ORDINANCE NO. 5053

AN ORDINANCE of the City Council of the City of Bremerton, Washington, approving the annexation of certain contiguous lands comprising approximately 150 acres in the South Kitsap Industrial Area (SKIA) Urban Growth Area (UGA) known as the SKIA North annexation; requiring the assumption of all of the City's existing indebtedness by the area to be annexed; adopting interim zoning controls of Industrial zoning for the area to be annexed; establishing an effective date of the annexation; and designating a Council District for the annexed area.

WHEREAS, on April 22, 2008, the City received a ten percent (10%) petition for annexation of territory to the City of Bremerton from McCormick Land Co. and Alpine Evergreen Co., Inc.; and

WHEREAS, the initiating parties are the owners of one hundred percent (100%) of the property according to the assessed valuation for which annexation is petitioned, which is well in excess of the ten percent (10%) in value of the property required to initiate an annexation into the City of Bremerton; and

WHEREAS, the proposed area for annexation is located within an Urban Growth Area (UGA); and

WHEREAS, on June 16, 2008, the City Council met with the initiating parties to consider the petition at which time the City Council 1) accepted the petition as presented with geographic modification to the area proposed to be annexed by the addition of that portion of State Route 3 adjacent to the proposed annexation area, 2) required the assumption of all existing City indebtedness by the area to be annexed, and 3) authorized the circulation of a seventy-five percent (75%) annexation petition as required by law to proceed with the proposed annexation.

WHEREAS, on June 18, 2008, the City received a seventy-five percent (75%) annexation petition for annexation of SKIA North to the City of Bremerton from the owners of one hundred percent (100%) of the property, excluding public rights-of-way, according to the assessed valuation for which annexation is petitioned; and

WHEREAS, the area proposed for annexation is legally described in Exhibit A attached hereto and incorporated herein by this reference, and as further identified in the map attached as Exhibit B incorporated herein by this reference; and

WHEREAS, the City does not have comprehensive plan and zoning designations for the area proposed to be annexed; and

WHEREAS, comprehensive plan and zoning designations for the SKIA UGA is currently scheduled for the City's annual comprehensive plan amendment process for 2008; and

WHEREAS, the City Council believes that it is necessary to adopt interim zoning controls for part of the annexation area pursuant to RCW 35.63.200 until such time as the comprehensive plan amendment process is completed; and

WHEREAS, pursuant to RCW 35.13.1822 residents and property owners in the area proposed for annexation have been afforded an opportunity to be heard during a public hearing on July 30, 2008 at the regular City Council meeting, and all statutory notice requirements for said hearing including publish in a newspaper of local circulation have been provided; and

WHEREAS, on June 20, 2008, the City of Bremerton filed a copy of the seventy-five percent (75%) annexation petition with the Kitsap County Assessor's Office requesting sufficiency review and on June 27, 2008, the City received a Certificate of Sufficiency affirming consent of properties totaling more than seventy-five percent (75%) of assessed property valuation; and

WHEREAS, the City of Bremerton will file a Notice of Intent to Annex document with the Kitsap County Boundary Review Board (BRB) and official BRB filing date is pending, and the annexation may not be effective before the Boundary Review Board statutory review period has expired; and

WHEREAS, City of Bremerton has prepared an analysis of the costs and benefits and the anticipated fiscal impacts to the City of annexing the SKIA UGA; and

WHEREAS, City Council seeks to annex territories that contribute to the overall economic and social health and well being of the City and lead to an orderly and logical pattern of development; and

WHEREAS, City Council finds that it is in the best interest of the City to approve the proposed annexation as presented, require the simultaneous adoption of the comprehensive plan for the area proposed to be annexed as set forth in this ordinance 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 BREMERTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. There shall be annexed to the City of Bremerton, Washington, certain property situated in Kitsap County, Washington, commonly known as SKIA North which is legally described in Exhibit A attached hereto and incorporated herein by this reference, and as further identified in the map attached as Exhibit B incorporated herein by this reference.

SECTION 2. The property hereby annexed shall assume and be subject to its proportionate share of the City's existing indebtedness and shall be assessed and taxed at the same rate and on the same basis that other property with in the City of Bremerton is assessed and taxed to pay for any outstanding general indebtedness of the City, if that indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at the effective date of this annexation.

SECTION 3. The comprehensive plan and zoning designations for the SKIA UGA shall be included in the City's annual comprehensive plan amendment process for 2008 for review and designation as appropriate.

