

RESOLUTION NO. 998

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE
REJECTING THE RECLASSIFICATION OF CERTAIN PROPERTY LOCATED AT 6522
87th AVENUE WEST AS OPEN SPACE**

WHEREAS, the owner of property located at 6522 87th Avenue West, University Place (Pierce County Tax Parcel No. 0220285013) has requested that certain portions of the property be included into the statewide Current Use Assessment program authorized by RCW 84.34.037; and

WHEREAS, such approval would reduce the property taxes assessed against this property on an on-going basis, contingent upon its continued use as an open space area; and

WHEREAS, on or about October 11, 2022, the Pierce County Council approved Ordinance No. 2022-53 which affirmed the application without modification and directed that the Ordinance be forwarded to the City of University Place for affirmation of the application; and

WHEREAS pursuant to RCW 84.34.037, approval of the application requires “separate affirmative acts by both the county and city legislative bodies where both bodies affirm the entirety of an application without modification or both bodies affirm an application with identical modifications;” and

WHEREAS, RCW 84.34.037(2) expressly authorizes local approving authorities to “take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application,” and to consider a number of additional statutory factors; and

WHEREAS, the University Place City Council has met to deliberate upon this application during their meetings of November 7, 2022 and November 21, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON:

Section 1. Findings of Fact. The University Place City Council, after due consideration, hereby finds as follows:

1. *Pertaining to RCW 84.34.037(2) -- Pertaining to the Cognizance of the benefits to the general public welfare of preserving the current use of the property.* The property falls within the City of University Place’s Critical Areas, and thus, regulated by Title 17 Univ. Pl. Muni. Code. In addition, it contains steep slopes and other conditions which would make further development difficult. Under the Code, certain development activities may not be undertaken which “adversely affects any critical area.” UPMC 17.10.025. While the foregoing should not be construed as a comment on any permits which have not yet been sought, and which will be evaluated on their own merits, the designation of this parcel as open space does not appear to add any extra layer of environmental protection should permits be sought to further develop this parcel.
2. *Pertaining to RCW 84.34.037(2)(a) – The Resulting revenue loss or tax shift.* If the subject property is returned to full taxation, the total annual taxes collected by the County, in the 2023 tax year would be \$6,583.00, while if the application were approved, the annual tax amount would be \$4,160.00. The City of University Place receives approximately 6.4 percent of all property tax revenues. Under RCW 84.34.070(1)(a), the land must remain classified as open space for at least ten years from the date of classification. The revenue loss to the City will total a minimum of \$ 1,550.00 over this minimum ten year period.
3. *Pertaining to RCW 84.34.037(2)(b) – Pertaining to Conservation.* The property in question meets the basic environmental requirements to arguably be classified as “open space.”

However, as more fully outlined above, both environmental factors and regulatory factors associated with the parcel call into question whether open space classification is necessary to preserve the land as such.

4. *Pertaining to RCW 84.34.037(2)(c) – Pertaining to Farmland & Agricultural Land.* There is no indication that this parcel has been farmland or agricultural in nature.
5. *Pertaining to RCW 84.34.037(4) -- The need to condition access.* The removal of 3.86 acres of a 4.96 acre parcel from the tax rolls without any public benefit does not further the goals of classifying this property as open space. Public access, as authorized by RCW 84.34.037(4) is appropriate to secure a public benefit commensurate with loss of tax revenues. Access would be further warranted because this classification is not for the purpose of promoting conservation of wetlands. In addition, the City of University Place, Pierce County and the City of Lakewood are collaborating on extending public access to the Chambers Creek Canyon and this parcel is situated along one of the routes which has been proposed for this trail, which has been identified in the February 27, 2017 Preliminary Design Report (copy on file with the City Clerk). While this plan has been subsequently amended (and may yet be further amended), because the trail segment in the vicinity of this parcel has not been constructed, securing public access remains consistent with the goals and objectives of the Preliminary Design Report. However, the City has been advised that the property owner is not amenable to an easement.

Section 2. Rejection of Application. The University Place City Council declines to approve the application for Case No. OS19-21 Open Space Classification.

Section 3. Supplemental Grant of Authority. The City Council directs the proper officials of the City to take any other and further actions deemed necessary to implement the policies and determinations of the Council consistent with the language of this Resolution. Any actions taken consistent with the authority granted by, but before the effective date of this Resolution, are ratified, approved and confirmed.

Section 4. Transmittal. The City Clerk is directed to forward this Resolution to the Clerk of the Pierce County Council, for such further action as may be necessary.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption by the City Council.

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 21, 2022.

Steve Worthington, Mayor

ATTEST:

Emelita J. Genetia, City Clerk

APPROVED AS TO FORM:

Matthew S. Kaser, City Attorney