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

PORT ORCHARD CITY OF 200907090117
Ordinance Rec Fee: $ 58.00
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Walter Washington, Kitsap Co Auditor

Introduced by:	Development Director
Requested by:	Development Director
Drafted by:	Development Director
Reviewed by:	City Attorney
Introduced:	March 24, 2009
Public Hearing:	March 24, 2009
Second Public Hearing:	May 12, 2009
Adopted:	May 12, 2009

ORDINANCE NO. 011-09

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 1675.98 ACRES IN THE VICINITY OF SECTIONS 4, 5, 8, 9, AND 17OF TOWNSHIP 23 NORTH, RANGE 1 EAST, KNOWN AS THE McCORMICK WOODS, THE RIDGE, ET. AL. ANNEXATION; REQUIRING THE ANNEXED PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS OTHER PROPERTY WITHIN THE CITY; REQUIRING THE ASSUMPTION OF ALL OF THE CITY'S EXISTING INDEBTEDNESS BY THE AREA TO BE ANNEXED; ESTABLISHING COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR THE PROPERTY; AND ESTABLISHING AN EFFECTIVE DATE OF THE ANNEXATION.

Parcel No. 042301-3-008-2000 – Remaining 1,282 parcels on pg 9-13

PROPERTY LOCATION: The following described areas situate within Section 4, Township 23 North, Range 1 East, W.M., Kitsap County, Washington, The Southwest quarter; Except that portion previously annexed into the city of Port Orchard under Ordinance No. 1816; And the West half of the Southeast quarter; And the West 30 feet of the East half of the Southeast quarter lying north of the southerly right of way margin of Old Clifton Road; And the Southeast quarter of the Southeast quarter lying south of the southerly right

of way margin of Old Clifton Road; The following described areas situate within Section 5, Township 23 North, Range 1 East, W.M., Kitsap County, Washington, The East half of the West half; And the South half of the Southeast quarter; And the Northeast quarter of the Southeast quarter; All that portion of Section 8 and Section 17, Township 23 North, Range 1 East, W.M., Kitsap County, Washington lying north and east of the following described line, Beginning at the southeast corner of the Northeast quarter of said Section 17 as delineated on Survey recorded under Auditor's File No. 9409270366, records of Kitsap County; thence South 1°17'27" West along the east line thereof a distance of 260.04 feet to the point of beginning of the herein described line; thence North 87°53'44" West 3299.65 feet; thence North 950.00 feet; thence North 29°00'00" East 3468.14 feet; thence North 16°00'00" East 4180.91 feet to a point on the north line of Section 8 from which the northeast corner of said Section 8 bears South 87°02'01" East 670.50 feet and the terminus of the herein described line; Together with that portion of Old Clifton Road (County Road No. 132) deeded to Kitsap County under Auditor File Number 666551 lying within the East three quarters of Section 8, Township 23 North, Range 1 East, W.M., Kitsap County Washington. All of Section 9, Township 23 North, Range 1 East, W.M., Kitsap County, Washington, Except that portion previously annexed into the city of Port Orchard under Ordinance No. 1816; The following described areas situate within Section 16, Township 23 North, Range 1 East, W.M., Kitsap County, Washington, The North 260.00 feet of the Northwest quarter of the Southwest quarter; And the West half of the Northwest quarter; And the Northeast quarter of the Northwest quarter; And the West half of the Northeast quarter.

ASSESSOR'S ACCOUNT NUMBERS: See Exhibit "A"

WHEREAS, on April 3, 2008 the City Council received a notice of intent to petition for annexation for 1283 parcels consisting of approximately 1675.98 acres located in the vicinity of Sections 4, 5, 8, 9, 16, and 17 of Township 23 North, Range 1 East, as legally described in Exhibit "B" 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 May 13, 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 in Exhibit "B" and geographically depicted in Exhibit "C" attached hereto. At the meeting the Council also determined that it would require the simultaneous adoption of Comprehensive Plan and zoning 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 March 18, 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 in Exhibit A and geographically depicted in Exhibit B as an unassociated Urban Growth Area (UGA), ULID #6, and designated the parcels on the County Comprehensive Plan as Urban Low Density Residential, Urban Medium/High Density Residential, Urban Low-Intensity Commercial/Mixed Use and Urban Industrial and zoning of Urban Low Residential (4-9 DU/Ac), Urban Cluster Residential (4-9 DU/Ac), Urban Medium Residential (10-18 DU/Ac), Urban Village Center (up to 18 DU/Ac), Urban Restricted (1-5 DU/Ac) and Business Park; 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 (2008 Comprehensive Plan) which identified ULID #6, an unassociated Urban Growth Area, as a Future Expansion Area, including City Comprehensive Plan designations and zoning classifications for the annexation area; and

