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

PORT ORCHARD CITY OF 200906220188
Ordinance Rec Fee: $ 48.00
06/22/2009 12:58 PM
Walter Washington, Kitsap Co Auditor

Introduced by: Development Director
Requested by: Development Director
Drafted by: Development Director
Introduced: March 24, 2009
Adopted: March 24, 2009

ORDINANCE NO. 008-09

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 33.18 ACRES IN THE VICINITY OF SEDGWICK ROAD AND STATE ROUTE 16, 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: THAT PORTION OF SECTION 11, TOWNSHIP 23 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, IN KITSAP COUNTY, WASHINGTON.

ASSESSOR'S ACCOUNT NUMBERS: 11230110222007, 48000000240105 and 11230110232006

WHEREAS, on September 5, 2008 the City Council received a notice of intent to petition for annexation for three parcels consisting of approximately 33.18 acres located in the vicinity of Sedgwick Road and State Route 16, as legally described in Exhibit "A" attached hereto and incorporated by this reference; 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 October 14, 2008, between the initiating parties 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" attached hereto. At the meeting the Council also determined that it would require the simultaneous adoption of Comprehensive Plan and zoning regulations, 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 February 11, 2009 was filed with the City, and was certified by the Kitsap County Assessor as containing the signatures from owners of not less than seventy-five percent (75%) 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 the parcels on the County Comprehensive Plan as Urban Low-Density Residential and zoning of Urban Low Residential (4-9 DU/Ac); 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 area Residential: Low Density on the City's Comprehensive Plan and "R4.5" single family detached on the City's zoning map, to become effective upon annexation; and

WHEREAS, the Port Orchard Planning Commission held a public meeting on March 23, 2009 and adopted Resolution 002-09 recommending the proposed annexation area be designated Medium Density Residential on the City's Comprehensive Plan and Residential R8 on the City's zoning map to become effective upon annexation; and

WHEREAS, pursuant to RCW 35.63.200, the City Council finds it is necessary to adopt interim zoning controls for parcels 11230110222007, 48000000240105 and 11230110232006 until such time as the Comprehensive Plan amendment process for 2009 is completed and that such interim zoning for this parcel is justified because: the parcel will be served by adequate public sewer, water supply, roads, and other needed public facilities; the parcel is adjacent to areas of Urban High-Intensity Commercial/Mixed Use designations within the City; and the interim zoning designation of "R20" single/multiple family detached/attached is consistent with the uses in the surrounding area.

WHEREAS, pursuant to RCW 35.13.140, the City Council held public hearings on December 23, 2008 and March 24, 2009, which hearings were 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, the City Council hereby determines that an emergency exists justifying the adoption of interim zoning controls for parcels 11230110222007, 48000000240105 and 11230110232006, the Property, as depicted on Exhibit "B" attached hereto and incorporated by this reference.

Pursuant to RCW 35.63.200, there is hereby adopted an interim Comprehensive Plan designation of Residential: High Density and an interim Zoning designation of "R20" single/multiple family detached/attached. As long as the interim zoning controls are in effect, all land use and development within the Property shall be subject to the City's land use and development regulations in effect for "R20" single/multiple family detached/attached zoning.

SECTION 4. The interim designation of Residential: High Density and Zoning designation of "R20" single/multiple family detached/attached for the Property shall be included in the City's annual Comprehensive Plan amendment process for 2009 for review and designation as appropriate.

SECTION 5. The interim zoning controls shall take effect upon annexation to the City unless the City has, prior to annexation, completed its annual Comprehensive Plan amendment process for 2009 and established Comprehensive Plan and Zoning Designations for the Property. The interim zoning controls shall expire six months from the date of annexation as defined in Section 7 below, unless the interim zoning controls are shortened or extended by action of the City Council or until the effective date of any ordinance establishing new comprehensive land use designations for the Property, whichever is sooner.

SECTION 6. This annexation will become effective May 15, 2009 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 on the first day of the month immediately following the Boundary Review Board's approval of the proposed annexation.

SECTION 7. 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 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 8. 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 9. 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 10. 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 11. 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 Clerk in authentication of such passage this 24th day of March 2009.

Lary Coppola, Mayor

ATTEST:

Patricia J. Kirkpatrick, City Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby, City Attorney

Sponsored by:

Rob Putaansuu, Councilmember

Legal Description for
Geiger Road Petition for Annexation
to the City of Port Orchard, Washington
P.O. File No. A-18-09

