

After Recording Return to:
City Clerk
City of Port Orchard
216 Prospect Street
Port Orchard, WA 98366

PORT ORCHARD CITY OF **201208070376**
Ordinance Rec Fee: \$ 67.00
08/07/2012 02:42 PM Page: 1 of 6
Walter Washington, Kitsap Co Auditor



Introduced by: Development Director
Requested by: Development Director
Drafted by: Development Director
Introduced: July 24, 2012
Adopted: July 24, 2012

ORDINANCE NO. 014-12

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 2.22 ACRES IN THE VICINITY OF THE INTERSECTION OF BAY STREET AND ARNOLD AVENUE TO JUST EAST OF THE INTERSECTION OF BEACH DRIVE AND OLNEY AVENUE E., 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 INDEBTEDNESS BY THE AREA TO BE ANNEXED, ESTABLISHING INTERIM COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR THE PROPERTY, AND ESTABLISHING AN EFFECTIVE DATE OF THE ANNEXATION

PROPERTY LOCATION: SITUATED WITHIN A PORTION OF SECTION 25 - TOWNSHIP 24 NORTH - RANGE 1 EAST; W.M., IN KITSAP COUNTY, WASHINGTON.

ASSESSOR'S ACCOUNT NUMBERS: 4689-004-002-0000, 4027-035-003-0004, 4027-035-001-0006, 4027-035-004-0003, 4027-035-005-0002, 4689-004-001-0001, 4689-004-004-0008, 4027-035-002-0005 and 4027-033-001-0100.

WHEREAS, on January 30, 2012, the City received a notice of intent to petition for annexation for nine parcels consisting of approximately 2.22 acres located in the vicinity of the intersection of Bay Street and Arnold Avenue, stretching along the shoreline to just east of the intersection of Beach Drive and Olney Avenue E.; 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 12, 2012, 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, 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 interim zoning and interim 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 June 21, 2012 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 4689-004-002-0000, 4027-035-003-0004 and 4027-035-002-0005 as *Neighborhood Commercial* on the Zoning map and *Urban Low-Intensity Commercial/Mixed Use* on the Comprehensive Plan map; and designated 4027-035-001-0006, 4027-035-004-0003, 4027-035-005-0002, 4689-004-001-0001, 4689-004-004-0008 and 4027-033-001-0100 as *Urban Low Residential (4 - 9 DU/Ac)* on the Zoning map and *Urban Low Density Residential* on the Comprehensive Plan 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 of parcels 4027-035-003-0004, 4027-035-001-0006, 4027-033-001-0100, 4027-035-004-0003, 4027-035-005-0002, 4689-004-001-0001 and 4689-004-004-0008 as *Residential: 4.5 Units/Useable Acre* on the future Zoning map and *Residential: Low Density* on the future Comprehensive Plan map; and parcels 4689-004-002-0000, 4027-035-003-0004 and 4027-035-002-0005

as *Commercial* on the future Zoning map and *Commercial Retail-Office* on the future Comprehensive Plan map, to become effective upon annexation; and

WHEREAS, the property owners of the area to be annexed have requested that the City adopt interim Comprehensive Plan designations and zoning classifications that vary from the designations and classifications set forth in Ordinance No. 042-08; and

WHEREAS, pursuant to RCW 35.63.200, the City Council finds that it is necessary to adopt interim Comprehensive Plan designations and zoning controls until such time as the Comprehensive Plan amendment process for 2012 is completed and that such interim measures for these parcels are justified because: the parcels will be served by adequate public sewer, water supply, roads, and other needed public facilities; and the interim Comprehensive Plan designations and zoning classifications are consistent with the current and approved planned use; and

WHEREAS, the Port Orchard Planning Commission held a public meeting on July 16, 2012 and adopted Resolution 003-12 recommending approval of the petition for annexation, with an interim Zoning designation of *Community Facilities* and an interim Comprehensive Plan designation of *Public and Community Spaces* for parcels 4689-004-004-0008 and 4027-033-001-0100; and an interim Zoning designation of *Mixed Use* and interim Comprehensive Plan designation of *Commercial* for parcels 4027-035-001-0006, 4689-004-002-0000, 4027-035-003-0004, 4027-035-004-0003, 4027-035-005-0002, 4689-004-001-0001 and 4027-035-002-0005; and

WHEREAS, pursuant to RCW 35.13.140, a public hearing was held on July 24, 2012, 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 interim 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 it is necessary to adopt an interim Zoning designation of *Community Facilities* and an interim Comprehensive Plan designation of *Public and Community Spaces* shall be assigned to parcels 4689-004-004-0008 and 4027-033-001-0100; and an interim Zoning designation of *Mixed Use* and interim Comprehensive Plan designation of *Commercial Retail-Office* shall be assigned to parcels 4027-035-001-0006, 4689-004-002-0000, 4027-035-003-0004, 4027-035-004-0003, 4027-035-005-0002, 4689-004-001-0001 and 4027-035-002-0005. As long as the interim zoning controls are in effect, all land use and development within the annexed area shall be subject to the City's land use and development regulations in effect for the zoning classifications.

SECTION 4. The Comprehensive Plan and zoning designations for the area to be annexed shall be included in the City's annual Comprehensive Plan amendment process for 2012 review and designation as appropriate.

SECTION 5. 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 2012 and established Comprehensive Plan and zoning designations for the area to be annexed. The interim zoning controls shall expire six months from the date annexation as defined in Section 6 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 Plan and zoning designations for any of the parcels within the area to be annexed, whichever is sooner.