WHEREAS, the property owners of the parcels listed in Exhibit A have requested that the City adopt interim Comprehensive Plan designations and zoning classifications that vary from the designations and classifications set forth in the 2008 Comprehensive Plan, except for parcels 052301-4-015-2008, 052301-4-014-2009, 052301-2-027-2008, and 052301-2-026-2009; and

WHEREAS, pursuant to RCW 35.63.200, the City Council finds it is necessary to adopt interim zoning controls (for all of the parcels listed on Exhibit A, except the 4 parcels listed above) until such time as the Comprehensive Plan amendment process for 2009 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; and that the interim zoning designations are consistent with the current and approved planned uses.

WHEREAS, the Port Orchard Planning Commission held a public meeting on April 20, 2009 and adopted Resolution 003-09 recommending the proposed annexation area be designated with a Comprehensive Plan designation of Open Space/Conservation with Greenbelt zoning for Tax Parcels 042301-3-008-2000 and 042301-3-007-2001; Residential: High Density with Residential 20 zoning for the Tax Parcels 052301-4-018-2005 and 052301-

4-017-2006; Commercial with Mixed Use zoning with a portion designated as Open Space/Conservation with Greenbelt zoning for Tax Parcel 052301-4-016-2007; Commercial with Mixed Use zoning for Tax Parcels 092301-1-003-2004, and 6031-000-131-0002; Industrial with Employment – Industrial/Office zoning for Tax Parcel 052301-4-013-2000; Industrial with Employment – Industrial/Office zoning with a portion designated Open Space/Conservation with Greenbelt zoning for parcels 052301-4-015-2008 and 052301-4-014-2009; Residential: Low Density and Residential 4.5 zoning for parcels 052301-2-027-2008 and 052301-2-026-2009; and Residential: Medium Density and Residential 8 zoning for the remaining parcels, as listed in Exhibit "A" to be effective upon annexation; and

WHEREAS, pursuant to RCW 35.13.140, the City Council held public hearings on March 24, 2009 and May 12, 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

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 commonly known as McCormick Woods, The Ridge, et.al., which is legally described in Exhibit B attached hereto and incorporated herein by this reference, and as further identified in the map attached as Exhibit C 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. Parcels 052301-4-015-2008, 052301-4-014-2009, 052301-2-026-2009 and 052301-2-027-2008 shall have the Comprehensive Plan designation and zoning classification set forth in Ordinance No. 042-08 (2008 Comprehensive Plan), as listed on

Exhibit A.

SECTION 4. Based on the findings of fact set forth in the above recitals, the City Council hereby determines that it is necessary to adopt the following interim zoning controls for all but parcels 052301-4-015-2008, 052301-4-014-2009, 052301-2-026-2009 and 052301-2-027-2008: Comprehensive Plan designations of Open Space/Conservation for Tax Parcels 042301-3-008-2000 and 042301-3-007-2001; Residential: High Density for Tax Parcels 052301-4-018-2005 and 052301-4-017-2006; Commercial with a portion designated as Open Space/Conservation for Tax Parcel 052301-4-016-2007; Commercial for Tax Parcels 092301-1-003-2004 and 6031-000-131-0002; Industrial for Tax Parcel 052301-4-013-2000; Industrial with a portion designated Open Space/Conservation for parcels 052301-4-015-2008 and 052301-4-014-2009; and Residential: Medium Density for the remaining parcels, as listed in Attachment "A"; and interim Zoning classifications of Greenbelt for Tax Parcels 042301-3-008-2000 and 042301-3-007-2001 and Residential 20 for the Tax Parcels 052301-4-018-2005 and 052301-4-017-2006; Mixed Use with a portion designated as Greenbelt for Tax Parcel 052301-4-016-2007; Mixed Use for Tax Parcels 092301-1-003-2004 and 6031-000-131-0002; Employment – Industrial/Office for Tax Parcel 052301-4-013-2000; Employment – Industrial/Office with a portion designated Greenbelt for parcels 052301-4-015-2008 and 052301-4-014-2009, Residential 8 zoning for the remaining parcels, as listed in Exhibit "A". As long as the interim zoning controls are in effect, all land use and development within the aforementioned parcels shall be subject to the City's land use and development regulations in effect for the zoning designations.

