

CITY OF PORT ORCHARD
City Clerk's Office
216 Prospect Street, Port Orchard, WA 98366
(360) 876-4407 • FAX (360) 895-9029

April 7, 2009

Attn: Angie Silva
Kitsap County Board of Commissioners
614 Division Street, MS-4
Port Orchard, WA 98366

Re: Annexation Ordinance No. 004-09

As required by RCW 35.13, enclosed please find a copy of the above Annexation Ordinance, which was recorded on April 7, 2009.

Should you have any questions or require anything further, please feel free to contact our office.

Sincerely,

CITY OF PORT ORCHARD

A handwritten signature in black ink, appearing to read "Patti Kirkpatrick".

Patti Kirkpatrick, CMC
City Clerk/Asst. to the Mayor
Administrative Services Director

Enc: Ordinance No. 004-09

PJK:blr

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

PORT ORCHARD CITY OF 200904070132
Ordinance Rec Fee: \$ 53.00 Page: 1 of 12
04/07/2009 12:28 PM
Walter Washington, Kitsap Co Auditor

Re-record to correct parcel NO.S

PORT ORCHARD CITY OF 200904020070
Ordinance Rec Fee: \$ 53.00 Page: 1 of 12
04/02/2009 01:11 PM
Walter Washington, Kitsap Co Auditor

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

Introduced by: Development Director
Requested by: Development Director
Drafted by: Development Director
First Public Hearing: January 13, 2009
Second Public Hearing: February 10, 2009
Adopted: February 10, 2009

ORDINANCE NO. 004-09

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 64 ACRES IN THE VICINITY OF SEDGWICK ROAD AND BETHEL ROAD, 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: Those portions of the SW ¼ of the SW ¼ of Section 1, the SE ¼ of Section 2, the NE ¼ of Section 11, and the NW ¼ of Section 12, Township 23 North, Range 1 East, W.M., Kitsap County, Washington

ASSESSOR'S ACCOUNT NUMBERS: 012301-3-129-2007, 012301-3-128-2008, 022301-4-006-2002, 022301-4-035-2007, 022301-4-037-2005, 022301-4-039-2003, 022301-4-040-2000, 022301-4-040-2109, 022301-4-041-2009, 022301-4-042-2008, 022301-4-048-2002, 022301-4-055-2002, 022301-4-071-2002, 022301-4-074-2009, 022301-4-087-2004, 022301-4-088-2003, 022301-4-089-2002, 022301-4-094-2005, 022301-4-108-2009, 022301-4-109-2008, 022301-4-110-2005, 022301-4-111-2004, 022301-4-112-2003, 112301-1-018-2003, 112301-1-019-2002, 112301-2-053-2006, 112301-2-063-2004, 112301-2-064-2003, 122301-2-087-2006, 122301-2-088-2005, 122301-2-089-2004, 122301-2-090-2001, 122301-2-091-2000, 122301-2-092-2009, 112301-1-017-2004, 112301-1-016-2005, 112301-1-015-2006, 112301-1-014-2007, 112301-1-013-2008, and 112301-2-093-2008

Should be 122301

should be 122301

should be 122301

should be 122301

WHEREAS, on September 5, 2008 the City Council received a notice of intent to petition for annexation for 40 parcels consisting of approximately 64 acres located in the vicinity of Sedgwick Road and Bethel Road, as legally described in Exhibit "A" 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 October 14, 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 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, a petition to annex to the City of Port Orchard was circulated and on January 9, 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 and geographically depicted in Exhibit "A" to the City of Port Orchard UGA and designated the parcels on the County Comprehensive Plan as Urban High-Intensity Commercial/Mixed Use and zoning of Highway Tourist/Commercial, with the exception of parcel 022301-4-071-2002 which has a Comprehensive Plan and zoning designation of Urban Low 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 35.13.177 and .178, the City Council adopted Ordinance No. 042-08 designating the proposed annexation area Commercial on the City's Comprehensive Plan and Commercial – Retail/Office on the City's zoning map, with the

exception of parcel 022301-4-071-2002 which has a Comprehensive Plan designation of Residential Low Density and a zoning designation of Residential 4.5 (R4.5), 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 022301-4-071-2002 until such time as the Comprehensive Plan amendment process for 2009 is completed and that such interim zoning for this parcel 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 Urban High-Intensity Commercial/Mixed Use designations within the County; and the interim zoning designation of Commercial – Retail/Office is consistent with the uses in the surrounding area.

