ORDINANCE NO. 5057

AN ORDINANCE of the City Council of the City of Bremerton, Washington, approving the annexation of certain contiguous lands comprising of approximately 3,190 acres in the South Kitsap Industrial Area (SKIA) Urban Growth Area (UGA) known as the SKIA South 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 petition for annexation of territory to the City Bremerton from Overton & Associates Holdings, LP, the Port of Bremerton, McCormick Land Co., Alpine Evergreen Co., Inc., North Mason Holdings, LP, North Bay Properties Holdings, LP, Coulter Creek Holdings, LP, and Southwest Kitsap Holdings, LP; 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 a portion of Lake Flora Road adjacent to the proposed annexation area and approximately eighty (80) acres of property owned by Paul and Mary Schmidt, 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 August 20, 2008, the City received a seventy-five percent (75%) annexation petition for annexation of SKIA South 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 35.13.140, residents and property owners in the area proposed for annexation and other interested persons have been afforded an opportunity to be heard during a public hearing held before the City Council on September 3, 2008, and all statutory notice requirements for said hearing, including publish in a newspaper of local circulation, have been provided; and

WHEREAS, on August 21, 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 August 22, 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, 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 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 South legally described in Exhibit A attached hereto and incorporated herein by this reference, and as further identified in the map attached as Exhibit B attached hereto and 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. 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 the annexation area. Pursuant to RCW 35.63.200, there is hereby adopted interim zoning controls of Industrial zoning as shown in Exhibit C, attached hereto and incorporated herein by this reference. As long as the interim zoning controls are in effect, all land use and development in the annexation area shall be subject to the City's land use and development regulations in effect for Industrial zoning pursuant to Chapter 20.94 BMC.

SECTION 5. The interim zoning controls will take effect upon annexation in the unless the City has, prior to annexation, completed its annual comprehensive plan amendment process for 2008 and established comprehensive plan and zoning designations for the SKIA UGA. 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 December 1, 2008 if Boundary Review Board jurisdiction is not invoked. If Boundary Review Board jurisdiction is invoked pursuant to RCW 36.93.100(4), then this annexation will become effective on the first day of the second month immediately following the expiration of the Boundary Review Board's review.

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 the 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. Pursuant to RCW 35.13.270, the DCD 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 days before the effective date of the annexation. DCD shall also provide such notification to the fire district and library district, as appropriate, simultaneously when notice of the proposed annexation is provided by the City to the Kitsap County Boundary Review Board pursuant to RCW 36.93.090.

SECTION 9. Following 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 10. Following passage of this annexation ordinance, the City of Bremerton will file a Notice of Intent to Annex with the Kitsap County Boundary Review Board pursuant to RCW 36.93.090.

SECTION 11. 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 12. Legal Descriptions. In the event of a conflict in the description of the area proposed for annexation as legally described in Exhibit A and that as identified in the map attached as Exhibit B, Exhibit A shall govern as the area to be annexed into the City. Exhibit B is attached hereto for illustrative purposes. Staff is authorized to make minor technical corrections as necessary to the descriptions set forth in Exhibit A and Exhibit B due to incorrect data identified during Kitsap County review of the annexation petition.

SECTION 13. *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 14. *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 3rd day of September, 2008.

WILL MAUPIN, Council President

Approved this 9th day of September, 2008.

CARY BOZEMAN, Mayor

APPROVED AS TO FORM:

ROGER A. LUBOVICH, City Attorney

ATTEST:

CAROL ETGEN, City Clerk

PUBLISHED the 8th day of September, 2008
EFFECTIVE the 18th day of September, 2008
ORDINANCE NO. 5057

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EXHIBIT A

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

That portion of Sections 11, 12, 13, 14, 15, 22, 23 and 24, Township 23 North, Range 1 West, Willamette Meridian, situate in Kitsap County, Washington more particularly described as follows:

