

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 7A</u>	Meeting Date:	<u>August 13, 2007</u>
Subject:	<u>Adoption of Ordinance No. 024-07 Approving the Annexation Request for Walden, Tanner & Lingerfeldt Properties</u>	Prepared by:	<u>Joanne Long-Woods Planning Director</u>

Summary: David R. Walden, Russell W. Tanner, and Mary Lingerfeldt have submitted a joint Petition for Annexation, to annex six parcels totaling approximately 115.89 acres contiguous to the City limits. The parcels are located west and south of the intersection of Sidney and Sedgwick Roads (SR-160). The applicants intend to develop the property into both medium density residential and possibly mixed uses in the future through site specific rezones, and a Planned Residential Development/Preliminary Plat for the residential development.

The applicants are requesting that the Tanner/Walden property be designated High Density Residential and the Lingerfeldt properties be designated Medium Density Residential in the City Comprehensive Plan. Zoning will be determined through a site-specific rezone application at a future date.

The Kitsap County Boundary Review Board reviewed the annexation request and voted to approve the request at a regularly scheduled meeting of the BRB on July 12, 2007.

The City Council held a public hearing on August 13, 2007 on the annexation request and voted to approve the annexation request with the simultaneous adoption of the comprehensive plan designation of Medium Density Residential for the Lingerfeldt properties and High Density Residential for the Walden/Tanner parcel. This request is for approval of the Ordinance implementing that annexation.

Recommendation: Approve the ordinance as submitted, and require the simultaneous adoption of comprehensive plan designations, and the assumption of existing City indebtedness by the area to be annexed.

Motion for consideration: I move to approve Ordinance 024-07 for the petition for annexation of approximately 115.89 acres owned by Walden, Tanner, and Lingerfeldt and require the simultaneous adoption of comprehensive plan designations, and the assumption of existing City indebtedness by the area to be annexed.

Attachments: Ordinance No. 024-07, with exhibits.

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

ORDINANCE NO. 024-07

AN ORDINANCE 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 SECTION 10 TOWNSHIP 23 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON

ASSESSORS ACCOUNT NUMBERS: 1023-014-047-2003, 1023-013-007-2003, 1023-013-001-2009, 1023-013-011-2007, 1023-014-001-2007

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 22nd day of January, 2007, 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 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 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 annexation was deemed approved by the Board on August 5, 2007, pursuant to RCW 36.93.100(4); and

WHEREAS, parcel number 1023-014-047-2003 is currently designated Urban High Intensity Commercial/Mixed Use and parcel numbers 1023-013-007-2003, 1023-013-001-2009,

1023-013-011-2007, 1023-014-001-2007 are currently designated Urban Low-Density Residential on the Kitsap County Comprehensive Plan Map, and;

WHEREAS, the most similarly corresponding designation in the City of Port Orchard Comprehensive Plan for parcel number 1023-014-047-2003 is High Density Residential, and the most similarly corresponding designation in the City of Port Orchard Comprehensive Plan for parcel numbers 1023-013-007-2003, 1023-013-001-2009, 1023-013-011-2007, 1023-014-001-2007 is Medium Density Residential, and;

WHEREAS, pursuant to RCW 35.13.140, a public hearing was held on August 13, 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 section VI-4 of the City of Port Orchard Comprehensive Plan, parcel number 1023-014-047-2003 is hereby designated High Density Residential, and parcel numbers 1023-013-007-2003, 1023-013-001-2009, 1023-013-011-2007, 1023-014-001-2007 are hereby designated Medium Density Residential on the City of Port Orchard Comprehensive Plan Map, which are the most similarly corresponding designations to the County's Comprehensive Plan Designations. 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 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. 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 6. Effective Date of Annexation. 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 13th day of August 2007.

Kim Abel, MAYOR

ATTEST:

Michelle Merlino, City Clerk

APPROVED AS TO FORM:

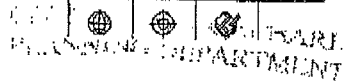
Sponsored by:

City Attorney

Fred Chang, Councilmember



CONSULTING ENGINEERS, LLC



Job No. 191-085-007-0001
Stetson Trust
June 18, 2007

EXHIBIT A

LEGAL DESCRIPTION FOR ANNEXATION TO THE CITY OF PORT ORCHARD

Parcel 1: (Tax Parcel No. 1023 014 047 2003)

That portion of the northwest quarter of the southeast quarter of Section 10, Township 23 North, Range 1 East, W.M., lying northeasterly of Old Glenwood Road AND northeasterly of the New Extension of Glenwood Road per Auditor's File No. 9103050137 AND lying northwesterly of Sedgwick Road;

Parcel 2: (Tax Parcel No. 1023 013 007 2003)

The south half of the northwest quarter of the southwest quarter of Section 10, Township 23 North, Range 1 East, W.M.;

Parcel 3: (Tax Parcel No. 1023 013 001 2009)