SECTION 5. The Comprehensive Plan and Zoning designations for the parcels listed in Section 4, above, shall be included in the City's annual Comprehensive Plan amendment process for 2009 for review and designation as appropriate.

SECTION 6. 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 parcels as described in Section 4. 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 any of the parcels, whichever is sooner.

SECTION 7. This annexation will become effective on the first business day 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 on the first business day after the Boundary Review Board's approval of the proposed annexation.

SECTION 8. 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 9. 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 10. 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 11. 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 12. 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 12th day of May 2009.

Lary Coppola, Mayor

ATTEST:

Patricia J. Kirkpatrick, CMC, City Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby, City Attorney

Sponsored by:

Fred Olin, Councilmember

Exhibit "A"

Open Space/Conservation Comprehensive Plan designation and Greenbelt zoning
042301-3-008-2000 and 042301-3-007-2001

Residential: High Density Comprehensive Plan designation and Residential 20 zoning
052301-4-018-2005 and 052301-4-017-2006

Commercial Comprehensive Plan designation and Mixed Use zoning
092301-1-003-2004, and 6031-000-131-0002.

Commercial & Open Space/Conservation Comprehensive Plan designations and Mixed Use & Greenbelt zoning
052301-4-016-2007

Industrial Comprehensive Plan designation with Employment – Industrial/Office zoning
052301-4-013-2000

Industrial & Open Space/Conservation Comprehensive Plan designations and Employment – Industrial/Office & Greenbelt zoning
052301-4-015-2008 and 052301-4-014-2009

Residential: Low Density Comprehensive Plan designation and Residential 4.5 zoning
052301-2-027-2008 and 052301-2-026-2009

Residential: Medium Comprehensive Plan designation and Residential 8 zoning
042301-3-004-2004, 042301-3-005-2003, 042301-3-006-2002, 042301-4-029-2003, 052301-2-025-2000, 052301-3-037-2004, 052301-3-039-2002, 052301-3-040-2009, 092301-1-005-2002, 092301-1-006-2001, 092301-1-009-2008, 092301-2-001-2004, 092301-4-002-2009, 092301-4-003-2008, 092301-4-004-2007, 092301-4-005-2006, 162301-1-019-2007, 162301-1-020-2004, 162301-1-021-2003, 5126-000-001-0007, 5126-000-002-0006, 5126-000-003-0005, 5126-000-004-0004, 5126-000-005-0003, 5126-000-006-0002, 5126-000-007-0001, 5126-000-008-0000, 5126-000-009-0009, 5126-000-010-0006, 5126-000-011-0005, 5126-000-012-0004, 5126-000-013-0003, 5126-000-014-0002, 5126-000-015-0001, 5126-000-016-0000, 5126-000-017-0009, 5126-000-018-0008, 5126-000-019-0007, 5126-000-020-0004, 5126-000-021-0003, 5126-000-022-0002, 5126-000-023-0001, 5126-000-024-0000, 5126-000-025-0009, 5126-000-026-0008, 5126-000-027-0007, 5126-000-028-0006, 5126-000-029-0005, 5126-000-030-0002, 5126-000-031-0001, 5126-000-032-0000, 5126-000-033-0009, 5126-000-034-0008, 5126-000-035-0007, 5126-000-036-0006, 5126-000-037-0005, 5126-000-038-0004, 5126-000-039-0003, 5139-000-001-0002, 5139-000-002-0001, 5139-000-003-0000, 5139-000-004-0009, 5139-000-005-0008, 139-000-006-0007, 5139-000-007-0006, 5139-000-008-0005, 5139-000-009-0004, 5139-000-010-0001, 5139-000-011-0000, 5139-000-012-0009, 5139-000-013-0008, 5139-000-014-0007, 5139-000-015-0006, 5139-000-016-0005, 5139-000-017-0004, 5139-000-018-0003, 5139-000-019-0002, 5139-000-020-0009,

