

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

PORT ORCHARD CITY OF 200902250078  
Ordinance Rec Fee: \$ 48.00 Page: 1 of 7  
02/25/2009 01:08 PM  
Walter Washington, Kitsap Co Auditor

PORT ORCHARD CITY OF 200902120112  
Ordinance Rec Fee: \$ 48.00 Page: 1 of 7  
02/12/2009 02:56 PM  
Walter Washington, Kitsap Co Auditor

*Re-record 2  
Attached wrong Exhibit  
reflecting legal description*

Introduced by: Development Director  
Requested by: Development Director  
Drafted by: Development Director  
First Public Hearing: November 25, 2008  
Second Public Hearing: January 27, 2009  
Discussion: January 27, 2009  
Adopted: January 27, 2009

**ORDINANCE NO. 002-09**

**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 AND ZONING DESIGNATIONS FOR THE PROPERTY, DESIGNATING PROPERTY MEDIUM DENSITY RESIDENTIAL ON THE CITY OF PORT ORCHARD COMPREHENSIVE PLAN MAP AND RESIDENTIAL 12 DWELLING UNITS PER ACRE (R-12) ON THE CITY OF PORT ORCHARD ZONING MAP, TO BECOME EFFECTIVE UPON ANNEXATION. THE PROPERTY IS LOCATED IN THE SW 1/4 OF THE NE 1/4 SECTION 25, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON**

ASSESSORS ACCOUNT NUMBER: 4538-010-005-0007

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 27th day of May, 2008, 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 and zoning regulations, and the assumption of city indebtedness by the area to be annexed upon annexation; and

**WHEREAS**, the Property is comprised of three parcels totaling approximately 4.16 acres contiguous to the City limits, located at the east terminus of East 4<sup>th</sup> Street, 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 action was deemed approved by the Board on January 8, 2009; and

**WHEREAS**, in December 2006 Kitsap County added the property legally described and geographically depicted in Exhibit "A" ("the Property") to the City of Port Orchard UGA and designating the Property on the county comprehensive plan as Urban Low Density 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 36.70A.130(2)(b), after appropriate public participation a city may adopt amendments or revisions to its comprehensive plan whenever an emergency exists; and

**WHEREAS**, the Planning Commission held a Public Meeting for the pre-annexation comp plan/zoning designation on July 21, 2008 and recommended that the City Council designate the Property Medium Density Residential on the City of Port Orchard Comprehensive Plan Map and Residential 12 dwelling units per acre (R-12), to become effective upon annexation; and

**WHEREAS**, pursuant to RCW 35.13.177 and 35.13.178, the Port Orchard Planning Commission adopted Resolution 006-08, recommending the designation of the proposed annexation area Medium Density Residential on the City of Port Orchard Comprehensive Plan Map and Residential 12 dwelling units per acre (R-12), on the City of Port Orchard Zoning Map, to become effective upon annexation; and

**WHEREAS**, pursuant to RCW 35.13.140, a public hearing was held on December 23, 2008, which hearing was 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; now therefore

**WHEREAS**, being fully advised, the Council finds and concludes as follows:

**FINDINGS**

1. A Petition for Annexation of the Property into the City was received on June 27, 2008.
2. The Property is located with the City's Urban Growth Area and is contiguous to the City limits.
3. The Property is currently designated Urban Low Density Residential in the County Comprehensive Plan and Urban Low in the County zoning map.
4. The Property will be served by adequate public sewer, water supply, roads, and other needed public facilities and services.
5. The Property may have access from East 4<sup>th</sup> Street.
6. The Property is adjacent to Community Facility (CF) zoned areas and is in close proximity to R-12. The applicant expects to develop the property at a density of 12 units per acre.
7. The GMA requires that upon adoption of an annexation request, the City give a Comprehensive Plan and Zoning designation to the subject properties. The city is designating this parcel and Medium Density Residential on the Comprehensive Plan map and Residential 12 dwelling units per acre on the Zoning map in conformance with GMA requirements.
8. The purpose of the R-12 zoning designation is to provide for the broadest mix of residential uses including single-family attached and detached and multi-family residences.

**CONCLUSIONS**

1. Medium Density Residential is the most appropriate comprehensive plan designation for the Property. Designating the parcel Medium Density Residential is in conformance with the goals and policies of the Comprehensive Plan and the Growth Management Act.
2. Designating the Property Medium Density Residential in furtherance of the health, safety, and general welfare of the community.
3. Zoning the property Residential 12 Units per acre, (R-12) is consistent with the City's Zoning Ordinance and Comprehensive Plan, and is in furtherance of the health, safety, and general welfare of the community.
4. An emergency exists, justifying an exception to the requirement that amendments or revisions to a comprehensive plan be considered no more frequently than once every year.

**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. 002-09, all property within the territory annexed is hereby designated Medium Density Residential on the Comprehensive Plan Map and Residential 12 dwelling units per acre (R-12) on the City of Port Orchard Zoning Map.

**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.** The amendment to the Comprehensive Plan Map is declared an emergency under RCW 36.70A.130(2)(b).

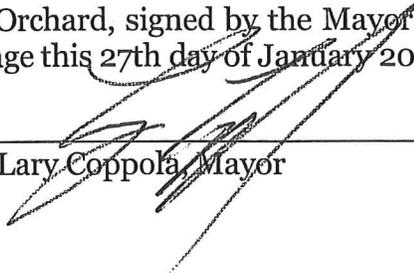
**SECTION 6.** The City of Port Orchard Comprehensive Plan Map, adopted by Ordinance No. 042-08, is hereby amended by adding the property described in Exhibit "A" and designating it Medium Density Residential, to become effective upon annexation.