SECTION 4. Pursuant to RCW 35.63.200, there is hereby adopted interim zoning controls of Industrial zoning as shown in Exhibit C, incorporated herein by this reference. As long as the interim zoning controls are in effect, all use and development shall be subject to the City's land use and development regulations in effect for Industrial zoning pursuant to Chapter 20.94 BMC. Based on the findings of fact set forth in the above recitals, the City Council hereby determines that it is necessary to adopt interim zoning controls for part of the annexation area.

SECTION 5. The interim zoning controls will expire six months from the effective date of 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 land use designations for the SKIA UGA, which ever is sooner.

SECTION 6. This annexation will become effective October 1, 2008 or if Boundary Review Board jurisdiction is invoked, on the first day of the of the full month immediately following the expiration of the Boundary Review Board's review, whichever is later, and on that date, the annexation area shall become a part of the City of Bremerton, subject to all the laws and ordinance of the City except as otherwise provided by law.

SECTION 7. Pursuant to RCW 35.13.260 within thirty (30) days from the effective date of this annexation as provided by law, the City Department of Community Development (DCD) of the City of Bremerton shall, under the direction of the Mayor of the City of Bremerton, determine the resident population of the annexed territory, which population determination shall consist of an actual enumeration of the population that shall be made in accordance with he practices and policies and subject to approval of the State of Washington's Office of Financial Management and which population shall be determined as of the effective

date of this annexation as specified in this ordinance. DCD shall prepare a certificate signed by the Mayor and attested by the City Clerk in such form and containing such information as shall be prescribed by the State Office of Financial Management and the City Clerk shall thereafter submit that certificate in triplicate to the Office of Financial Management together with the population determination of the annexed territory.

SECTION 8. Upon passage of this annexation ordinance, the City Clerk of the City of Bremerton, pursuant to RCW 35.13.150, shall send to the Office of the Clerk of the Kitsap County Board of Commissioners a certified copy of this ordinance.

SECTION 9. City Council District. Upon the effective date of annexation, the property annexed by this ordinance shall be assigned to Bremerton City Council District 8.

SECTION 10. *Severability.* If any one or more sections, subsections, or sentences of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect.

SECTION 11. *Effective Date.* This Ordinance shall take effect and be in force 10 days after the date of publication.

PASSED by the City Council of the City of Bremerton, Washington this 30th day of July, 2008.

WILL MAUPIN, Council President

Approved this 31st day of July, 2008.

CARY BOZEMAN, Mayor

APPROVED AS TO FORM:

ROGER A. LUBOVICH, City Attorney

ATTEST:

CAROL ETGEN, City Clerk

PUBLISHED the 4th day of August, 2008
EFFECTIVE the 14th day of August, 2008
ORDINANCE NO. 5053

R:\Legal\Legal\Files\Current Active Files\SKIA\Annexation Ordinance-SKIA North.doc

EXHIBIT A

LEGAL DESCRIPTION
OF TERRITORY PROPOSED FOR ANNEXATION
TO THE CITY OF BREMERTON
(SKIA NORTH)

The northeast and northwest quarter of the northeast quarter of Section 12, Township 23 North, Range 1 West, Willamette Meridian, situate in Kitsap County, Washington.

Together with that portion of the southeast quarter of Section 1, Township 23 North, Range 1 West, Willamette Meridian, situate in Kitsap County, Washington more particularly described as follows:

Beginning at the southeast corner of said Section 1, also being the True Point of Beginning; thence westerly along the south line of said Section N 84°51'41" W 1976.03 feet to its intersection with a line delineated by survey in Volume 8, of the book of surveys, Page 125, records of Kitsap County, Washington; thence N 43°58'23" W along said line to its intersection with the easterly right of way for SR 3; thence generally northeasterly along said right of way line to its intersection with the east line of the northwest quarter of the southeast quarter of said section; thence southerly along said east line to the center of the southeast quarter of said section; thence along the north line of the southeast quarter of the southeast quarter of said section, S 85°48'24" E to a point 732.73 feet west of the northeast corner of said southeast quarter of the southeast quarter; thence S 8°11'30" E 110.79 feet; thence S 36°15'46" E 94.25 feet; thence S 25°16'38" E 106.42 feet; thence S 60°39'06" E 73.25 feet; thence S 24°59'37" E 101.49 feet; thence S 59°32'22" E 64.82 feet; thence S 41°19'10" E 49.91 feet; thence S 14°02'30" E 49.04 feet; thence S 22°17'19" W 285.52 feet; thence S 61°06'30" E 108.47 feet; thence S 84°41'14" E 71.12 feet; thence N 67°27'10" E 79.96 feet; thence S 84°54'57" E 51.37 feet; thence S 57°48'37" E 47.01 feet; thence N 87°59'38" E 130.06 feet; thence S 47°51'41" E 62.14 feet to a point on the east line of said Section 1; thence southerly along said east line to the True Point of Beginning. Together with that portion of SR3 adjacent to and abutting the above described property.