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McCormick Woods, The Ridge, et.al. Annexation
To the City of Port Orchard, Washington
File No. A-019-09
Exhibit B – Legal Description

The following described areas situate within Section 4, Township 23 North, Range 1 East, W.M., Kitsap County, Washington:

The Southwest quarter;
Except that portion previously annexed into the city of Port Orchard under Ordinance No. 1816;
And the West half of the Southeast quarter;
And the West 30 feet of the East half of the Southeast quarter lying north of the southerly right of way margin of Old Clifton Road;
And the Southeast quarter of the Southeast quarter lying south of the southerly right of way margin of Old Clifton Road;

The following described areas situate within Section 5, Township 23 North, Range 1 East, W.M., Kitsap County, Washington:

The East half of the West half;
And the South half of the Southeast quarter;
And the Northeast quarter of the Southeast quarter;

All that portion of Section 8 and Section 17, Township 23 North, Range 1 East, W.M., Kitsap County, Washington lying north and east of the following described line:

Beginning at the southeast corner of the Northeast quarter of said Section 17 as delineated on Survey recorded under Auditor's File No. 9409270366, records of Kitsap County; thence South 1°17'27" West along the east line thereof a distance of 260.04 feet to the point of beginning of the herein described line; thence North 87°53'44" West 3299.65 feet; thence North 950.00 feet; thence North 29°00'00" East 3468.14 feet; thence North 16°00'00" East 4180.91 feet to a point on the north line of Section 8 from which the northeast corner of said Section 8 bears South 87°02'01" East 670.50 feet and the terminus of the herein described line;

