING AN EFFECTIVE DATE OF THE ANNEXATION**

**PROPERTY LOCATION: SITUATED WITHIN A PORTION OF SECTIONS 07, 08 & 17, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON.**

ASSESSOR'S ACCOUNT NUMBERS: 082301-1-010-2006, 082301-1-013-2003, 082301-2-003-2003, 082301-2-002-2004, 082301-1-014-2002, 172301-2-004-2001, 172301-2-005-2000, 172301-3-004-2009, 172301-2-007-2008, 172301-2-006-2009, 172301-2-003-2002, 172301-2-002-2003, 082301-2-004-2002, 072301-1-006-2003 and 082301-2-001-2005

**WHEREAS**, on June 01, 2011, the City received a notice of intent to petition for annexation for thirteen parcels consisting of approximately 604.13 acres located in the vicinity of the intersection of SW Old Clifton Road and SW Feigley Road, south of SW Old Clifton Road, and west of McCormick Woods Drive SW; and

**WHEREAS**, the initiating parties are the owners of real property with a value in excess of ten percent (10%) of the value of the property for which annexation is petitioned; and

**WHEREAS**, a meeting was held on July 12, 2011, 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 geographically modified the annexation boundaries to include two City-owned properties totaling 15.36 acres, and authorized the circulation of an annexation petition for annexation of the real property legally described and geographically depicted in Exhibit "A" attached hereto. At the meeting the Council also determined that it would require the simultaneous adoption of zoning and Comprehensive Plan designations, and the assumption of city indebtedness by the area to be annexed upon annexation; and

**WHEREAS**, a petition to annex to the City of Port Orchard was circulated and on September 6, 2011 was filed with the City, and was certified by the Kitsap County Assessor as containing the signatures from owners of not less than sixty percent (60%) in value, according to the assessed valuation, of the property for which annexation is petitioned; and

**WHEREAS**, in December 2006 Kitsap County added the property legally described and geographically depicted in Exhibit "A" to the City of Port Orchard UGA and designated parcels 072301-1-006-2003 and 082301-2-001-2005 *Urban Low Residential (4-9 DU/Ac)* on the Zoning map and *Public Facility* on the Comprehensive Plan map; and designated parcels 082301-1-013-2003 and 082301-1-010-2006 *Urban Medium Residential (10-18 DU/Ac)* on the Zoning map and *Urban Medium/High Density Residential* on the Comprehensive Plan map; and designated parcels 082301-2-003-2003, 082301-2-002-2004, 082301-1-014-2002, 172301-2-004-2001, 172301-2-005-2000, 172301-3-004-2009, 172301-2-007-2008, 172301-2-006-2009, 172301-2-003-2002, 172301-2-002-2003, and 082301-2-004-2002 *Urban Cluster Residential (4-9 DU/Ac)* on the Zoning map and *Urban Low-Density Residential* on the Comprehensive Plan map; 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**, pursuant to RCW 35.13.177 and .178, the City Council adopted Ordinance No. 042-08 designating the proposed annexation of parcels 082301-1-013-2003 and 082301-1-010-2006 *Residential: 12 Units/Useable Acre* on the future Zoning map and *Residential: Medium Density* on the future Comprehensive Plan map; and parcels 082301-2-003-2003, 082301-2-002-2004, 082301-1-014-2002, 172301-2-004-2001, 172301-2-005-2000, 172301-3-004-2009, 172301-2-007-2008, 172301-2-006-2009, 172301-2-003-

2002, 172301-2-002-2003, and 082301-2-004-2002 *Residential: 4.5 Units/Useable Acre* on the future Zoning map and *Residential: Low Density* on the future Comprehensive Plan map, to become effective upon annexation; and the parcels 072301-1-006-2003 and 082301-2-001-2005 are not included on the City's future annexation maps; and

**WHEREAS**, the Port Orchard Planning Commission held a public meeting on September 19, 2011 and adopted Resolution 003-11 recommending approval of the petition for annexation, with a Zoning designation of *Residential: 4.5 Units/Useable Acre* and Comprehensive Plan designation of *Residential: Low Density* for parcels 082301-1-010-2006, 082301-1-013-2003, 082301-2-003-2003, 082301-2-002-2004, 082301-1-014-2002, 172301-2-004-2001, 172301-2-005-2000, 172301-3-004-2009, 172301-2-007-2008, 172301-2-006-2009, 172301-2-003-2002, and 172301-2-002-2003; and a Zoning designation of *Community Facilities* and a Comprehensive Plan designation of *Public and Community Spaces* for parcels 072301-1-006-2003, 082301-2-001-2005, and 082301-2-004-2002; and

**WHEREAS**, pursuant to RCW 35.13.140, a public hearing was held on October 11, 2011, and 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 the property's future comprehensive plan land use designation; 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 and that it is in the best interest of the City to approve the proposed annexation as presented and require the assumption of all or any portion of City indebtedness by the area to be annexed; 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 hereto 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 effective date of this annexation.

**SECTION 3.** Based on the findings of fact set forth in the above recitals, an interim Zoning designation of *Residential: 8 Units/Useable Acre* and Interim Comprehensive Plan designation of *Residential: Medium Density* shall be assigned to parcels 082301-1-010-2006, 082301-1-013-2003, 082301-2-003-2003, 082301-2-002-2004, 082301-1-014-2002, 172301-2-004-2001, 172301-2-005-2000, 172301-3-004-2009, 172301-2-007-2008, 172301-2-006-2009, 172301-2-003-2002, and 172301-2-002-2003; and an interim Zoning designation of *Community Facilities* and an interim Comprehensive Plan designation of *Public and Community Spaces* shall be assigned to parcels 072301-1-006-2003, 082301-2-001-2005, and 082301-2-004-2002.

**SECTION 4.** This annexation will become effective thirty (30) days after the expiration of the 45-day review by Kitsap County Boundary Review Board, if the Kitsap County Boundary Review Board's jurisdiction is not invoked. If Boundary Review Board jurisdiction is invoked pursuant to RCW 36.93.100, then this annexation will become effective thirty (30) days after the Boundary Review Board's approval of the proposed annexation.

**SECTION 5.** Pursuant to RCW 35.13.270, following adoption of this ordinance, the Planning Department shall provide notification, by certified mail, that includes a list of annexed parcel numbers, to the Kitsap County Treasurer and Kitsap County Assessor at least thirty (30) days before the effective date of the annexation. The Planning Department shall also give such notice to the Fire District and Library District, as appropriate, simultaneously when notice of the proposed annexation is provided to the Kitsap County Boundary Review Board.

**SECTION 6.** Following adoption of this ordinance, 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.

**SECTION 7.** Following adoption of this annexation ordinance, the City shall file a Notice of Intent to Annex with the Kitsap County Boundary Review Board pursuant to RCW 36.93.090.

**SECTION 8.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

**SECTION 8.** 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, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 22nd day of November 2011.

---

Lary Coppola, Mayor

ATTEST:

---

Patricia J. Kirkpatrick, MMC, City Clerk

APPROVED AS TO FORM:

Sponsored by:

---

Gregory A. Jacoby, City Attorney

---

John Clauson, Councilmember