The northeast quarter of the southwest quarter of Section 10, Township 23 North, Range 1 East, W.M.;

Parcel 4: (Tax Parcel No. 1023 013 011 2007)

The north half of the of the southeast quarter of the southwest quarter AND that portion of the north half of the of the southwest quarter of the southeast quarter of Section 10, Township 23 North, Range 1 East, W.M., lying northwesterly of Glenwood Road;

23915 1st Way South Suite 200 Federal Way, WA 98003	Tel (206) 838 6113 Fax (206) 830 7104 Toll Free (800) 345 5694	Bothell (425) 415 6144 www.edmcivil.com	Civil Engineering Project Management Land Surveying	Land Planning Public Works
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CITY OF PORT ORCHARD
PLANNING DEPARTMENT

Parcel 5: (Tax Parcel No. 1023 014 001 2007)

That portion of the northwest quarter of the southeast quarter of Section 10, Township 23 North, Range 1 East, W.M., lying westerly of territorial Glenwood Road;

TOGETHER WITH that portion of vacated Glenwood Road per final order of vacation recorded under Kitsap County Auditor's File No. 3019443 that would attach per operation of law;

Parcel 6.

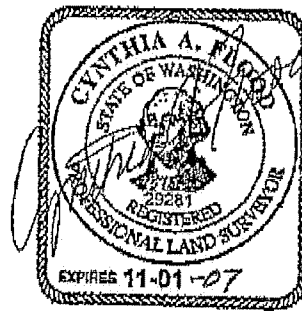
Old Glenwood Road AND that portion of the New Extension of Glenwood Road per Auditor's File No. 9103060137 lying northwesterly of Sedgwick Road AND lying southerly of the north line of the southeast quarter of Section 10, Township 23 North, Range 1 East, W.M.

All situate in Kitsap County, Washington.

See attached Exhibit "A-1".

Written by: C.A.F.
Checked by: F.D.

Esm@engrteam-jobs\19110551007\document\legal-001.doc



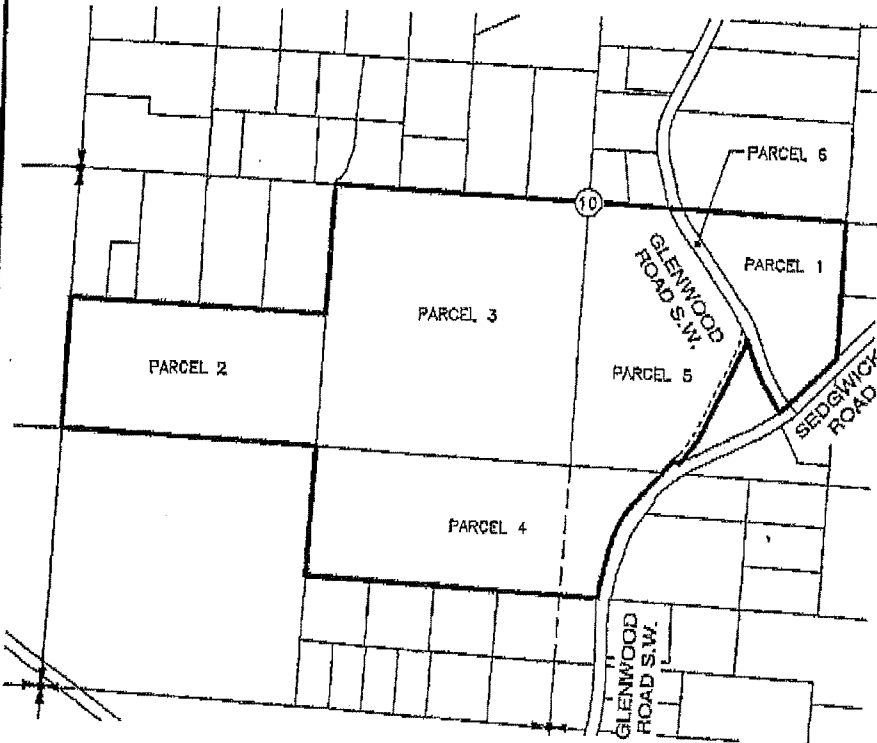
06/18/2007

EXHIBIT A-1

TO ACCOMPANY LEGAL DESCRIPTION FOR
ANNEXATION TO THE CITY OF PORT ORCHARD
A PORTION OF SECTION 10, T. 19 N., R. 1 E., W.M.,
KITSAP COUNTY, WASHINGTON



SCALE : 1" = 700'



ESM CONSULTING ENGINEERS, LLC

63618 1st Way S, #200
Federal Way, WA 98003

www.esmcivil.com

Civil Engineering
Public Works

Land Surveying
Project Management

Land Planning
Landscape Architecture

FEDERAL WAY OFFICE (206) 834-0113 (425) 815-8144

JOB NO. 191-085-007-0001
DRAWING NAME : SR-01
DATE : 06-17-2007
DRAWN : C.A.F.
SHEET 1 OF 1