WHEREAS, the Port Orchard Planning Commission held a public meeting on January 26, 2009 and adopted Resolution 001-09 recommending the proposed annexation area be designated Commercial on the City’s Comprehensive Plan and Commercial – Retail/Office on the City’s zoning map to become effective upon annexation; and

WHEREAS, pursuant to RCW 35.13.140, the City Council held public hearings on January 13, 2009 and February 10, 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 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. As provided in Ordinance No. 042-08, all property within the territory to be annexed, except parcel 022301-4-071-2002, is hereby designated Commercial on the Comprehensive Plan Map and Commercial – Retail/Office on the City of Port Orchard Zoning Map.

SECTION 4. The Comprehensive Plan and Zoning designations for parcel 022301-4-071-2002 shall be included in the City's annual Comprehensive Plan amendment process for 2009 for review and designation as appropriate.

SECTION 5. 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 022301-4-071-2002, 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 Commercial and an interim Zoning designation of Commercial – Retail/Office. As long as the interim zoning controls are in effect, all land use and development within parcel 022301-4-071-2002 shall be subject to the City's land use and development regulations in effect for Commercial – Retail/Office zoning.

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 parcel 022301-4-071-2002. 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 parcel 022301-4-071-2002, whichever is sooner.

SECTION 7. This annexation will become effective April 1, 2009 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 day of the month immediately following 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 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.

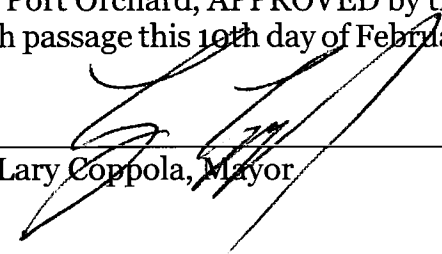
SECTION 9. Following adoption of this ordinance, the City Clerk is hereby directed to file a certified copy of this Ordinance with the Kitsap County Board of Commissioners. The Clerk is further directed to file a certificate of annexation with the State Office of Financial Management as directed by RCW 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.

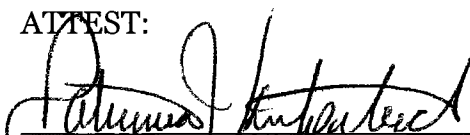
SECTION 12. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

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 10th day of February 2009.




Lary Coppola, Mayor

ATTEST:



Patricia Kirkpatrick, City Clerk

APPROVED AS TO FORM:



Gregory A. Jacoby, City Attorney

Sponsored by:



Rob Putaansuu, Councilmember

Sedgwick/Bethel Annexation

Those portions of the Southwest Quarter of the Southwest Quarter of Section 1, Township 23 North, Range 1 East, W.M., Kitsap County, Washington, described as follows:

Resultant Parcels A and B of Boundary Line Adjustment recorded under Auditor's File No. 200801250070, records of Kitsap County;

AND the South 30 feet of said the Southwest Quarter of the Southwest Quarter; **Except** the East 200 feet;

AND the North 10 feet of the South 40 feet of the West 100 feet of the East 300 feet of said Southwest Quarter of the Southwest Quarter;

AND the North 20 feet of the South 50 feet of said Southwest Quarter of the Southwest Quarter lying westerly of the easterly line of Lot B of Short Plat No. 6253 recorded under Auditor's File No. 9305210259 and filed in Volume 9 of Short Plats, page 140, records of Kitsap County;

AND those portions of the Southeast Quarter of Section 2, Township 23 North, Range 1 East, W.M., Kitsap County, Washington, described as follows:

The South Quarter of the Southeast Quarter of the Southeast Quarter of said Section 2;

EXCEPT that portion of said Southeast Quarter of the Southeast Quarter described as follows:

Commencing at the southeast corner of said Section 2; thence North 1°42'48" East along the east line thereof 30.00 feet to the **POINT OF BEGINNING**; thence continuing North 1°42'48" East along said east line 300.00 feet to the easterly extension of the north line of Lot B of Short Plat No. 5254 recorded under Auditor's File No. 9005010055 and filed in Volume 4 of Short Plats, page 228, records of Kitsap County; thence North 88°56'52" West along said easterly extension and along said north line 264.00 feet to the northwest corner of said Lot B; thence South 1°42'48" West along the west line thereof 140.00 feet to the southwest corner of said Lot B; thence South 88°56'52" East along the south line thereof 219.00 feet to the westerly right-of-way margin of Bethel Road SE per Right-of-Way Deed recorded under Auditor's File No. 9510190071, records of Kitsap County; thence South 1°42'48" West along said westerly right-of-way margin 90.63 feet to the beginning of a curve convex to the southeast having a radius of 55 feet; thence continuing southwesterly along said right-of-way margin and along said curve an arc distance of 85.76 feet through a central angle of 89°20'20"; thence South 1°42'48" West parallel with the east line of said Southeast Quarter of the Southeast Quarter 15.00 feet to the north line of the South 30 feet of said Southeast Quarter of the Southeast Quarter; thence South 88°56'52" East along said north line 99.37 feet to the point of beginning;

AND that portion of the Southwest Quarter of the Southeast Quarter of said Section 2 described as follows:

Beginning at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence West 660 feet; thence North 345 feet; thence East 660 feet; thence South 345 feet to the point of beginning;

AND the South 345 feet of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 2;

EXCEPT the South 30 feet;

ALSO EXCEPT that portion within the City of Port Orchard;

AND Lot B of Short Plat No. 3457 recorded under Auditor's File No. 8402290097, records of Kitsap County;

AND the East 30 feet of the South 110 feet of the North Half of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of said Section 2;

AND the West 30 feet of the South 110 feet of the North Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of said Section 2;

AND Lots A and B of Short Plat No. 3907 recorded under Auditor's File No. 8506170095, records of Kitsap County; **Except** that portion deeded to Kitsap County by Right-of-Way Deed recorded under Auditor's File No. 200710090051, records of Kitsap County;

AND Resultant Parcel RP-A of Boundary Line Adjustment recorded under Auditor's File No. 200405130368, records of Kitsap County;

AND Parcels A,B,C,D,E, and F of Binding Site Plan recorded under Auditor's File No. 200408250298 and filed in Volume 18 of Short Plats, pages 91 thru 94, records of Kitsap County;

AND Resultant Parcel A of Boundary Line Adjustment recorded under Auditor's File No. 950210202, records of Kitsap County;

AND Resultant Parcels A and B of Boundary Line Adjustment recorded under Auditor's File No. 200711160028, records of Kitsap County;

AND those portions of the Northeast Quarter of Section 11, Township 23 North, Range 1 East, W.M., Kitsap County, Washington, described as follows:

The North Quarter of the Northeast Quarter of the Northeast Quarter of said Section 11;

AND the East 30 feet of the North 838 feet of said Northeast Quarter of the Northeast Quarter lying south of the North Quarter of said Northeast Quarter of the Northeast Quarter;

