

**CITY OF ORTING
WASHINGTON
RESOLUTION NO. 2016-25**

ORIGINAL

**A RESOLUTION OF THE CITY OF ORTING,
WASHINGTON, AFFIRMING PIERCE COUNTY
ORDINANCE NO. 2016-44**

WHEREAS, certain property owners have filed an application with Pierce County, Application No. OS14-15, for Open Space Classification in accordance with Chapter 84.34 Revised Code of Washington (RCW), commonly known as the Washington Open Space Taxation Act; and

WHEREAS, RCW 87.34.037 provides that, " ... applications for classification of land in an incorporated area shall be acted upon by: (a) A granting authority composed of 19 three members of the county legislative body and three members of the city legislative 20 body in which the land is located in a meeting where members may be physically absent but participating through telephonic connection; or (b) 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, the properties in question are located inside the boundaries of the City of Orting; and

WHEREAS, the Pierce County Council has, through Ordinance No. 2016-44 granted points for classification of land as Open Space under Current Use Assessment based on the Open Space Public Benefit Rating System; and

WHEREAS, the Council for the City of Orting concurs in the points granted for classification of land as Open Space under Current Use Assessment as adopted by the Pierce County Council through Ordinance No. 2016-44;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Affirmation of Application No. OS 14-15. The City hereby approves Application No. OS14-15, and concludes that it meets the purpose and intent of RCW 84.34.020(1). The Application is approved and affirmed for Open Space classification of 48.72 acres with 25 points under the Open Space Public Benefit Rating System on Parcel No. 0519301703, as more fully described in Exhibit A, which is attached hereto and incorporated by reference.

Section 2. Findings of Fact Adopted. Findings of Fact are hereby adopted as set forth in Exhibit B, which is incorporated herein by reference.


Section 3. Clerk's Action on Resolution. The City Clerk is hereby directed to forward this Resolution to the Clerk of the Pierce County Council, for the purposes of filing official documentation of this legislative action of affirmation with the Clerk of the Council.

Section 4. Corrections by City Clerk. Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Resolution, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Resolution be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Resolution or its application to other persons or circumstances.

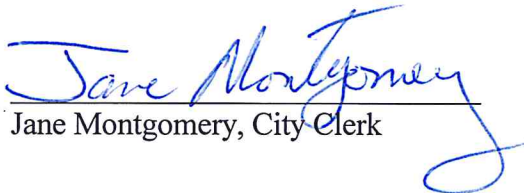
**PASSED BY THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON,
ON THE 12th DAY OF OCTOBER, 2016.**

CITY OF ORTING



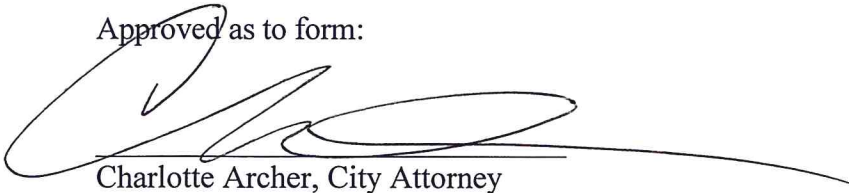
Joachim Pestinger, Mayor

ATTEST/AUTHENTICATED:



Jane Montgomery, City Clerk

Approved as to form:



Charlotte Archer, City Attorney

Passed by the City Council: October 12, 2016
Resolution No.: 2016-25

**CITY OF ORTING
WASHINGTON
RESOLUTION NO. 2016-25**

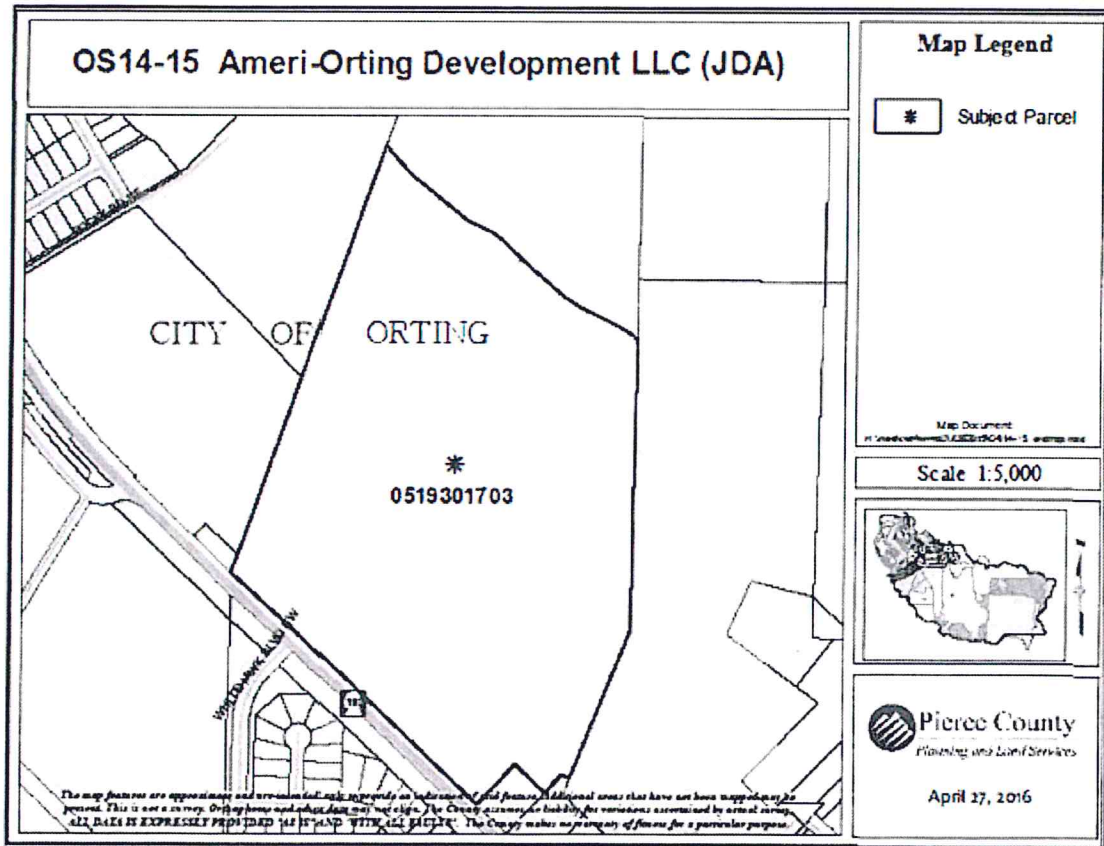
EXHIBIT A

OS14-15, Ameri-Orting Development LLC, Parcel No. 0519301703, 510 Washington 5 Avenue North, City of Orting:

**LEGAL DESCRIPTION OF THE PROPERTY
UNDER CURRENT USE ASSESSMENT**

RTSQQ: 05193014

0519301703: COM AT A PT 30 FT N42 DEG 47 MIN W OF NW COR OF FE ELDREDGE HOMESTEAD (AKA DANIEL VARNER DLC) TH N 21M/L DEG E 618.58 FT TO E SEC LI TH N ALG SEC LI 900 FT M/L TH W 550 FT TH N 70 DEG W 280 FT TH N 66 DEG W 317.40 FT TH S 18 DEG 05 MIN W 946 FT TH S 47 DEG 36 MIN E 1270.70 FT ALG CO RD TH N 42 DEG 16 MIN E 200 FT TH S 47 DEG 36 MIN E 150 FT TH N 42 DEG 16 MIN E 64 FT M/L TO POB ALSO ALL THAT PARC OF LAND ADJ TO ABOVE DESC TR ON THE N & LY BET SD TR & S BANK OF CARBON RIVER CURRENT USE RCW 84.34 AS AMENDED 1973 AGRI 1974 AUD #2545293 SEG C0348MD 7/9/91 BO



**CITY OF ORTING
WASHINGTON
RESOLUTION NO. 2016-xx**

EXHIBIT B

FINDINGS OF FACT

Application No. OS 14-15, Ameri-Orting Development LLC

The City Council finds as follows:

1. The applicant has applied for classification of land as Open Space land pursuant to Revised Code of Washington (RCW) 84.34.020(1).
2. The property in Application No. OS 14-15 qualifies for open space pursuant to RCW 84.34.020(1).
3. The property in Application No. OS14-15, Parcel No. 0519301703, qualifies for a total of 25 points on 48.72 acres under the Open Space Public Benefit Rating System (PBRs): Five high priority resource points for containing agricultural land, five high priority resource points for containing streams, five high priority resource points for containing wetlands, five bonus points for providing a continuing Open Space corridor, and five bonus for being located within the municipal boundaries of the City of Orting.
4. The City Council finds that the property in Application No. OS14-15 meets the purpose and intent of RCW 84.34.020(1) and recommends approval of the classification of 48.72 acres as Open Space land with 25 points under the Open Space Public Benefit Rating System on Parcel No. 0519301703.
5. Pursuant to RCW 84.34.037, the Council's affirmative of approval of this application by this Resolution will be forwarded to the Clerk of the County Council.