Beginning at the northwest corner of said Section 11; thence southerly along the west line of said Section 11 to the south line of the north quarter of the north half of said Section 11, also being the True Point of Beginning; thence continuing southerly along the west line of said Section 11 and Section 14 to the west quarter corner between said Section 14 and 15; thence westerly along the north line of the southeast quarter of said Section 15 to its intersection with the easterly right of way of SR 3 (formerly PSH 14); thence southwesterly along said right of way to its intersection with the westerly line of said Section 22; thence southerly along said westerly line to the southwest corner of said Section 22; thence easterly along the south line of said section to the southeast corner; thence northerly along the east line of said Section 22 to its intersection with the north right of way line of Lake Flora Road; thence generally southerly and easterly along said north line to its intersection with the west line of the east half of the southwest quarter of said Section 23; thence northerly along said west line to the northwest corner of the said east half; thence easterly along the north line of said east half to the northeast corner; thence southerly along the east line of said east half to its intersection with the said north right of way line of Lake Flora Road; thence continuing generally easterly along said north right of way line to its intersection with the northwesterly line of the Bonneville Power Administration (BPA) transmission line easement as recorded under Auditor's File No. 368223, records of Kitsap County, Washington; thence northeasterly along said northwesterly line to its intersection with the east line of the northwest quarter of the northeast quarter of said Section 24; thence northerly along said east line to its intersection with the south line of said Section 13; thence continuing northerly along the west line of the east quarter of said Section 13 to its intersection with the south line of the north half of said Section 13; thence westerly along said south line to its intersection with the east line of the west quarter of said Section 13; thence northerly along said east line to the south line of said Section 12; thence easterly along said south line to its intersection with the westerly right of way line of Old Clifton Road; thence northerly along said westerly right of way as defined in Boundary Line Adjustment recorded under Auditor's File No. 200509130253, records of Kitsap County, Washington, N 42°44'53" E 204.94 feet; thence leaving said westerly right of way N 73°05'04" W 187.69 to the east line of the southeast quarter of the southwest quarter of said Section 12; thence northerly along said east line to the southwest corner of the northwest quarter of the southeast quarter of said Section 12; thence easterly along the south line of said northwest quarter to the southeast corner; thence northerly along the east line of said northwest quarter N 1°28'48" E 60.14 feet; thence N 84°33"02 W

12.15 feet; thence N 14°07'21" W 134.61 feet; thence N 0°47'48" E 427.73 feet; thence N 30°51'32" E 108.90 feet to the said east line of the northwest quarter; thence northerly along said east line to its intersection with the south line of the north half of said Section 12; thence westerly along said south line to its intersection with the east line of the west quarter of said Section 12; thence northerly along said east line to the northwest corner of the southeast quarter of the northwest quarter of said Section 12; thence easterly along the north line of said southeast quarter to its intersection with the northeasterly line of the property conveyed to H.H. Lake under deed recorded by Auditor's File No. 399001, records of Kitsap County, Washington; thence northwesterly along said northeasterly line to its intersection with the said easterly right of way line for SR 3; thence northwesterly to the intersection of the south line of the north half of the northwest quarter of the northwest quarter of said Section 12 and the westerly right of way line for SR 3; thence westerly along said south line to the west line of said Section 12; thence continuing westerly along the said south line of the north quarter of the north half of said Section 11 to the True Point of Beginning;

Except for that portion of said Section 22 lying southwesterly of the southerly right of way line of Lake Flora Road described as follows:

Beginning at a point on the north line of the northeast quarter of the northwest quarter of said Section 22, which said line is intersected by the centerline of SR 3; thence southwesterly along said centerline 200 feet to the True Point of Beginning; thence southeasterly and at right angles to said centerline 1010 feet; thence southwesterly and parallel to said centerline, 1400 feet; thence northwesterly in a straight line 1010 feet to a point on the said centerline of SR 3 being 1400 feet southwesterly of the True Point of Beginning; thence northeasterly along said centerline to the True Point of Beginning;

Except for that portion of said Section 22 described as follows:

Beginning at a point on the north line of the northeast quarter of the northwest quarter of said Section 22, which said line is intersected by the centerline of SR 3; thence southwesterly along said centerline 2400 feet to the True Point of Beginning; thence southeasterly and at right angles to said centerline 1010 feet; thence southwesterly and parallel to said centerline, 1000 feet; thence northwesterly in a straight line 1010 feet to a point on the said centerline of SR 3 being 1000 feet southwesterly of the True Point of Beginning; thence northeasterly along said centerline to the True Point of Beginning;

Except for any portion of the west half of the southwest quarter of the southwest quarter of said Section 23.

