

City of Port Orchard

CITY HALL • 216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

Agenda Staff Report

Agenda Item No.	<u>Business Item No. 7F</u>	Meeting Date:	<u>July 23, 2007</u>
Subject:	<u>Adoption of Ordinance No. 021-07 Approving the Annexation Request for Brown, Rice, Krueger, and Waters Properties</u>	Prepared by:	<u>Joanne Long-Woods Planning Director</u>

Summary: William Palmer Consultants, on behalf of property owners Richard Brown, Ronald Rice, Lester & Betty Krueger, and Robert & Kristen Watters, submitted a Petition for Annexation, to annex 33.39 acres, consisting of seven separate parcels contiguous to the City limits. The properties are located southeast of the intersection of Sidney Road SW and SW Sedgwick Road with Highway 16 to the east. They are adjacent to a commercially zoned area and the applicants intend to extend additional commercial uses on these properties.

The City Council held two public hearings on the annexation request on April 23, 2007 and July 23, 2007. The Council voted to approve the annexation request with the simultaneous adoption of the comprehensive plan designation of Commercial and zoning designation of Commercial, Retail and Office. This request is for approval of the Ordinance implementing that annexation.

Motion for consideration: I move to approve the request for annexation submitted by Brown, Rice, Krueger, and Waters; and require the simultaneous adoption of comprehensive plan designations, and the assumption of existing City indebtedness by the area to be annexed into the City of Port Orchard.

Fiscal Impact: None

Alternatives: Accept the annexation as proposed, geographically modify the proposed annexation, or reject the annexation.

Attachments: Ordinance No. 021-07, with exhibits.

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

ORDINANCE NO. 021-07

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 DESIGNATIONS FOR THE PROPERTY. THE PROPERTY IS LOCATED IN SECTIONS 10 AND 11 TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON

ASSESSORS ACCOUNT NUMBERS: 102301-1-008-2006, 112301-2-010-2009, 112301-2-023-2004, 112301-2-024-2003, 112301-2-011-2008, 112301-2-012-2007, 112301-2-013-2006

WHEREAS, The City Council was notified in writing by the owners of over 10% in value of the real property legally described and geographically depicted in Exhibit "A" attached hereto, of the owners' intention to commence annexation proceedings; and

WHEREAS, a meeting was held on the 8th day of January, 2007, 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 comprehensive plan designations, and the assumption of city indebtedness by the area to be annexed upon annexation; 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 over 75% 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

WHEREAS, pursuant to RCW 35.13.177 and 35.13.178, the City Council adopted Ordinance No. 019-06, designating parcel numbers 112301-2-010-2009, 112301-2-023-2004, 112301-2-024-2003, 112301-2-011-2008, 112301-2-012-2007, 112301-2-013-2006 Commercial/Greenbelt on the City of Port Orchard Comprehensive Plan Map to become effective upon annexation; and

WHEREAS, parcel number 102301-1-008-2006 is currently designated Urban High Intensity Commercial/Mixed Use on the Kitsap County Comprehensive Plan Map. The most similarly corresponding designation in the City of Port Orchard Comprehensive Plan is Commercial; and

WHEREAS, pursuant to RCW 35.13.140, a public hearing was held on July 23, 2007, which hearing was duly noticed by the City Clerk 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

**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. 019-06, parcel numbers 112301-2-010-2009, 112301-2-023-2004, 112301-2-024-2003, 112301-2-011-2008, 112301-2-012-2007, 112301-2-013-2006 are hereby designated Commercial/Greenbelt on the City of Port Orchard Comprehensive Plan Land Use Map.

Section 4. As provided in section VI-4 of the City of Port Orchard Comprehensive Plan, parcel number 102301-1-008-2006 is hereby designated Commercial on the City of Port Orchard Comprehensive Plan Land Use Map, which is the most similarly corresponding designation to the County's Comprehensive Plan Designation.

Section 5. Zoning for all properties within the territory annexed shall be determined by site plan specific rezone pursuant to Part 2, Section 11(f) of the City of Port Orchard Planning and Development Procedures when a development proposal for such property is formally submitted. No land use applications shall be accepted by the City for any property within the annexation area until zoning for such property is determined through the site plan specific rezone process.

