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

PORT ORCHARD CITY OF 200901200129
Ordinance Rec Fee: $ 49.00
01/20/2009 01:07 PM
Walter Washington, Kitsap Co Auditor

ORDINANCE NO. 047-08

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 COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR THE PROPERTY

THE PROPERTY IS LOCATED NW IN NW SECTION 31, TOWNSHIP 24 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON

ASSESSORS ACCOUNT NUMBER: 312402-2-005-2000, 312402-2-003-2002, AND 312402-2-016-2007

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. 005-08, which Resolution is attached hereto as Exhibit 1, of the owner's intention to commence annexation proceedings; and

WHEREAS, a meeting was held on the 22nd day of April, 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 (hereinafter the "Property"). 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, the Property is comprised of three parcels totaling approximately 5.29 acres contiguous to the City limits, located south of the intersection of Mile Hill Drive and Payseno Lane; 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 City properly filed a Notice of Intention and related documents with the Kitsap County Boundary Review Board, and the proposed action was deemed approved by the Board on December 11, 2008; and

WHEREAS, in December 2006 Kitsap County added the Property to the City of Port Orchard UGA and designated the Property on the county comprehensive plan as Urban High Intensity Commercial/Mixed Use; and

WHEREAS, Section VI-4 of the City's Comprehensive Plan provides that newly annexed parcels will be given the most similarly corresponding designation which the parcel has under County jurisdiction; 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 36.70A.130(2)(b), after appropriate public participation a city may adopt amendments or revisions to its comprehensive plan whenever an emergency exists; and

WHEREAS, the Planning Commission held a Public Meeting for the pre-annexation comp plan/zoning designation on July 21, 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) and residential single/multiple family detached/attached zone (R20) 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 005-08, recommending Tax Parcel Number 312402-005-2000 be designated High Density Residential on the City of Port Orchard Comprehensive Plan Map and R20 on the City's Zoning Map and further that Tax Parcel Numbers 312402-2-003-2002 and 312402-2-016-2007 be designated Commercial on the Comprehensive Plan Map and Commercial—Retail and Office 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 properly noticed public hearings on the proposed comprehensive plan and zoning designations on November 12, 2008 and December 23, 2008, the second of which was adjourned to December 30, 2008; and

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

FINDINGS

1. A Petition for Annexation of the Property into the City was received on June 27, 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 in 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 may have access from Mile Hill Drive and/or Payseno Lane.

6. The Property is adjacent to commercial zoned areas. The applicant proposes to extend commercial development on the Property.

7. The GMA requires that upon adoption of an annexation request, the City give a Comprehensive Plan and Zoning designation to the subject properties. The City's Comprehensive Plan, as adopted by Ordinance No. 1634, requires the City to designate newly annexed property with the most similarly corresponding designation which the parcels had under County jurisdiction. Under the City's Comprehensive Plan, the most similar designation for the Property is Commercial and a zoning classification of Commercial-Retail and Office conforms with GMA requirements and the City's Comprehensive Plan

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 the Property. Designating the Property Commercial is in conformance with the goals and policies of the Comprehensive Plan and the Growth Management Act.

2. Designating the Property Commercial is in furtherance of the health, safety, and general welfare of the community.

3. Zoning the Property Commercial – Retail and Office (Co), is consistent with the City's Zoning Ordinance and Comprehensive Plan, and is in furtherance of the health, safety, and general welfare of the community.

WHEREAS, the City Council has been fully advised and finds that all statutory requirements have been satisfied in order to accomplish the proposed annexation; 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. 005-08, which Resolution is attached 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. 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 4. The City of Port Orchard Comprehensive Plan Map, adopted by Ordinance No. 1634, is hereby amended by adding the property described in Exhibit "A" and designating it Commercial.

SECTION 5. The City of Port Orchard Zoning Map, adopted by Ordinance No. 1748, is hereby amended by adding the property described in Exhibit "A" and classifying it Commercial-Retail and Office (Co).