EXHIBIT B

PARCEL MAP
OF TERRITORY PROPOSED FOR ANNEXATION
TO THE CITY OF BREMERTON
(SKIA NORTH)

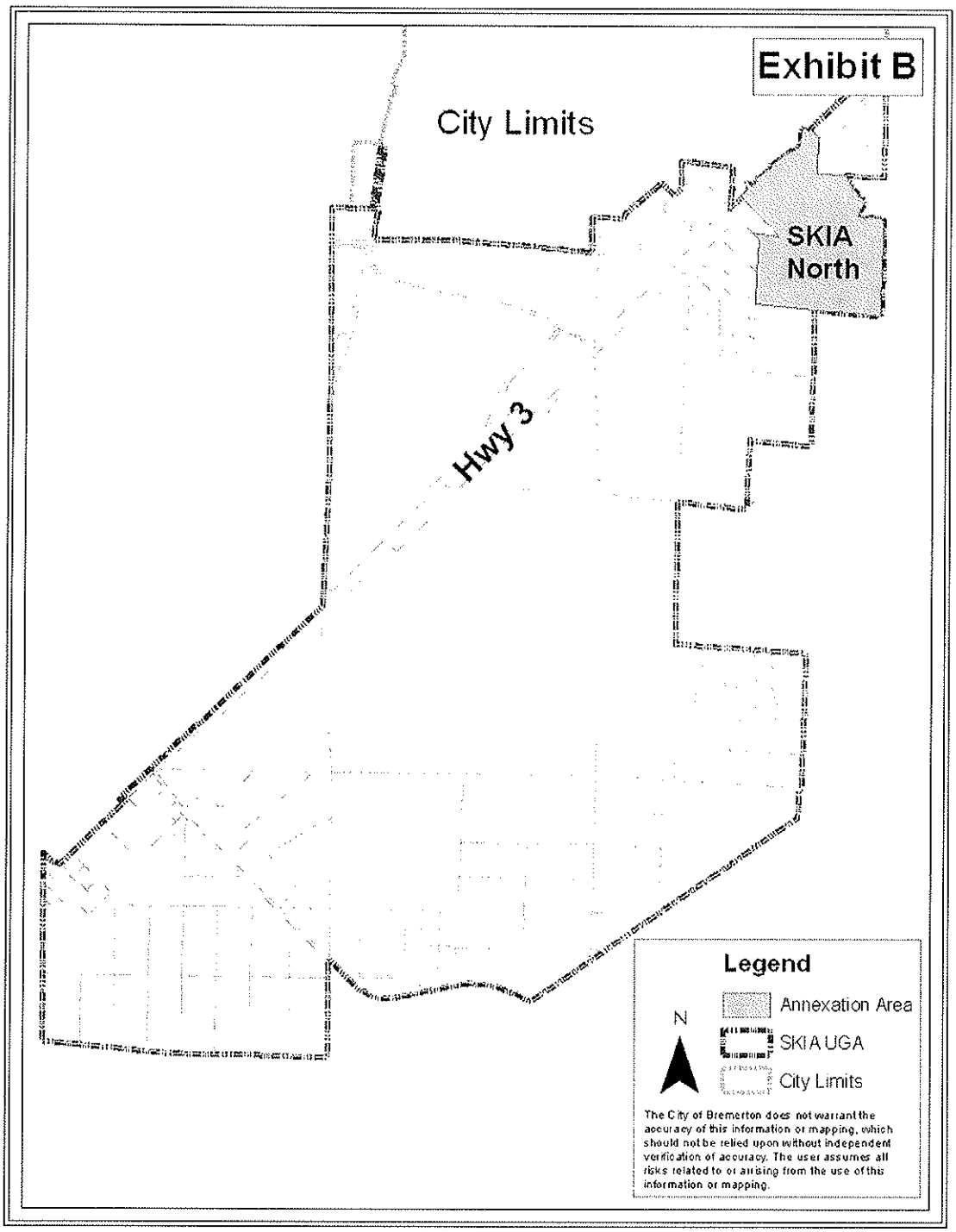