EXHIBIT B

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

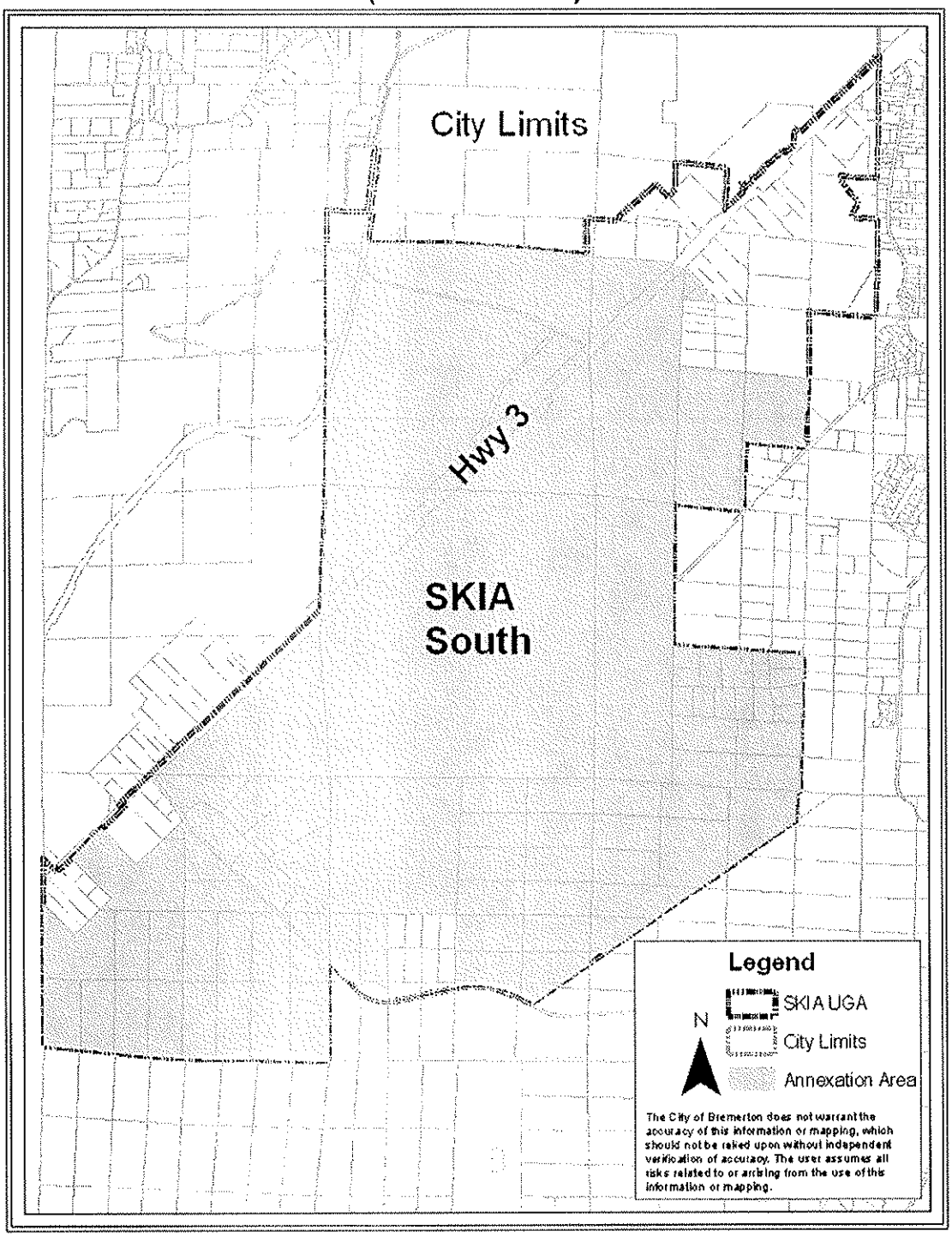