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. 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:

Greg A. Jacoby, City Attorney

Sponsored by:

John Clauson, Councilmember

ATTACHMENT A
Legal Description

Jahnke-Biehl Petition for Annexation to the City of Port Orchard, Washington
Port Orchard File No. A-11-08
Tax parcel numbers: 312402-2-005-2000, 312402-2-016-2007, 312402-2-003-2002

The north half of the Northwest quarter of the Northwest quarter of Section 31, Town ship 24 North, Range 2 East, W.M., Kitsap County, Washington; Except Mile Hill Drive; And except the south 200 feet; And except the west 630 feet; And the north 198 feet of the south 462 feet of the east 300 feet of the west 630 feet of the north half of the Northwest quarter of the Northwest quarter of said Section 31.

CITY OF PORT ORCHARD
PLANNING COMMISSION
RESOLUTION NO. 005-08

A RESOLUTION OF THE CITY OF PORT ORCHARD PLANNING COMMISSION DESIGNATING PROPERTY COMMERCIAL AND HIGH DENSITY RESIDENTIAL ON THE CITY OF PORT ORCHARD COMPREHENSIVE PLAN MAP AND COMMERCIAL – RETAIL/OFFICE AND RESIDENTIAL 20 (R20) ON THE CITY OF PORT ORCHARD ZONING MAP, TO BECOME EFFECTIVE UPON ANNEXATION. THE PROPERTY IS LOCATED AT THE SOUTH OF MILE HILL DRIVE AT THE INTERSECTION OF MILE HILL DRIVE AND PAYSENO LANE, IN SECTION 31, TOWNSHIP 24 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON

TAX PARCEL NO.: 312402-2-005-2000, 312402-2-003-2002,
AND 312402-2-016-2007

WHEREAS, the applicants submitted a petition for annexation of three parcels, totaling approximately 5.29 acres, located south of Mile Hill Drive at the intersection of Mile Hill Drive and Payseno Lane; and

WHEREAS, in December 2006 Kitsap County included the property legally described and geographically depicted in Exhibit "A" ("the Property") to the South Kitsap UGA and designated the Property in the County comprehensive plan as Urban Low-Density Residential; 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 July 21, 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 June 27, 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 Mile Hill Drive and Payseno Lane.

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.

9. The purpose of the residential single/multiple family detached/attached zone (R20 up to 20.0 units/net useable acre) is to (a) allow high density residential development in urban locations where public services and facilities are most available; (b) implement comprehensive plan goals and policies for housing quality, diversity, and affordability, and (c) efficiently use residential land, public services, and energy.

CONCLUSIONS

1. High-Density Residential is the most appropriate comprehensive plan designation for Tax Parcel Number 312402-2-005-2000. Designating the Property High-Density Residential is in conformance with the goals and policies of the Comprehensive Plan and the Growth Management Act.

2. Designating Tax Parcel Number 312402-2-005-2000 High-Density Residential is in furtherance of the health, safety, and general welfare of the community.

3. Zoning Tax Parcel Number 312402-2-005-2000 Residential 20 (R20) 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.

4. Commercial is the most appropriate comprehensive plan designation for Tax Parcel Numbers 312402-2-003-2002 and 312402-2-016-2007. Designating the Property Commercial is in conformance with the goals and policies of the Comprehensive Plan and the Growth Management Act.

5. Designating Tax Parcel Numbers 312402-2-003-2002 and 312402-2-016-2007 as Commercial is in furtherance of the health, safety, and general welfare of the community.

6. Zoning for Tax Parcel Numbers 312402-2-003-2002 and 312402-2-016-2007 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 High-Density Residential, and R20 zoning for Tax Parcel Number 312402-2-005-2000, and a Comprehensive Plan designation of Commercial and Commercial – Retail/Office zoning for Tax Parcel Numbers 312402-2-003-2002 and 312402-2-016-2007, to be effective upon annexation.

PASSED by the Planning Commission of the City of Port Orchard this 21st day of July, 2008.

Gil Michael

Gil Michael, Chairman

ATTEST:

James R. Weaver, City Development Director

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