Section 6. Effective Date of Annexation. This annexation is subject to approval by the Kitsap County Boundary Review Board, and shall not be effective until deemed approved by the Boundary Review Board pursuant to RCW 36.93. The effective date of annexation shall be the date the annexation is approved or deemed approved by the Boundary Review Board.

Section 7. Upon approval by the Boundary Review Board, 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 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 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 23rd day of July 2007.

ATTEST:

Kim Abel, MAYOR

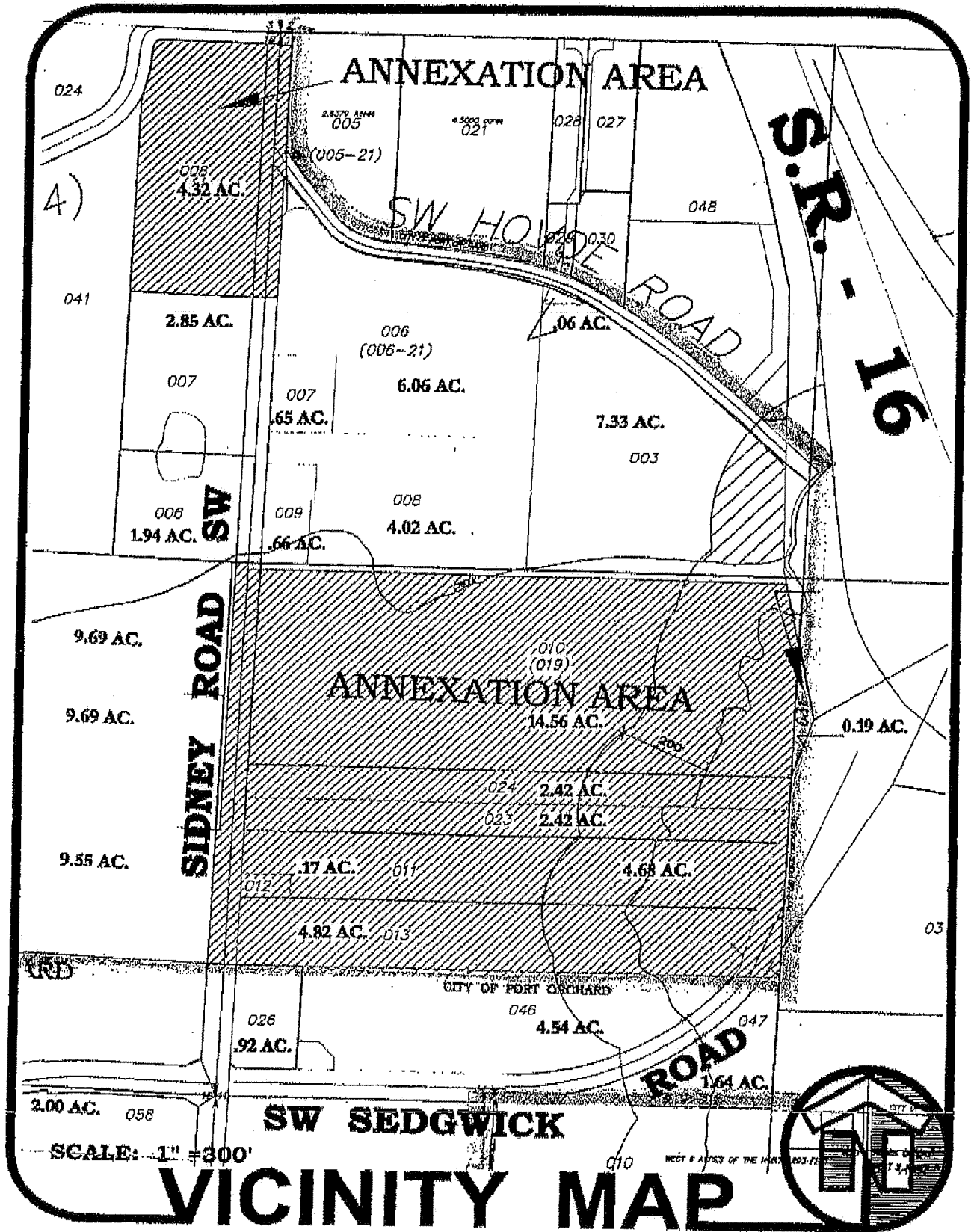
Michelle Merlino, City Clerk

APPROVED AS TO FORM:

