

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: June 22, 2010  
Adopted: June 22, 2010

**ORDINANCE NO. 012-10**

**AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 95.11 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: SITUATED WITHIN SECTION 10 AND SECTION 11, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., KITSAP COUNTY, WASHINGTON.**

ASSESSOR'S ACCOUNT NUMBERS: 112301-3-010-2007, 112301-3-009-2000, 112301-3-003-2006, 112301-3-048-2003, 112301-3-005-2004, 112301-3-047-2004, 112301-3-008-2001, 112301-3-011-2006, 112301-3-012-2005, 112301-3-014-2003, 112301-3-040-2001, 102301-4-017-2009, 102301-4-023-2001, 102301-4-051-2006, 102301-4-052-2005, 102301-4-053-2004, 4800-000-023-0106, 4800-000-023-0205, 112301-3-002-2007, 4800-000-024-0006, 4800-000-013-0009, 4800-000-012-0000, 4800-000-009-0005, and 4800-000-025-0005.

**WHEREAS**, on February 18, 2010, the City received a notice of intent to petition for annexation for twenty four parcels consisting of approximately 95.11 acres located in the vicinity of Sedgwick Road (State Route 160) and State Route 16, as legally described and geographically depicted 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 March 23, 2010, 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 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 May 19, 2010 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 112301-3-010-2007, 112301-3-009-2000, 112301-3-003-2006, 112301-3-048-2003, 112301-3-005-2004, 112301-3-047-2004, 112301-3-008-2001, 112301-3-011-2006, 112301-3-012-2005, 112301-3-014-2003, 112301-3-040-2001, 102301-4-017-2009, 102301-4-023-2001, 102301-4-051-2006, 102301-4-052-2005, 102301-4-053-2004, 4800-000-023-0106, and 112301-3-002-2007 *Highway/Tourist Commercial (HTC)* on the Comprehensive Plan map and *Highway/Tourist Commercial (10-30 DU/Ac)* on the zoning map; and designated Parcels 4800-000-024-0006, 4800-000-013-0009, 4800-000-012-0000, 4800-000-009-0005, 4800-000-023-0205, and 4800-000-025-0005 *Urban Low-Density Residential* on the County Comprehensive Plan map and *Urban Low Residential (4-9 DU/Ac)* on the County zoning 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 *Commercial* on the City's Comprehensive Plan and *Commercial Retail/Office* zoning on the City's zoning map for Tax Parcels 112301-3-010-2007, 112301-3-009-2000, 112301-3-003-2006, 112301-3-048-2003, 112301-3-005-2004, 112301-3-047-2004, 112301-3-008-2001, 112301-3-011-2006, 112301-3-012-2005, 112301-3-014-2003, 112301-3-040-2001, 102301-4-017-2009, 102301-4-023-2001, 102301-4-051-2006, 102301-4-052-2005, 102301-4-053-2004, 4800-000-023-0106, and 112301-3-002-2007 ; and designating *Low Density* on the City's Comprehensive Plan and *Residential: "R4.5"* on the City's zoning map for Tax Parcels 4800-000-023-0205, 4800-000-024-0006, 4800-000-009-0005, 4800-000-013-0009, 4800-

000-012-0000, and 4800-000-025-0005, to become effective upon annexation; and

**WHEREAS**, the Port Orchard Planning Commission held a public meeting on June 21, 2010 and adopted Resolution 003-10 recommending approval of the petition for annexation, with a Comprehensive Plan designation of *Commercial* and *Commercial Retail/Office* zoning for Tax Parcels 112301-3-010-2007, 112301-3-009-2000, 112301-3-003-2006, 112301-3-048-2003, 112301-3-005-2004, 112301-3-047-2004, 112301-3-008-2001, 112301-3-011-2006, 112301-3-012-2005, 112301-3-014-2003, 112301-3-040-2001, 102301-4-017-2009, 102301-4-023-2001, 102301-4-051-2006, 102301-4-052-2005, 102301-4-053-2004, 4800-000-023-0106, and 112301-3-002-2007 ; a Comprehensive Plan designation of *Residential: High Density* and *R20* zoning for Tax Parcels 4800-000-023-0205 , 4800-000-024-0006, and 4800-000-009-0005; and a Comprehensive Plan designation of *Residential: Low Density* and *R4.5* zoning for Tax Parcels 4800-000-013-0009, 4800-000-012-0000, and 4800-000-025-0005, 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 4800-000-023-0205, 4800-000-024-0006, and 4800-000-009-0005 until such time as the Comprehensive Plan amendment process for 2010 is completed and that such interim zoning for these parcels is justified because: the parcels will be served by adequate public sewer, water supply, roads, and other needed public facilities; the parcels are adjacent to areas of Urban High-Intensity Commercial/Mixed Use and Residential/High Density designations within the City; and the interim zoning designation of "R20" single/multiple family detached/attached for parcels 4800-000-023-0205, 4800-000-024-0006, and 4800-000-009-0005 is consistent with the uses in the surrounding area.