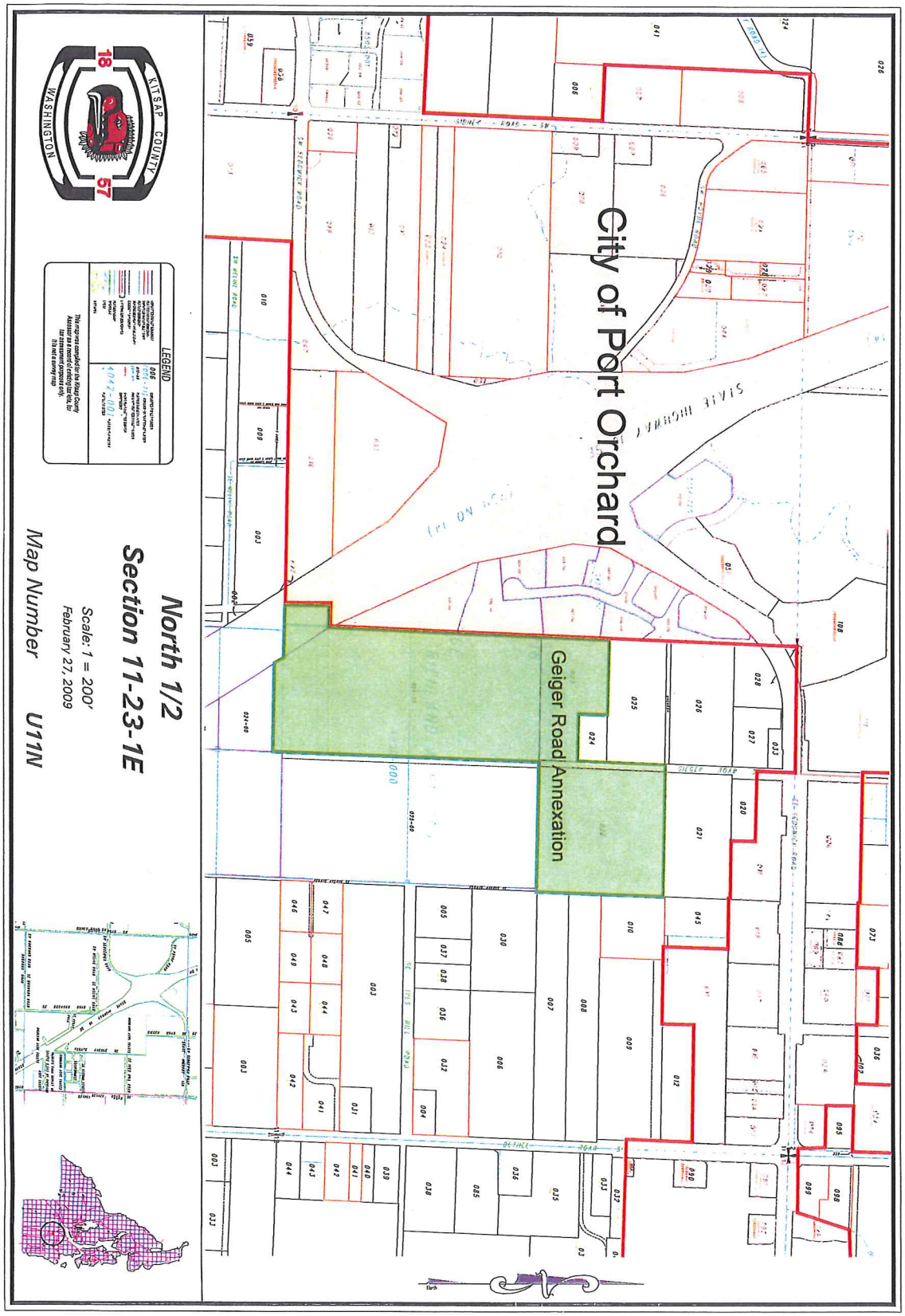
The following described areas situate within Section 11, Township 23 North, Range 1 East, W.M., Kitsap County, Washington:

The South 650 feet of the Northwest quarter of the Northeast quarter; EXCEPT the West 643.5 feet thereof;

And the South 350 feet of the Southwest quarter of the Northwest quarter of the Northeast quarter; EXCEPT the North 150 feet of the East 250 feet of the West 643.5 feet thereof;

And the North 50 feet of Tract 24, the West half of Tract 25, and the West half of Tract 26, Richland Acre Tracts, as recorded under Volume 3 of Plats, Page 18 records of Kitsap County;

And the South 15 rods of the North half of said Section 11 lying within State Highway No 16; EXCEPT that portion previously annexed into the city of Port Orchard under Ordinance No. 977.



AUDITOR'S NOTE
LEGIBILITY FOR RECORDING AND COPYING
UNSATISFACTORY IN A PORTION OF THIS
INSTRUMENT WHEN RECEIVED

NOTICE OF CITY OF PORT ORCHARD
ORDINANCE

The following is a summary of an Ordinance approved by the Port Orchard City Council at their regular Council meeting held March 24, 2009.

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Copies of Ordinance No. 008-09 are available for review at the office of the City Clerk of the City of Port Orchard. Upon written request a statement of the full text of the Ordinance will be mailed to any interested person without charge. Thirty days after publication, copies of Ordinance No. 008-09 will be provided at a nominal charge.

City of Port Orchard

Patti Kirkpatrick
City Clerk

Publish: Port Orchard Independent
March 27, 2009