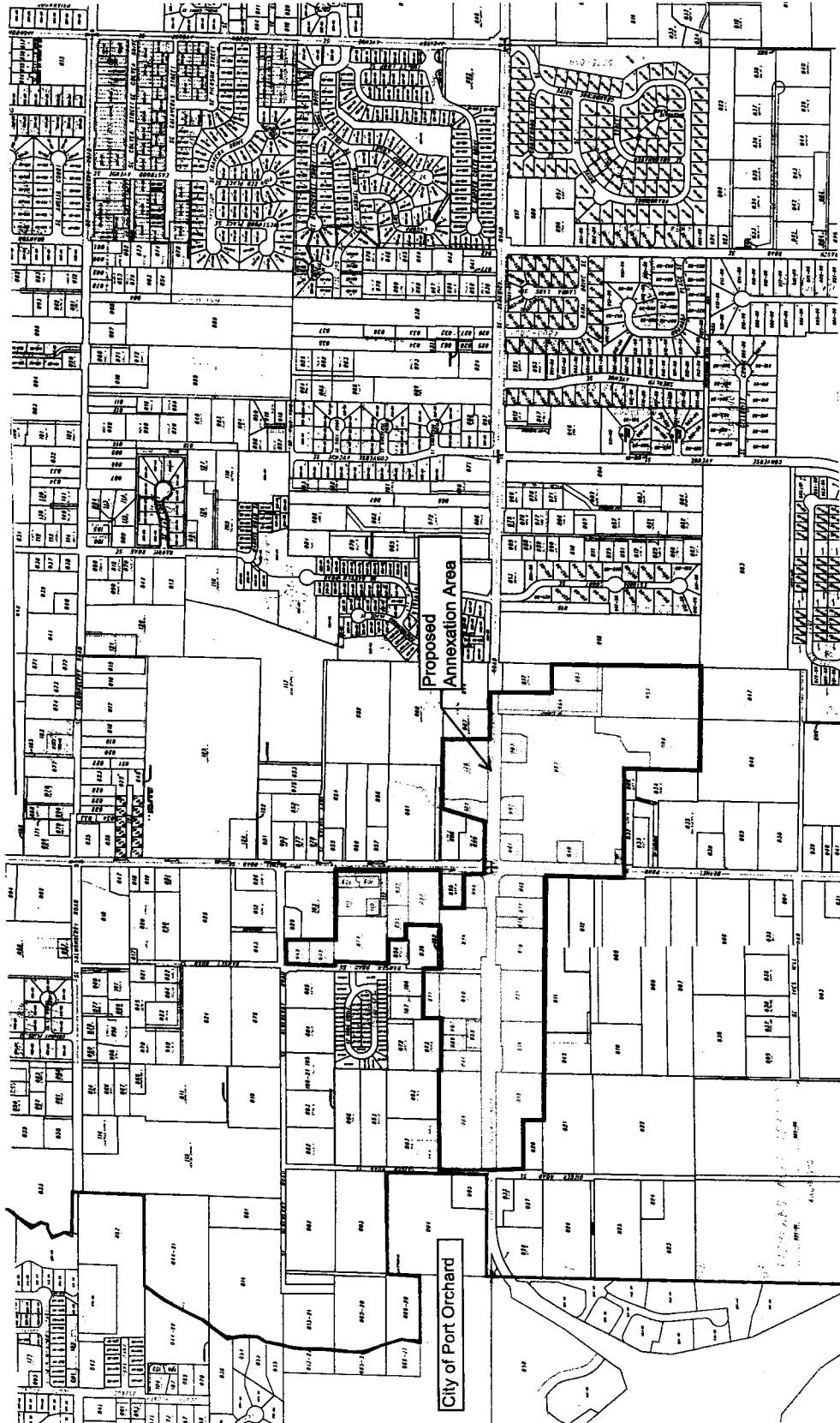
AND that portion of the Northwest Quarter of the Northeast Quarter of said Section 11 described as follows:

Beginning at the northeast corner of said Northwest Quarter of the Northeast Quarter; thence South 325 feet; thence West 643.6 feet; thence North 325 feet; thence East 643.5 feet to the point of beginning; **Except** the West 20 feet for road; **Also Except** the South 125 feet of the West 325 feet of the remainder;

AND that portion of the Northwest Quarter of Section 12, Township 23 North, Range 1 East, W.M., Kitsap County, Washington, described as follows:

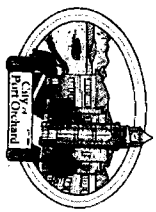
Beginning at the northwest corner of said Section 12; thence South 2°18'00" West along said west line as delineated on Survey recorded under Auditor's File No. 3200203, records of Kitsap County a distance of 838.00 feet; thence South 88°09'00" East 663.12 feet to the west line of the West Half of the East Half of the Northwest Quarter of the Northwest Quarter; thence South 2°10'47" West along said west line 482.99 feet to the southwest corner of said West Half; thence South 88°05'15" East along the south line of the Northwest Quarter of the Northwest Quarter 664.12 feet to the southeast corner of the Northwest Quarter of the Northwest Quarter; thence North 2°03'33" East along said east line 1320.03 feet to the northeast corner of said Northwest Quarter of the Northwest Quarter; thence North 88°04'42" West along the north line of said Northwest Quarter of the Northwest Quarter 1322.71 feet to the point of beginning;

EXCEPT the East 200 feet of the North 365 feet of the East Half of the East Half of said Northwest Quarter of the Northwest Quarter.

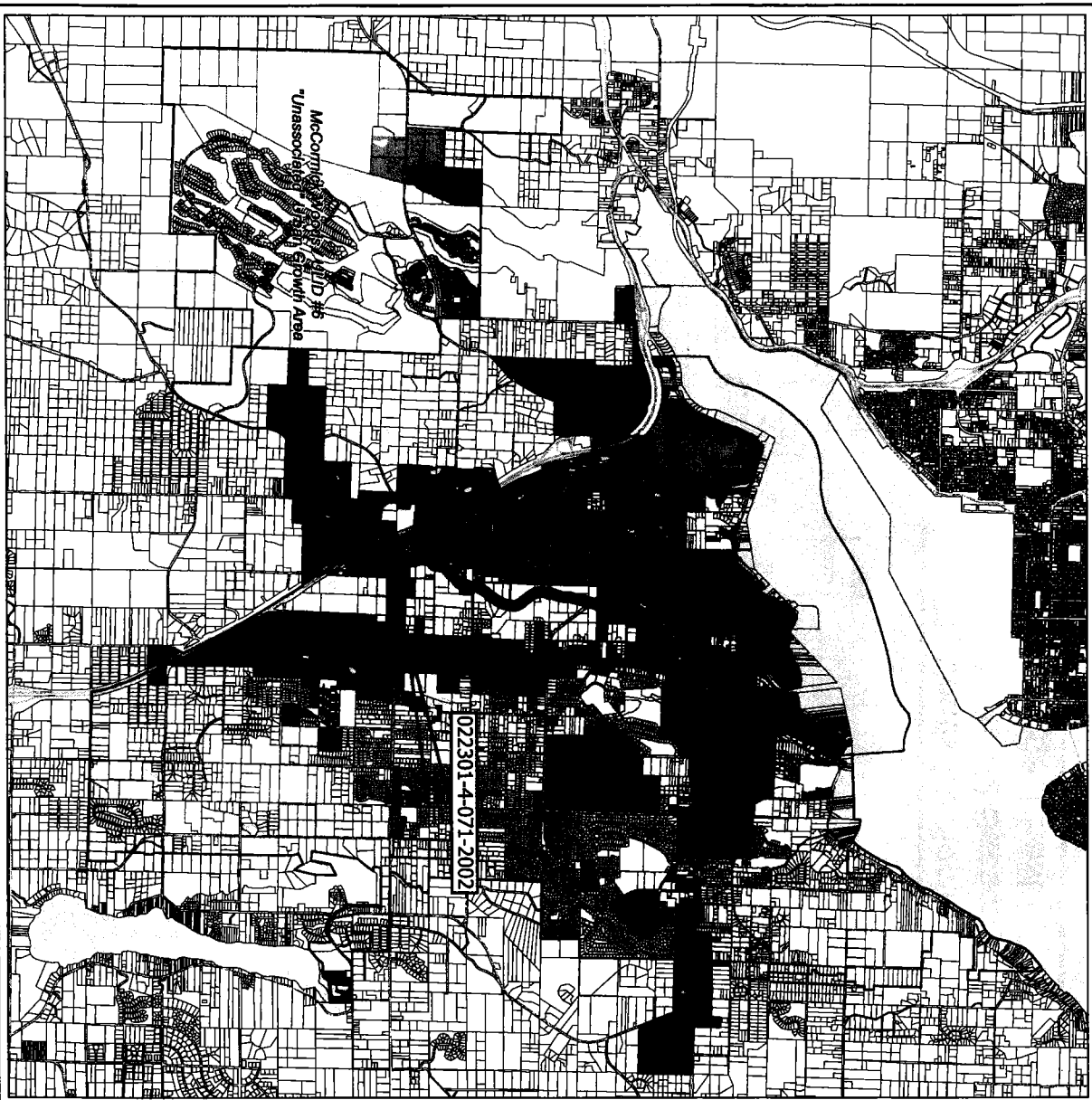


South 1/2 Section 01, South 1/2 Section 2,
North 1/2 Section 11, North 1/2 Section 12
Township 23 N, Range 1 East

**City of Port Orchard:
Future Expansion Areas
Comprehensive Plan**



- Legend**
- City
 - Other USA
 - SRJA USA
 - Real Property Tax Accounts
 - City Comprehensive Plan Designations
 - Greenbelt Including OpenSpace/Conservation
 - Residential: Low Density
 - Residential: Medium Density
 - Residential: High Density
 - Industrial
 - Public and Community Spaces
 - Commercial



McCormick
"Unassisted"
ID #6
Stouff's Area

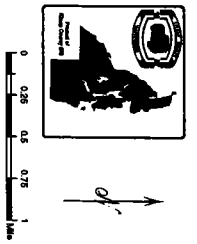
022301-4-071-2002

Map created for City of Port Orchard by:

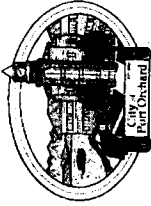
Kitsap County Department of Information Services
 615 Oakland Avenue, Suite 211 Port Orchard, Washington, 98466-4116
 Phone: 360-881-3300 Fax: 360-881-3301
 Website: www.kitsapcounty.com

City of Port Orchard
 Planning and Development Department
 1500 1st Avenue, Port Orchard, WA 98466

