PORT ORCHARD CITY OF 201010120068
Ordinance Rec Fee: $ 70.00
10/12/2010 11:48 AM Page: 1 of 9
Walter Washington, Kitsap Co Auditor

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:	September 28, 2010
Adopted:	September 28, 2010

ORDINANCE NO. 019-10

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 9.85 ACRES IN THE VICINITY OF THE INTERSECTION OF SW BIRCH ROAD AND SIDNEY ROAD 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 SECTION 3, TOWNSHIP 23N, RANGE 1 EAST, W.M., KITSAP COUNTY, WASHINGTON.

ASSESSOR'S ACCOUNT NUMBER: 032301-4-026-2007

WHEREAS, on May 19, 2010, the City Council received a notice of intent to petition for annexation for one parcel consisting of approximately 9.85 acres located in the vicinity of the intersection of SW Birch Road and Sidney Road SW, as legally described and geographically depicted in Exhibit "A" attached hereto and incorporated by this reference; and

WHEREAS, the initiating party is the owner 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 June 22, 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 August 06, 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 it as Highway Tourist Commercial on the Comprehensive Plan map and Public Facility on the 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 Parcel 032301-4-026-2007, 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 parcel 032301-4-026-2007 and 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 parcel will be served by adequate public sewer, water supply, roads, and other needed public facilities; the parcel is adjacent to areas of Commercial, Residential:4.5 units/acre, and Community Facilities designations within

the City and the interim zoning designation of "Community Facilities" is consistent with the uses in the surrounding area; and

WHEREAS, pursuant to RCW 35.13.140, a public hearing was held on September 14, 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 parcel , 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 Public and Community Spaces and an interim Zoning designation of Community Facilities for parcel 032301-4-026-2007. 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 "Public Facilities" zoning.

SECTION 4. The interim designation of Public and Community Spaces and zoning designation of "Community Facilities" for parcel 032301-4-026-2007 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 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 28th day of September 2010.

Lary Coppola, Mayor

ATTEST:

Patricia J. Kirkpatrick, CMC, City Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby, City Attorney

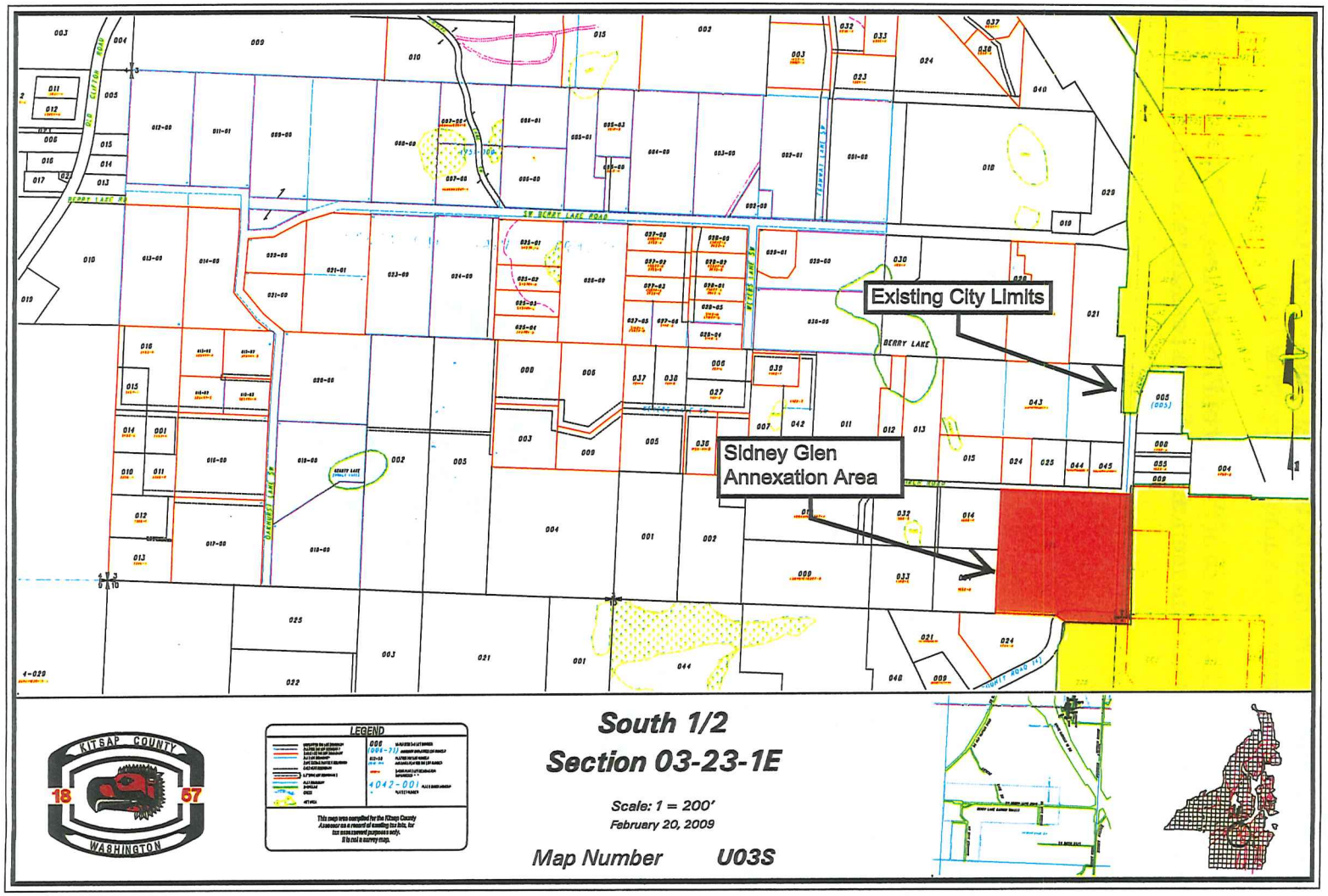
Sponsored by:

Rob Putaansuu, Councilmember

CITY OF PORT ORCHARD INCORPORATED SEAL SEPTEMBER 1, 1982 STATE OF WASHINGTON

EXHIBIT A

Sidney Glen Annexation to the City of Port Orchard, Washington



Sidney Glen Petition for Annexation
to the City of Port Orchard, Washington
File No. A-24-10

Legal Description

The West 20 feet of the Southwest quarter of the Southwest quarter of Section 2, Township 23 North, Range 1 East, W.M., Kitsap County, Washington lying south of the south line of the north 630 feet thereof;

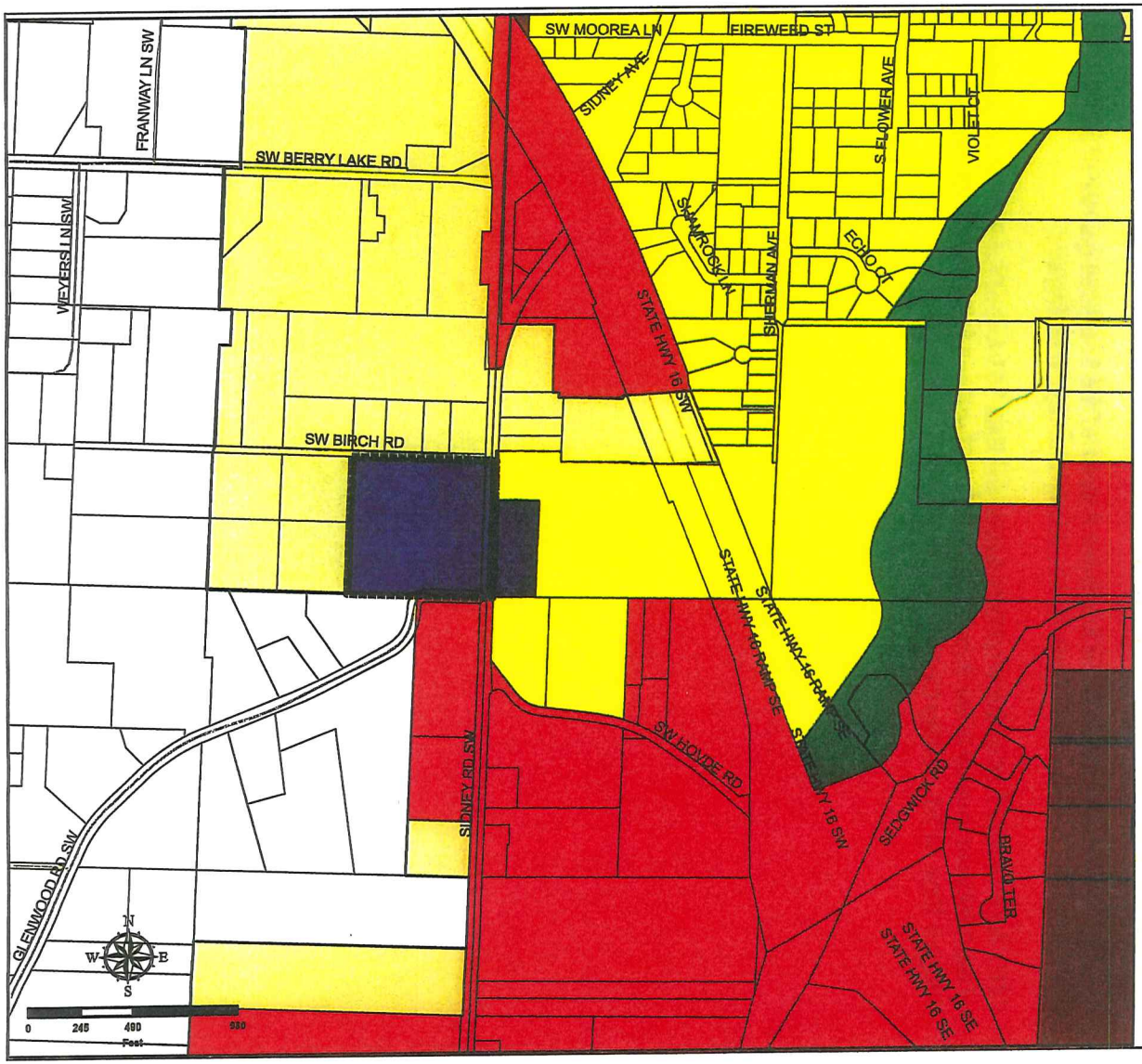
AND the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 3, Township 23 North, Range 1 East, W.M., Kitsap County, Washington;

AND the North 30 feet of the West 333 feet of the East 363 feet of the Northeast quarter of the Northeast quarter of the Northeast quarter of Section 10, Township 23 North, Range 1 East, W.M., Kitsap County, Washington.

EXHIBIT B

City of Port Orchard

Sidney Glen
Annexation -
Proposed Comp Plan Map



Comprehensive Plan Designation

- Commercial
- Greenbelt
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Public and Community Spaces
- UGA
- Sidney Glen

This map was created from existing map sources, not from field surveys. While great care was taken in using the most current map sources available, no warranties of any sort, including accuracy, fitness, or merchantability accompany this product. The user of this map assumes responsibility for determining its suitability for its intended use.
This map is not a substitute for field survey.