**SECTION 7.** The City of Port Orchard Zoning Map, adopted by Ordinance No. 042-08, is hereby amended by adding the property described in Exhibit "A" and classifying it as Residential 12 dwelling units per acre (R-12) to become effective upon annexation.

**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 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.

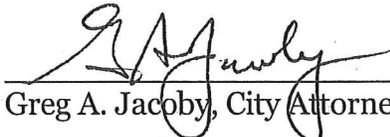
PASSED by the City Council of the City of Port Orchard, signed by the Mayor and attested by the City Clerk in authentication of such passage this 27th day of January 2009.

  
\_\_\_\_\_  
Lary Coppola, Mayor

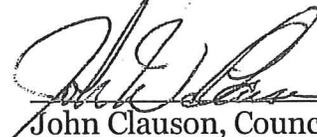
ATTEST:

  
\_\_\_\_\_  
Patricia J. Kirkpatrick, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Greg A. Jacoby, City Attorney

Sponsored by:

  
\_\_\_\_\_  
John Clauson, Councilmember

## EXHIBIT A

Ordinance No. 002-09  
Page 6 of 6  
Revised

### Legal Description approved by Kitsap County Department of Public Works:

That portion of Gaffner Park in Gaffners Garden Tracts, according to the Plat recorded in Volume 2 of plats, Page 61, records of Kitsap County, Washington described as follows:

Beginning at the Southeast corner of said Gaffner Park; thence Northerly along the Westerly line of Olney Road 300 feet, more or less, to the Southeast corner of a tract conveyed to Elmer Hiller by deed bearing Auditor's File No. 492054; thence West 400 feet; thence Northerly, parallel with Olney Road 440 feet; thence West to the Easterly line of Daniel Avenue; thence South to the Southwest corner of Gaffner Park; thence East to the point of beginning;

Except roads;

And Except that portion conveyed to Jolly Perdue and Patricia Perdue recorded under Auditor's File No. 1115409 described as follows:

Beginning at the Southeast corner of Gaffner Park; thence Northerly along the Westerly line of Olney Avenue 300 feet, more or less, to the Southeast corner of tract conveyed to Elmer Hiller recorded under Auditor's File No. 492054; thence West 400 feet; thence Southerly to a point 400 feet West of the point of beginning; thence Easterly along the South line of Gaffner Park 400 feet to the point of beginning;

Together with that portion of vacated Daniel Avenue which would attach by operation of law.

## ATTACHMENT A

EXHIBIT A

PARCEL 4538-010-005-0007

A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 24 NORTH, RANGE 1 EAST W.M. SITUATED IN KITSAP COUNTY, WASHINGTON MORE PARTICULAR DESCRIBED AS FOLLOWS:

BEING A PORTION OF GAFFNER'S GARDEN TRACTS, ACCORDING TO THE PLAT RECORDED IN VOLUME 2 OF PLATS AT PAGE 61, IN THE OFFICE OF THE KITSAP COUNTY AUDITOR, IN SAID KITSAP COUNTY AND MORE PARTICULAR DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID GAFFNER PARK; THENCE ALONG THE WESTERLY LINE OF OLNEY ROAD 300 FEET, MORE OF LESS, TO THE SOUTHEAST CORNER OF A TRACT CONVEYER TO ELMER HILLER BY DEED BEARING AUDITOR'S FILE NO. 492054; THENCE WEST 400 FEET; THENCE NORTHERLY PARALLEL TO OLNEY ROAD 440 FEET; THENCE WEST TO THE EASTERLY LINE OF DANIEL AVENUE; THENCE SOUTH ALONG SAID EASTERLY LINE TO THE SOUTHWEST CORNER OF GAFFNER PARK; THENCE EAST ALONG THE SOUTH LINE OF GAFFNER PARK TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION FOR 4<sup>TH</sup> STREET;

AND EXCEPT THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID GAFFNER PARK; THENCE NORTHERLY ALONG THE WESTERLY LINE OF OLNEY ROAD 300 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF A TRACT CONVEYED TO ELMER HILLER BY DEED BEARING AUDITOR'S FILE NO. 492054; THENCE WEST 400 FEET; THENCE SOUTHERLY TO A POINT ON THE SOUTH LINE OF SAID GAFFNER PARK 400 FEET WEST OF THE TRUE POINT OF BEGINNING; THENCE EAST 400 FEET TO THE TRUE POINT OF BEGINNING;

TOGETHER WITH THAT PORTION OF VACATED DANIEL AVENUE WHICH WOULD ATTACH BY OPERATION OF LAW.

**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 January 27, 2009.

**ORDINANCE NO. 002-09**

**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 AND ZONING DESIGNATIONS FOR THE PROPERTY, DESIGNATING PROPERTY MEDIUM DENSITY RESIDENTIAL ON THE CITY OF PORT ORCHARD COMPREHENSIVE PLAN MAP AND RESIDENTIAL 12 DWELLING UNITS PER ACRE (R-12) ON THE CITY OF PORT ORCHARD ZONING MAP, TO BECOME EFFECTIVE UPON ANNEXATION. THE PROPERTY IS LOCATED IN THE SW 1/4 OF THE NE 1/4 SECTION 25, TOWNSHIP 24 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON**

Copies of Ordinance No. 002-09 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. 002-09 will be provided at a nominal charge.

City of Port Orchard

Patti Kirkpatrick  
City Clerk

Publish: Port Orchard Independent  
February 6, 2009