Sponsored by:

City Attorney

, Councilmember



VICINITY MAP

EXHIBIT "A"

LEGAL DESCRIPTION FOR SOUTH SIDNEY ANNEXATION:

PARCEL 1

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 10, TOWNSHIP 23 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 10, THENCE SOUTH 660 FEET (40 RODS); THENCE WEST 330 FEET (20 RODS); THENCE NORTH 660 FEET (40 RODS); THENCE EAST 330 FEET (20 RODS) TO THE POINT OF BEGINNING;
EXCEPT THAT PORTION FOR GLENWOOD ROAD; AND
EXCEPT THAT PORTION CONVEYED TO KITSAP COUNTY BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 9210190167;

Parcel 2

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 23 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN IN KITSAP COUNTY, WASHINGTON;
EXCEPT THE SOUTH 10 ACRES THEREOF;

PARCEL 3

ALL THAT PORTION OF SYDNEY ROAD LYING WITHIN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 23 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN IN KITSAP COUNTY, WASHINGTON AND THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 23 NORTH, RANGE 1 EAST, WILLAMETTE MERIDIAN IN KITSAP COUNTY, WASHINGTON;
EXCEPT ANY PORTION THEREOF LYING WITHIN THE CITY LIMITS OF PORT ORCHARD, WASHINGTON.

TAX PARCELS WITHIN ANNEXATION AREA**PARCEL 1 - 102301-1-008-2006**

Robert P. & Kristen A. Watters
2735 SE Mile Hill Drive
Port Orchard, Washington 98366
SITUS ADDRESS: 4801 Glenwood Rd. SW, Pt. Orchard, Wa. 98367
PARCEL SIZE: 4.32 Acres
ASSESSED VALUATION: \$434,180 (2006)

LEGAL DESCRIPTION:

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, SECTION 10, TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 10, THENCE SOUTH 660 FEET (40 RODS); THENCE WEST 330 FEET (20 RODS); THENCE NORTH 660 FEET (40 RODS); THENCE EAST 330 FEET (20 RODS) TO THE POINT OF BEGINNING; AND EXCEPT THAT PORTION FOR GLENWOOD ROAD; AND EXCEPT THAT PORTION CONVEYED TO KITSAP COUNTY BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 9210190167; AND TOGETHER WITH THE RIGHT-OF-WAY OF SIDNEY ROAD ADJACENT TO THE WEST BOUNDARY OF THE ABOVE DESCRIBED PROPERTY.

PARCEL 2 - 112301-2-010-2009

Lester & Betty Krueger
E 14241 Hwy 106
Belfair, Washington 98528
SITUS ADDRESS:
PARCEL SIZE: 14.56 Acres
ASSESSED VALUATION: \$1,350,800 (2006)

LEGAL DESCRIPTION:

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THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 11, TOWNSHIP 23 NORTH, RANGE 01 EAST, W.M., IN KITSAP COUNTY, WASHINGTON; AND EXCEPT THE SOUTH 165 FEET; AND EXCEPT THE RIGHT-OF-WAY OF SIDNEY ROAD; AND EXCEPT THAT PORTION CONVEYED TO STATE OF WASHINGTON BY DEED RECORDED UNDER AUDITOR'S FILE NO. 1149528; AND

PARCEL 3 - 112301-2-023-2004

Lester & Betty Krueger
E 14241 Hwy 106
Belfair, Washington 98528
SITUS ADDRESS:

PARCEL SIZE: 2.42 Acres
ASSESSED VALUATION: \$184,480 (2006)

LEGAL DESCRIPTION:

LOT A OF SHORT PLAT 4098, RECORDED JULY 24, 1986 UNDER AUDITOR'S FILE NUMBER 8607240132, DESCRIBED AS FOLLOWS:
THE SOUTH 82.5 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 11, TOWNSHIP 23 NORTH, RANGE 01 EAST, W.M., IN KITSAP COUNTY, WASHINGTON; AND EXCEPT THE RIGHT-OF-WAY OF SIDNEY ROAD; AND EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER AUDITOR'S FILE NO. 1149528; AND EXCEPT THAT PORTION CONVEYED TO KITSAP COUNTY UNDER AUDITOR'S FILE NO. 9206020331.

PARCEL 4 - 112301-2-024-2003

Lester & Betty Krueger
E 14241 Hwy 106
Belfair, Washington 98528
SITUS ADDRESS:

PARCEL SIZE: 2.42 Acres
ASSESSED VALUATION: \$184,480 (2006)

LEGAL DESCRIPTION:

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LOT B OF SHORT PLAT 4098, RECORDED JULY 24, 1986 UNDER AUDITOR'S FILE NUMBER 8607240132, DESCRIBED AS FOLLOWS:
THE NORTH 82.5 FEET OF THE SOUTH 165 FEET OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 11, TOWNSHIP 23 NORTH, RANGE 01 EAST, W.M., IN KITSAP COUNTY, WASHINGTON;
EXCEPT ROADS; AND
EXCEPT THAT PORTION CONVEYED TO KITSAP COUNTY UNDER AUDITOR'S FILE NO. 9206020331.

PARCEL 5 - 112301-2-011-2008

Ronald G. Rice
369 SW Sedgwick Road
Port Orchard, Washington 98367

SITUS ADDRESS:

PARCEL SIZE: 4.68 Acres
ASSESSED VALUATION: \$365,760 (2006)

LEGAL DESCRIPTION:

THE NORTH FIVE ACRES OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 23 NORTH, RANGE 01 EAST, W.M., IN KITSAP COUNTY, WASHINGTON;
EXCEPT THE SOUTH 60 FEET OF THE WEST 150 FEET THEREOF; AND
ALSO EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1153509; AND
EXCEPT THE RIGHT-OF-WAY OF SIDNEY ROAD ABUTTING THE WEST BOUNDARY OF THE ABOVE DESCRIBED PARCEL.

PARCEL 6 - 112301-2-012-2007

Ronald G. Rice
369 SW Sedgwick Road
Port Orchard, Washington 98367

SITUS ADDRESS: 5367 Sidney Road SW

PARCEL SIZE: 0.17 Acres
ASSESSED VALUATION: \$ 51,130 (2006)

LEGAL DESCRIPTION:

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THE SOUTH 60 FEET OF THE WEST 150 FEET OF THE NORTH FIVE ACRES OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 23 NORTH, RANGE 01 EAST, W.M., IN KITSAP COUNTY WASHINGTON; AND EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1153509; AND EXCEPT THE RIGHT-OF-WAY OF SIDNEY ROAD ADJACENT TO THE WEST BOUNDARY OF THE ABOVE DESCRIBED PROPERTY.

PARCEL 7 - 112301-2-013-2006

RICHARD A. BROWN
P.O. Box 545
Port Orchard, Washington 983667

SITUS ADDRESS:

PARCEL SIZE: 4.82 Acres
ASSESSED VALUATION: \$433,040 (2006)

LEGAL DESCRIPTION:

THE NORTH 5.0 ACRES OF THE SOUTH 15 ACRES OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 23 NORTH, RANGE 01 EAST, W.M., IN KITSAP COUNTY, WASHINGTON; EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES BY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 1153387; AND EXCEPT SIDNEY ROAD N.W. ON THE WEST SIDE THEREOF.

SITUATE IN KITSAP COUNTY, WASHINGTON.

TOTAL ACREAGE IN PARCELS TO BE ANNEXED: 33.39 ACRES
TOTAL ASSESSED VALUATION OF ANNEXATION AREA: \$3,003,870.00