City of Port Orchard Planning Department
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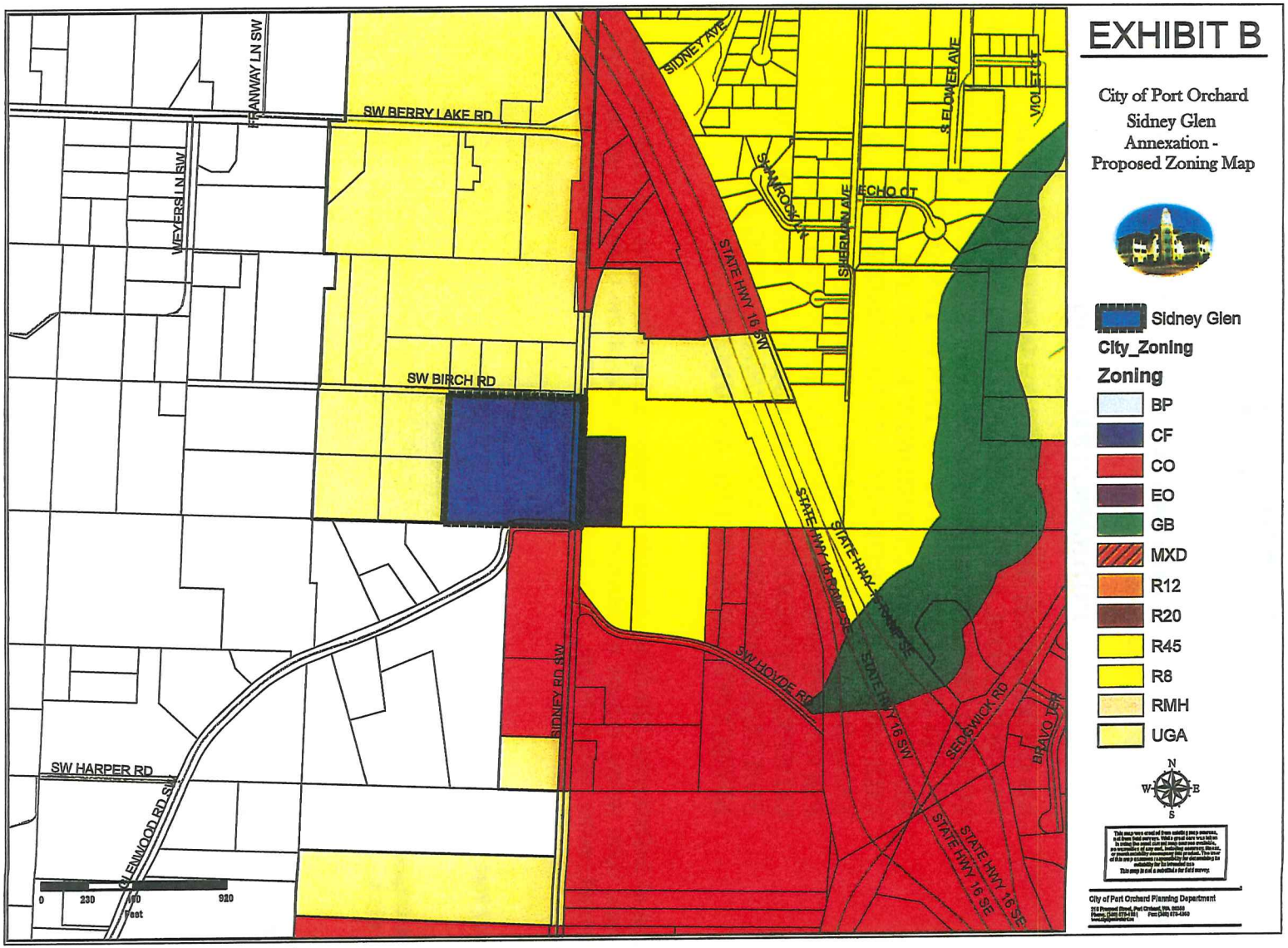
FRANWAY LN SW
SW BERRY LAKE RD
WEYERS LN SW
SIDNEY AVE
S FLOWER AVE
VIOLET LP
SHAMROCK LP
SHERMAN AVE
ECHO CT
STATE HWY 16 SW
SW BIRCH RD
STATE HWY 16 RAMPS SE
STATE HWY 16 SW
SIDNEY RD SW
SW HOYDE RD
SEDGWICK RD
BRAVO DR
STATE HWY 16 SE
SW HARPER RD
CLENWOOD RD SW
0
230
460
920
Feet
EXHIBIT B
City of Port Orchard
Sidney Glen
Annexation -
Proposed Zoning Map
Sidney Glen
City_Zoning
Zoning
BP
CF
CO
EO
GB
MXD
R12
R20
R45
R8
RMH
UGA
N
W
E
S
City of Port Orchard Planning Department

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 September 28, 2010.

ORDINANCE NO. 019-10

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 9.85 ACRES IN THE VICINITY OF THE INTERSECTION OF SW BIRCH ROAD AND SIDNEY ROAD 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

Copies of Ordinance No. 019-10 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. 019-10 will be provided at a nominal charge.

City of Port Orchard

Patti Kirkpatrick
City Clerk

Publish: Port Orchard Independent
October 8, 2010