

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 10549

A RESOLUTION of the City Council of the City of Bellevue, Washington, denying the Timiri application to enroll portions of King County Parcel No. 8669400210, located at 4277 137th Ave. NE, Bellevue, Washington, to open space classification under King County's Public Benefit Rating System ("PBRs") Program.

WHEREAS, Madhukirana Reddy Timiri, on or about December 30, 2024, applied to the King County Department of Natural Resources and Parks Division, for open space classification of portions of his real property located at 4277 137th Ave. NE, Bellevue, Washington (the "property"), under King County's PBRs program, as authorized by the Open Space Taxation Act, RCW 84.34 (the "Act"); and

WHEREAS, the property is located in the Bridle Trails subarea that is primarily residential in use and character, the property is approximately 1.38 acres per King County Assessor's records, is separated from other residential homes on the west by an existing trails end easement and separated from homes on the east by 137th Ave. NE, and is bounded on the north and south sides of property by numerous residential homes; and

WHEREAS, the property is designated Large Lot in the City's Comprehensive Plan, is zoned Large Lot 1 (LL-1), is developed with a single-family home, driveway, detached garage and other improvements, and is encumbered by several easements, including a power transmission line easement held by Puget Sound Energy ("PSE"), a pipeline easement held by the Olympic Pipeline Company ("OPL"), and an easement for a bridle trail which pre-dated Timiri's purchase of the property; and

WHEREAS, pursuant to the Act, King County (the "County") is authorized to develop, implement, and administer a PBRs program to review applications for reclassification under the Act, and the County has adopted a PBRs program which is codified in Chapter 20.36 of the King County Code; and

WHEREAS, pursuant to RCW 84.34.037 applications to reclassify property require action by both county and city legislative bodies; and

WHEREAS, RCW 84.34.037(1) provides that an application for reclassification shall be acted upon after a public hearing and affirmative acts by both the county and city legislative bodies; and

WHEREAS, on September 23, the City Council held a study session on King County's PBRs Program, the Act, and Timiri's application; and

WHEREAS, on October 14, after providing the required statutory public notice, the City Council held a public hearing on this application to take public comments and consider the application, considered city staff recommendations; and

WHEREAS, after consideration and discussion, a majority of the City Council found the application did not sufficiently meet the criteria in RCW 84.34.037 or the County's PBRs Program to warrant approval; and

WHEREAS, approving or denying an application for open space classification is a legislative decision;

NOW THEREFORE, THE BELLEVUE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The Bellevue City Council ("Council"), after due consideration, hereby finds as follows:

1. RCW 84.34.037(2) requires the Council to consider the resulting revenue loss or tax shift if the classification is granted and permits the City Council to take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application. The revenue loss or tax shift associated with granting any portion of Timiri's application to reclassify portions of his property as open space is modest; however, the revenue loss to the city is not proportionate to any benefit to the general welfare of the public as there is no information demonstrating the general public uses the Trails End easement in any frequency to constitute a benefit to general welfare. Moreover, the trail easement was pre-existing and will continue irrespective of any classification.
2. RCW 84.34.037(2) also requires the Council, in considering the application, to determine whether granting the application for open space classification will (i) conserve or enhance natural, cultural, or scenic resources, (ii) protect streams, stream corridors, wetlands, natural shorelines and aquifers, (iii) protect soil resources and unique or critical wildlife and native plant habitat, (iv) promote conservation principles by example or by offering educational opportunities, (v) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, (vi) enhance recreation opportunities, (vii) preserve historic and archaeological sites, (viii) preserve visual quality along highway, road, and street corridors or scenic vistas, (ix) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property.

- i. Considering the current development, LL-1 zoning, and the fact the property is encumbered by a trail easement, a PSE transmission line easement, and an easement for the Olympic pipeline, the application will not conserve or enhance natural, cultural, or scenic resources;
 - ii. The record contains no evidence from recognized sources, such as maps, studies, assessments, or reports typically used to make such determinations, that the property contains streams, stream corridors, wetlands, natural shorelines, or aquifers.
 - iii. The record contains no evidence from recognized sources, such as maps, studies, or assessments, typically used to make such determinations, that soils or unique or critical wildlife or native plant habitat are present on the property.
 - iv. The record does not contain evidence of enhancement of any educational opportunities if classified as open space.
 - v. The record does not include evidence that the property abuts parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces or enhances the value of these areas.
 - vi. The record does not include evidence demonstrating how the property enhances recreation opportunities. The property is already encumbered by an easement shown on the face of the 1961 Trails End plat that provides a trail open to the public per the plat map but no evidence of notable public usage in the record. Further, there is no evidence in the record that Timiri has the ability to, nor intends to, modify or enhance the trail.
 - vii. The record does not include evidence showing the presence of historical or archeological sites on the property.
 - viii. The property does not preserve the visual quality along highways, roads, street corridors or scenic vistas as it is located in a residential neighborhood and there is limited to no visibility from 137th Ave. NE.
 - ix. There is also an absence in the proposal of other factors relevant to providing benefits to the general welfare of preserving the current use of land.
3. The County's PBRs Program, at King County Code Chapter 20.36.100(c)(1)-(20) sets forth 20 open space resource categories, containing criteria which must be met in order for a property to qualify for open space classification under the PBRs Program. Open space resource categories are assigned points and a property must have at least 5 points to qualify for a reduction. Having reviewed the criteria outlined in KCC 20.36.100(c)(1)-(20) and the resource categories Timiri applied for, the City Council concludes that none of the outlined criteria are met in this case. The Council adopts by reference Attachment B to the October 14 Agenda Memo, which outlines the relevant code provisions and identifies the reasons why the property does not meet the criteria outlined in the code.

Section 2. Decision. After considering the record and the criteria in RCW 84.34.037 as well as KCC 20.36.100, and based on the above factual findings, the Council hereby denies the application in its entirety.

Section 3. Authorization. The City Manager or his designee is authorized to immediately notify the property owner and file notice of this denial with the County Assessor within 10 days of passage of this resolution and take any action necessary to effectuate the denial.

Passed by the City Council this _____ day of _____, 2025,
and signed in authentication of its passage this _____ day of _____,
2025.

(SEAL)

Lynne Robinson, Mayor

Attest:

Charmaine Arredondo, City Clerk