

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 10175

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 137th Ave. NE, Bellevue, Washington (King County Parcel No. 8669400210), under the Washington State Open Space Act, Chapter 84.34 RCW.

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) as authorized under Washington's Open Space Taxation Act, Chapter 84.34 RCW (the "Act"); and

WHEREAS, the PBRs is administered in accordance with the Act, Chapter 458-30 WAC, and King County Code Chapter 20.36 providing 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 137th 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 no 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, a staff report (File No. E21CCT040B) on June 9, evaluating the application to enroll in the PBRs and recommended approval with conditions; and provided a modified staff report to the City for its use and consideration on August 11 (File No. E21CCT040B); and

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

WHEREAS, on September 6, after providing the legally-required public notice, the City Council held a public hearing on this application 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 November 28 Regular Meeting, the City Council considered additional information regarding the application and staff recommendation to approve the application with certain conditions, and King County PBRS staff were present to answer City Council questions; and

WHEREAS, the City Council considered the City recommendations, King County's staff report and decision, public testimony, additional information, the application, and the approval criteria in the Act and its implementing regulations; and

WHEREAS, the City Council finds the application satisfies the approval criteria in the Act and desires to approve the PBRS application with city-imposed conditions, and subject to the conditions imposed by King County in its modified staff report dated September 6 and received on August 11; now

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

Section 1. The City Council adopts the recitals above as findings in support of its decision, in addition to any findings set forth below.

Section 2. Grant of Approval. The City Council hereby approves the PBRS open space classification of the Timiri and Ostergaard property, 4277 137th Ave NE, King County Parcel No. 8669400210, subject to: (1) 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 and approval has been given Clerk's Receiving No. _____; and (2) City imposed conditions described in Section 4 of this Resolution.

Section 3. Adoption of King County Approval. The City Council hereby adopts the findings, conclusions, conditions, and approval of King County as stated in its modified report dated September 6 (File No. E21CCT040B), and approved by King County's Transportation, Economy, and Environment Committee for the Timiri and Ostergaard property request for reclassification to Open Space under the PBRS program.

Section 4. Imposition of City-required Conditions. The City Council further finds that additional process and approval requirements are necessary to ensure that the

restoration and replanting plan required for the conditionally-approved areas of the Timiri and Ostergaard property is reviewed and approved by the City and easement holders, Puget Sound Energy (PSE) and the Olympic Pipe Line Co. (OPL); that the property owners also obtain any and all necessary permits and approvals from the City prior to commencing the work; and that the approved work will be consistent with the criteria for enrollment in the PBRs program and will provide the intended Open Space benefits. Therefore, the City Council imposes the following conditions on the open space classification of the Timiri and Ostergaard property, 4277 137th Ave NE, King County Parcel No. 8669400210:

1. The applicant shall obtain in writing an approval of the restoration and replanting plan for the Conditionally Approved area (sections A and B) from PSE and OPL by February 28, 2023.
2. The applicant shall obtain City approval of the restoration and replanting plan for the Conditionally Approved area through Predevelopment Services (DC Permit) by April 28, 2023, and provide a copy of the PSE and OPL-approvals of the restoration and replanting plan.
3. The applicant shall obtain any and all required permits and approvals, such as clearing and grading permits or environmental review, for the work to restore and replant the Conditionally Approved area. All permit applications and approvals shall be consistent with the restoration and replanting plan approved by the City.

Section 5. 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 take any action 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