

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

Introduced by: Development Director
Requested by: Development Director
Drafted by: Development Director
First Public Hearing: November 25, 2008
Second Public Hearing: January 27, 2009
Discussion: January 27, 2009
Adopted: January 27, 2009

ORDINANCE NO. 002-09

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, DESIGNATING PROPERTY MEDIUM DENSITY RESIDENTIAL ON THE CITY OF PORT ORCHARD COMPREHENSIVE PLAN MAP AND RESIDENTIAL 12 DWELLING UNITS PER ACRE (R-12) ON THE CITY OF PORT ORCHARD ZONING MAP, TO BECOME EFFECTIVE UPON ANNEXATION. THE PROPERTY IS LOCATED IN THE SW ¼ OF THE NE 1/4 SECTION 25, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON

ASSESSORS ACCOUNT NUMBER: 4538-010-005-0007

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 hereto, of the owner's intention to commence annexation proceedings; and

WHEREAS, a meeting was held on the 27th day of May, 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" 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, the Property is comprised of three parcels totaling approximately 4.16 acres contiguous to the City limits, located at the east terminus of East 4th Street, 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 January 8, 2009; and

WHEREAS, in December 2006 Kitsap County added the property legally described and geographically depicted in Exhibit "A" ("the Property") to the City of Port Orchard UGA and designating the Property on 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, 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 Medium Density Residential on the City of Port Orchard Comprehensive Plan Map and Residential 12 dwelling units per acre (R-12), to become effective upon annexation; and

WHEREAS, pursuant to RCW 35.13.177 and 35.13.178, the Port Orchard Planning Commission adopted Resolution 006-08, recommending the designation of the proposed annexation area Medium Density Residential on the City of Port Orchard Comprehensive Plan Map and Residential 123 dwelling units per acre (R-12), on the City of Port Orchard Zoning Map, to become effective upon annexation; and

WHEREAS, pursuant to RCW 35.13.140, a public hearing was held on December 23, 2008, which hearing 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

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

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 Low Density Residential in the County Comprehensive Plan and Urban Low 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 East 4th Street.
6. The Property is adjacent to Community Facility (CF) zoned areas and is in close proximity to R-12. The applicant expects to develop the property at a density of 12 units per acre.
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 is designating this parcel and Medium Density Residential on the Comprehensive Plan map and Residential 12 dwelling units per acre on the Zoning map in conformance with GMA requirements.
8. The purpose of the R-12 zoning designation is to provide for the broadest mix of residential uses including single-family attached and detached and multi-family residences.

CONCLUSIONS

1. Medium Density Residential is the most appropriate comprehensive plan designation for the Property. Designating the parcel Medium Density Residential is in conformance with the goals and policies of the Comprehensive Plan and the Growth Management Act.
2. Designating the Property Medium Density Residential in furtherance of the health, safety, and general welfare of the community.
3. Zoning the property Residential 12 Units per acre, (R-12) 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.
4. An emergency exists, justifying an exception to the requirement that amendments or revisions to a comprehensive plan be considered no more frequently than once every year.

**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 date of annexation.

SECTION 3. As provided in Ordinance No. 002-09, all property within the territory annexed is hereby designated Medium Density Residential on the Comprehensive Plan Map and Residential 12 dwelling units per acre (R-12) on the City of Port Orchard Zoning Map.

SECTION 4. 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 5. The amendment to the Comprehensive Plan Map is declared an emergency under RCW 36.70A.130(2)(b).

SECTION 6. The City of Port Orchard Comprehensive Plan Map, adopted by Ordinance No. 042-08, is hereby amended by adding the property described in Exhibit "A" and designating it Medium Density Residential, to become effective upon annexation.

SECTION 7. The City of Port Orchard Zoning Map, adopted by Ordinance No. 042-08, is hereby amended by adding the property described in Exhibit "A" and classifying it as Residential 12 dwelling units per acre (R-12) to become effective upon annexation.

SECTION 8. 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 9. 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 27th day of January 2009.

ATTEST:

Lary Coppola, Mayor

Patricia J. Kirkpatrick, City Clerk

APPROVED AS TO FORM:

Sponsored by:

Greg A. Jacoby, City Attorney

John Clauson, Councilmember