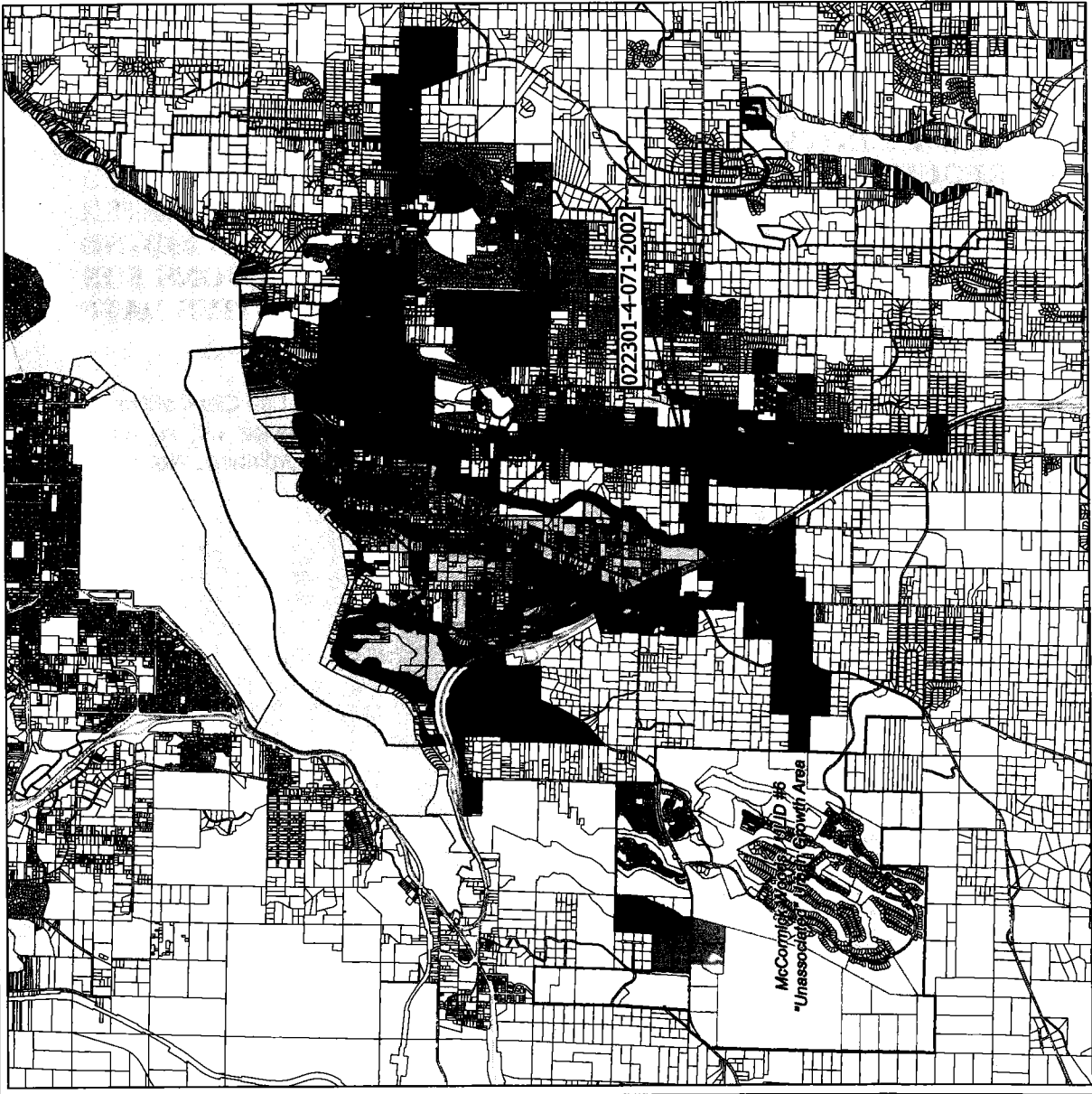
This map was created from existing maps, records, and data files on file. While great care was taken to ensure the accuracy of the map, the City of Port Orchard and the Kitsap County Department of Information Services do not warrant the accuracy of the map. The user of this map and data is responsible for its use and any errors.



**City of Port Orchard:
 Future Expansion Areas Zoning**



- Legend**
- City
 - Other UGA
 - SKIA UGA
 - Real Property Tax Accounts
 - City Zoning Codes**
 - Residential R8.0 Units/Existing Mobile Home Park
 - Residential 4.6 Units/Useable Acre
 - Residential 8.0 Units/Useable Acre
 - Residential 12.0 Units/Useable Acre
 - Residential 20.0 Units/Useable Acre
 - Mixed Use District
 - Commercial - Retail/Office
 - Employment - Industrial/Office
 - Business/Professional
 - Community Facilities
 - Greenbelt including OpenSpace/Conservation



Map created for City of Port Orchard by:
 Kitsap County Department of Information Services
 411 Alaskan Drive, 3rd Fl. Port Orchard, Washington, 98147
 Phone: 360-881-2200 Fax: 360-881-2205
 www.kitsapwa.gov

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 *This map is NOT A SUBSTITUTE FOR FIELD SURVEY!

City of Port Orchard
 Planning and Zoning
 411 Alaskan Drive, 3rd Floor
 Port Orchard, WA 98147
 Map Date: 1/28/2009

**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 February 10, 2009.

ORDINANCE NO. 004-09

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, ANNEXING CERTAIN REAL PROPERTY TO THE CITY CONSISTING OF APPROXIMATELY 64 ACRES IN THE VICINITY OF SEDGWICK ROAD AND BETHEL ROAD, 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. 004-09 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. 004-09 will be provided at a nominal charge.

City of Port Orchard

Patti Kirkpatrick
City Clerk

Publish: Port Orchard Independent
February 20, 2009