SECTION 6. 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 7. 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.

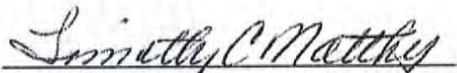
SECTION 8. Following adoption of this ordinance, the City Clerk is hereby directed to file a certified copy of this Ordinance with the Kitsap County Board of Commissioners. The Clerk is further directed to file a certificate of annexation with the State Office of Financial Management as directed by RCW 35.13.260.

SECTION 9. 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.

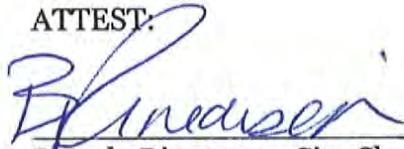
SECTION 10. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 11. 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.

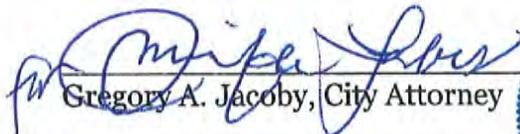
PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the Clerk in authentication of such passage this 24th day of July 2012.


Timothy C. Matthes, Mayor

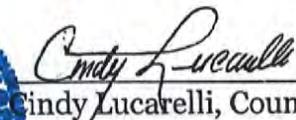
ATTEST:


Brandy Rinearson, City Clerk, CMC

APPROVED AS TO FORM:


Gregory A. Jacoby, City Attorney

Sponsored by:


Cindy Lucarelli, Councilmember



RETSIL ANNEXATION PETITION

EXHIBIT A

Legal Description & Map

All that portion of the Plat of Annapolis, recorded under Volume 1 of Plats, Pages 64 and 65, records of Kitsap County, Washington, lying northeasterly of the southerly right-of-way margin of Bay Street (platted as North Bay Street);

Except those portions already within the City of Port Orchard under Ordinance Nos. 714 and 837;

And all that portion of Bay Street (platted as Front Street) lying northerly of and adjacent to Blocks 8 and 9 and Gaffner Park, Plat of Gaffner's Garden Tracts, recorded under Volume 2 of Plats, Page 61, records of Kitsap County, Washington;

Except those portions of Bay Street previously vacated under Commissioner's Journal Volume 8, Page 53 and Commissioner's Resolutions 322-1977 and 355-1981;

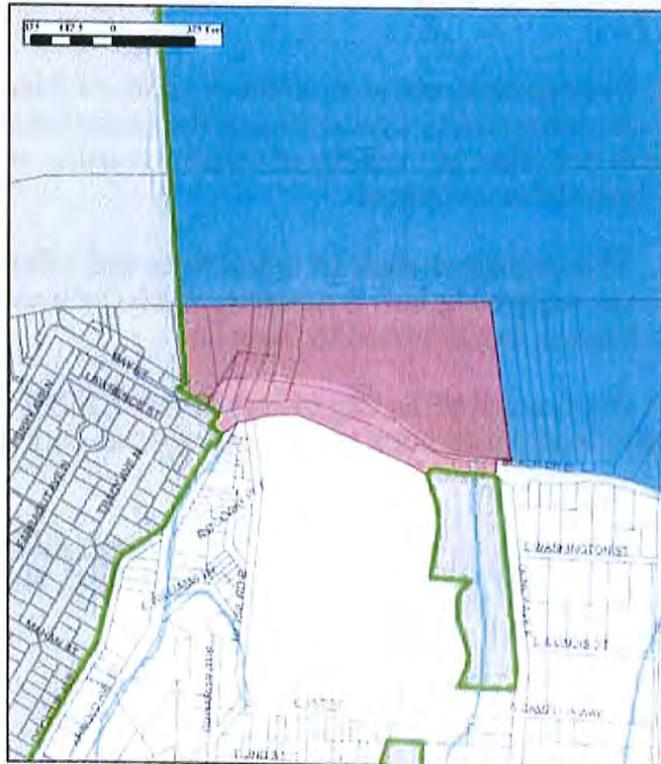
And Block D, Replat of part of Gaffner's Garden Tracts, recorded under Volume 2 of Plats, Page 89, records of Kitsap County, Washington;

Together with that portion of Bay Street (platted as Front Street) lying south of and adjacent to said Block D;

Except those portions of Bay Street previously vacated under Commissioner's Journal Volume 8, Page 53 and Commissioner's Resolutions 322-1977 and 355-1981;

And Except that portion of Bay Street lying north of and adjacent to Olney Avenue;

Together with tidelands and Sinclair Inlet fronting the plat of Annapolis and Block D, Replat of part of Gaffner's Garden Tracts per RCW 35.21.160.6.



**City of Port Orchard:
Retsil Annexation**

- City Boundary
- Retsil Annexation



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 July 24, 2012.

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 2.22 ACRES IN THE VICINITY OF THE INTERSECTION OF BAY STREET AND ARNOLD AVENUE TO JUST EAST OF THE INTERSECTION OF BEACH DRIVE AND OLNEY AVENUE E., 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 INDEBTEDNESS BY THE AREA TO BE ANNEXED, ESTABLISHING INTERIM COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR THE PROPERTY, AND ESTABLISHING AN EFFECTIVE DATE OF THE ANNEXATION

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Copies of Ordinance No. 014-12 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. 014-12 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson
City Clerk

Publish: Port Orchard Independent
August 3, 2012