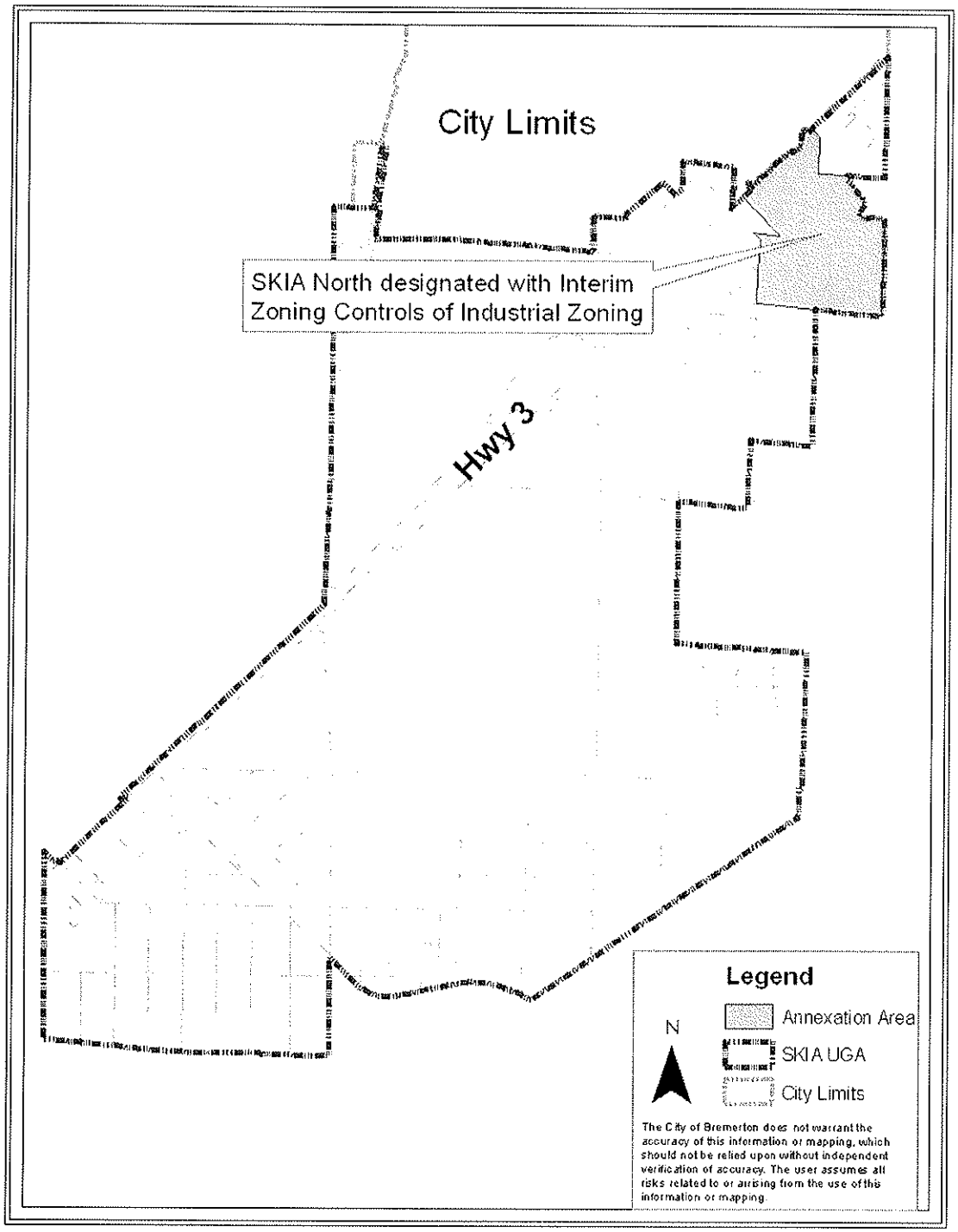


EXHIBIT C

ZONING MAP
INTERIM ZONING CONTROLS OF
INDUSTRIAL ZONING
(SKIA NORTH)