

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 10140

A RESOLUTION of the City Council of the City of Bellevue, Washington, approving with conditions the application for Public Benefit Rating System Open Space Classification of the Timiri and Ostergaard property located at 4277 137<sup>th</sup> Ave. NE, Bellevue, Washington (King County Parcel No. 8669400210).

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

WHEREAS, Madhukirana Reddy Timiri and Velma Ostergaard are owners of certain real property located in the City of Bellevue and have applied to have their property classified under King County's Public Benefit Rating System (PBRs); and

WHEREAS, the PBRs is administered in accordance with Chapter 84.34 RCW, Chapter 458-30 WAC, and King County Code Chapter 20.36 providing for assessment practices to reflect current use of property, rather than "highest and best use," as an incentive for property owners to retain large tracts of open space and to provide public access to open space; and

WHEREAS, Timiri and Ostergaard applied to King County on or about December 29, 2021, for a current use assessment of their real property located at 4277 137<sup>th</sup> Ave. NE, Bellevue, Washington, (King County Parcel No. 8669400210) in order to reclassify a portion of their property as Open Space under King County's PBRs program; and

WHEREAS, RCW 84.34.037(1) provides that an application for PBRs shall be acted upon after a public hearing and affirmative acts by both the county and city legislative bodies affirming the entirety of an application without modification or both bodies affirm an application with identical modifications; and,

WHEREAS, RCW 84.34.050 requires that the granting authority immediately notify the King County assessor and the applicant of its decision to approve or disapprove an application, which shall in not event be more than six months from receiving the application; and

WHEREAS, King County provided the City with a copy of the PBRs application on March 25, and, a staff report (File No E21CCT040B) on June 9, evaluating the application to enroll in the PBRs and is recommending approval with conditions; and provided a modified staff report to the City's for its use and consideration on August 11 (File No E21CCT040B); and

WHEREAS, after a public hearing, King County took action to approve the reclassification of the Timiri and Ostergaard property on June 21 before the County's Transportation, Economy, and Environment Committee, and issued a Public Benefit Rating System Decision of Granting Authority Pursuant to RCW 84.34.037, and signed by three King County Councilmembers on June 21, 2022; and

WHEREAS, the City Council held a public hearing on this application on September 6, to take public comments and consider the application, and after the public hearing requested staff return with additional information regarding the application and

WHEREAS, during the City Council's September 19 Regular meeting, city staff presented the additional information City Council had requested; and

WHEREAS, the City Council considered the City and King County staff recommendations, public testimony, additional information, and the application; and

WHEREAS, the City Council desires to approve the PBRs application subject to the conditions recommended by King County in its modified staff report dated September 6 and received on August 11; and

**NOW THEREFORE, THE BELLEVUE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. Grant of Approval. The City Council hereby approves the PBRs open space classification of the Timiri and Ostgaard property, 4277 137<sup>th</sup> Ave NE, parcel #8669400210, subject to the conditions enumerated in the King County staff report dated September 6, 2022, and approved by the King County Council, a copy of which report has been given Clerk's Receiving No. \_\_\_\_\_.

Section 2. Adoption of King County Recommendation. The City Council hereby adopts the findings, conclusions, conditions, and recommendation of King County as stated in its modified report dated September 6 (File No E21CCT040B), for the Timiri and Ostgaard property request for reclassification to Open Space under the PBRs program; and

Section 3. Authorization. The City Manager or his designee is authorized to immediately notify the property owners and file notice of this approval with the King County Assessor within 10 days of passage of this resolution and issue any additional documents, necessary to effectuate the approval.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022,  
and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_,  
2022.

(SEAL)

\_\_\_\_\_  
Lynne Robinson, Mayor

Attest:

\_\_\_\_\_  
Charmaine Arredondo, City Clerk