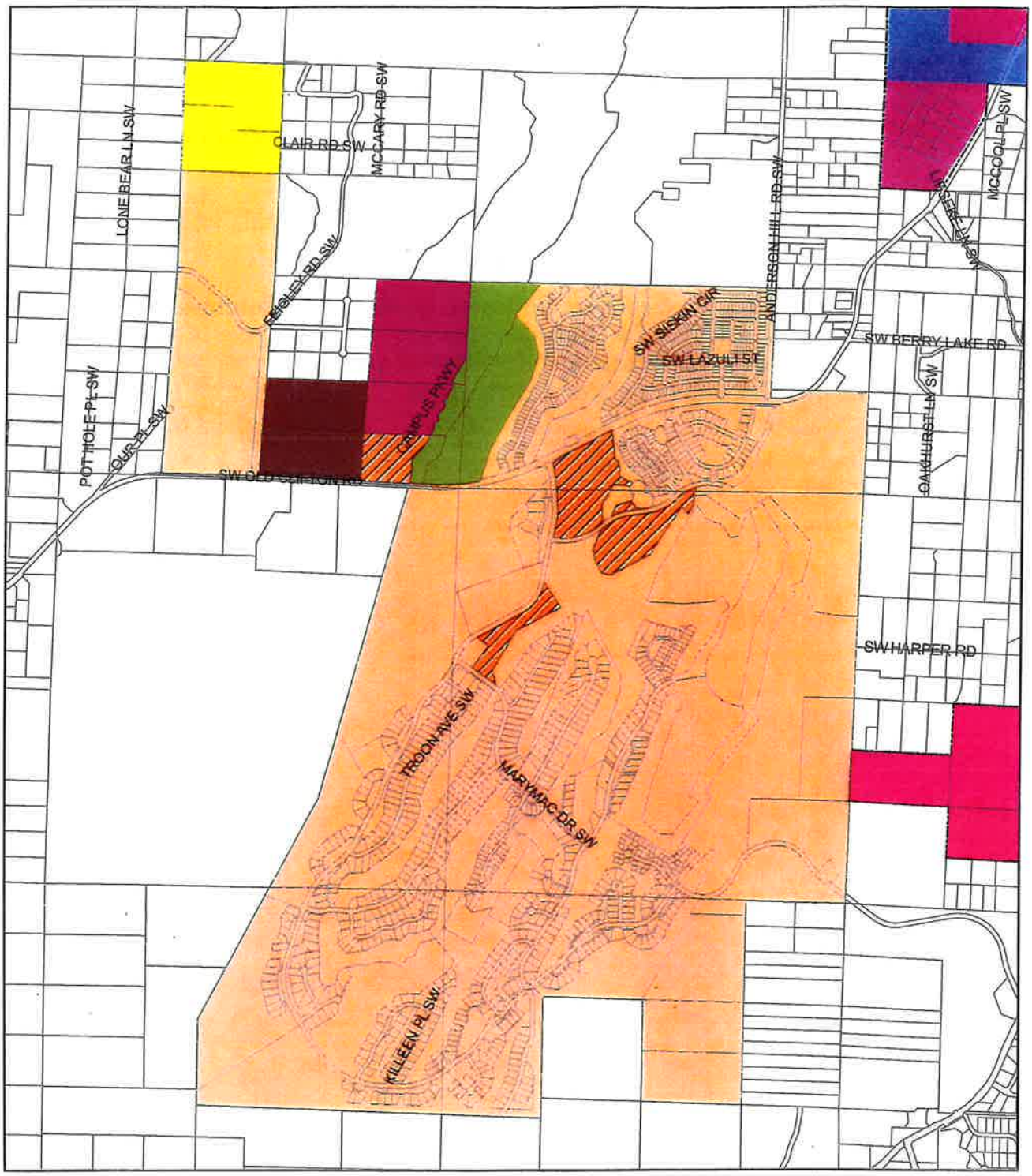
Together with that portion of Old Clifton Road (County Road No. 132) deeded to Kitsap County under Auditor File Number 666551 lying within the East three quarters of Section 8, Township 23 North, Range 1 East, W.M., Kitsap County Washington.

All of Section 9, Township 23 North, Range 1 East, W.M., Kitsap County, Washington:

Except that portion previously annexed into the city of Port Orchard under Ordinance No. 1816;

The following described areas situate within Section 16, Township 23 North, Range 1 East, W.M., Kitsap County, Washington:

The North 260.00 feet of the Northwest quarter of the Southwest quarter;
And the West half of the Northwest quarter;
And the Northeast quarter of the Northwest quarter;
And the West half of the Northeast quarter.