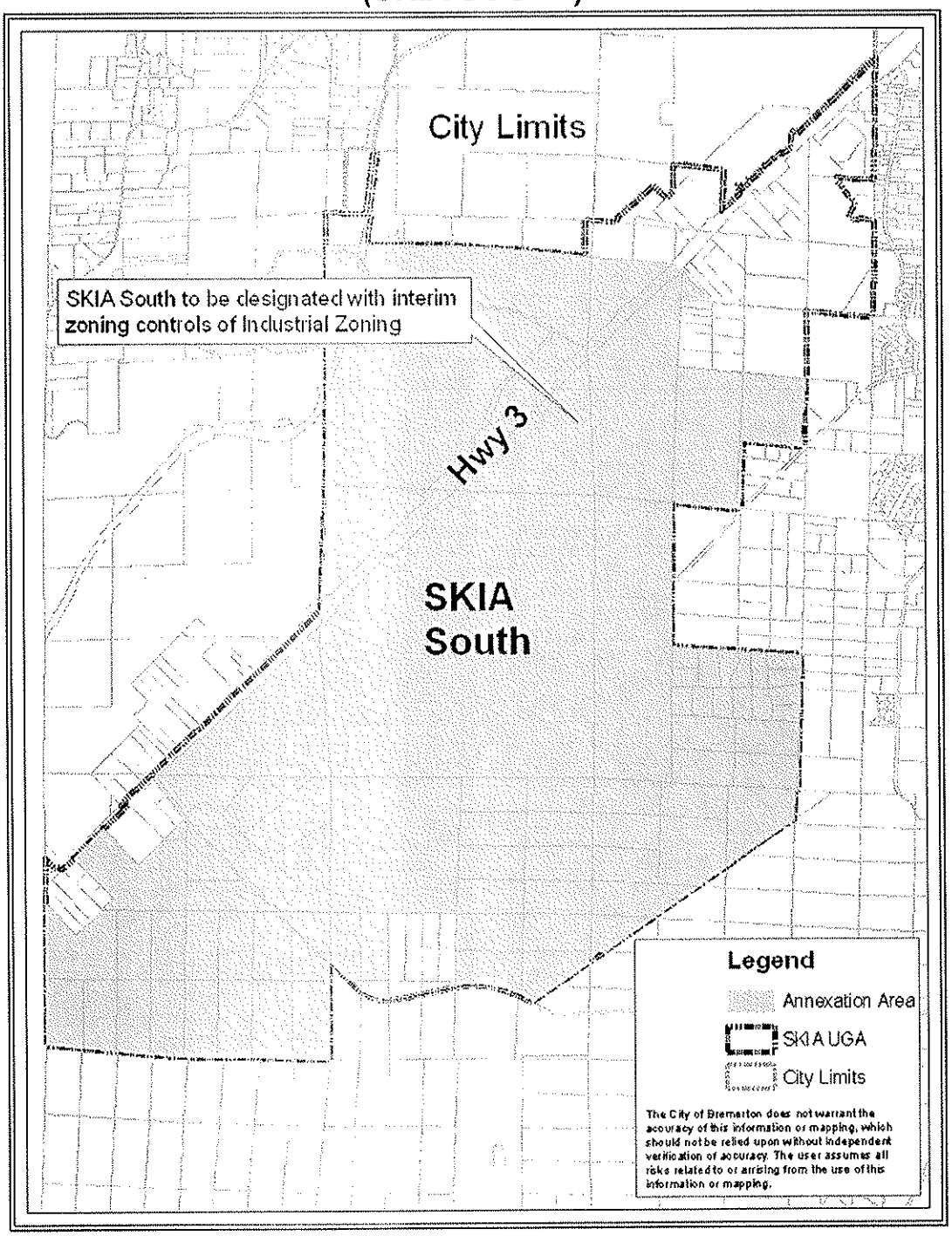


EXHIBIT C

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