**WHEREAS**, pursuant to RCW 35.13.140, a public hearing was held on June 22, 2010, 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, the City Council hereby determines that an emergency exists justifying the adoption of interim zoning controls for parcels 4800-000-023-0205, 4800-000-024-0006, and 4800-000-009-0005, 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" for parcels 4800-000-023-0205, 4800-000-024-0006, and 4800-000-009-0005. 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 Comprehensive Plan designation of Residential: High Density and Zoning designation of "R20" single/multiple family detached/attached for parcels 4800-000-023-0205, 4800-000-024-0006, and 4800-000-009-0005 shall be included in the City's annual Comprehensive Plan amendment process for 2010 for review and designation as appropriate. The interim zoning controls shall take effect upon annexation to the City.

**SECTION 5.** 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 6.** 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 7.** 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 8.** 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 9.** 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 10.** 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 22nd day of June 2010.

ATTEST:

\_\_\_\_\_  
Lary Coppola, Mayor

\_\_\_\_\_  
Patricia J. Kirkpatrick, CMC, City Clerk

APPROVED AS TO FORM:

Sponsored by:

\_\_\_\_\_  
Gregory A. Jacoby, City Attorney

\_\_\_\_\_  
John Clauson, Councilmember

**Exhibit A**  
**Legal Description**  
**South Sedgwick Annexation**

Those portions of Section 11, Township 23 North, Range 1 East, W.M., Kitsap County, Washington, described as follows:

The East Three-Quarters of the North Quarter of the Southwest Quarter;

**And** Lots B and C of Short Plat No. 382 recorded under Auditor's File No. 1118531, records of Kitsap County;

**And** all that portion of Sidney Road lying within the South 400 feet of the Northwest Quarter of the Southwest Quarter;

**AND** those portions of the plat of Richland Acre Tracts, recorded in Volume 3 of Plats, page 18, records of Kitsap County, Washington, described as follows:

Beginning at the northwest corner of Tract 8 of the plat of Richland Acre Tracts, recorded in Volume 3 of Plats, page 18, records of Kitsap County; thence easterly along the north line thereof 15 feet; thence southerly along the east line of the West 15 feet of said Tract 8 to the north line of that parcel deeded to Kitsap County by State of Washington Highway Commission Deed recorded under Auditor's File No. 1117232, records of Kitsap County and being a point opposite and easterly of Highway Engineer's Station B 3+00 as depicted on Sheet 14 of that Right-of-Way and Limited Access Plan titled SR16, Olympic Drive to Tremont Street, dated January 18, 1974 and filed in the office of the Department of Highways, Olympia, Washington; thence easterly along said north line to a point opposite Station B 3+00 and 25 feet easterly therefrom; thence southerly in a straight line to a point opposite Station A 2+19 as depicted on said plan; thence southwesterly on a line perpendicular to the NB line as depicted on said plan to the northeasterly right-of-way margin of SR 16; thence northwesterly along said right-of-way margin to the north line of Tract 13 of said plat; thence easterly along said north line and the easterly extension thereof to the point of beginning;

**And** Tracts 23 and 24 and the West 30 feet adjoining;

**Except** the North 50 feet of Tract 24;

**And** Tracts 25 and 26 and the East 15 feet adjoining;

**Except** that portion previously annexed into the City of Port Orchard under Ordinance No. 008-09;

**And** all those portions of the following described parcels lying northeasterly of the northeasterly right-of-way margin of SR 16:

Tracts 9 thru 12 ½, inclusive, and the East 15 feet adjoining;

Tract 22;

Cedar Road (platted as County Road) lying between Tracts 12 and 12 ½;

**AND** all that portion of Ferate Avenue (platted as Jackson Street) lying within the plat of Bremerhust, recorded in Volume 3, page 49, records of Kitsap County, Washington;

**AND** that portion of Section 10, Township 23 North, Range 1 East, W.M., Kitsap County, Washington, described as follows:

The North Half of the Southeast Quarter;

**Except** any portion of Glenwood Road SW and SW Sedgwick Road lying southwesterly of the following described line: Beginning at the southwest corner of Lot B of Short Plat No. 6678-R1, recorded under Auditor's File No. 3224933, and filed in Volume 15 of Short Plats, page 228, records of Kitsap County, and being a point on a curve on the southeasterly right-of-way margin of SW Sedgwick Road; thence on a radial bearing to said curve northwesterly to the northwesterly

right-of-way margin of NW Glenwood Road and the terminus;

**Also Except** those portions previously annexed into the City of Port Orchard under Ordinance Nos. 1659, 1900, 022-08, 024-07, and 030-07.