McCormick Woods Annexation: Zoning

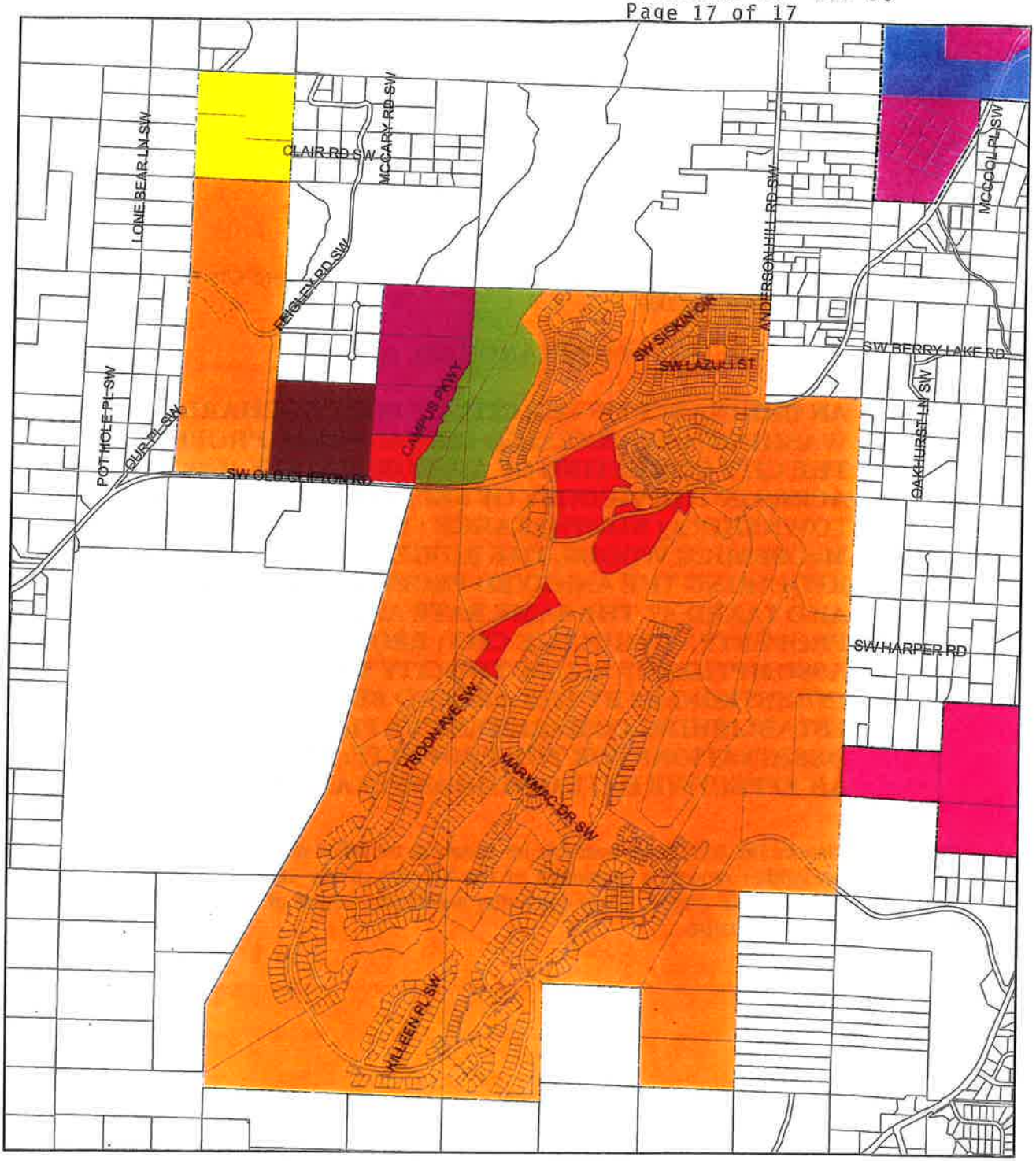
Employment: Industrial and Office
Mixed Use
R4.5 Residential: 4.5 units/acre
Greenbelt
R20 Residential: 20 units/acre
R8 Residential: 8 units/acre

N W E S

0 1,250 2,500 5,000 7,500 10,000 Feet

City of Port Orchard

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



McCormick Woods Annexation: Comprehensive Plan Land Use Designation

Commercial
Industrial
Residential: Low Density
Greenbelt
Residential: High Density
Residential: Medium Density

N
W E
S

City of Port Orchard

0 1,300 2,600 5,200 7,800 10,400 Feet

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 May 12, 2009.

ORDINANCE NO. 011-09

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 1675.98 ACRES IN THE VICINITY OF SECTIONS 4, 5, 8, 9, AND 17OF TOWNSHIP 23 NORTH, RANGE 1 EAST, KNOWN AS THE McCORMICK WOODS, THE RIDGE, ET. AL. ANNEXATION; REQUIRING THE ANNEXED PROPERTY TO BE ASSESSED AND TAXED AT THE SAME RATE AND BASIS AS OTHER PROPERTY WITHIN THE CITY; REQUIRING THE ASSUMPTION OF ALL OF THE CITY'S EXISTING INDEBTEDNESS BY THE AREA TO BE ANNEXED; ESTABLISHING COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR THE PROPERTY; AND ESTABLISHING AN EFFECTIVE DATE OF THE ANNEXATION.

Copies of Ordinance No. 011-09 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. 011-09 will be provided at a nominal charge.

City of Port Orchard

Patti Kirkpatrick
City Clerk

Publish: Port Orchard Independent
May 22, 2009