

Public Benefit Rating System (PBRs) Application

Study Session

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November 28, 2022



Recommended Action

Consider adoption of the resolution to approve with conditions the Timiri and Ostergaard application into the PBRs program.



Agenda

1. Context
2. Application Process
3. Eligible Portion
4. Conditionally Approved
5. Decision Options

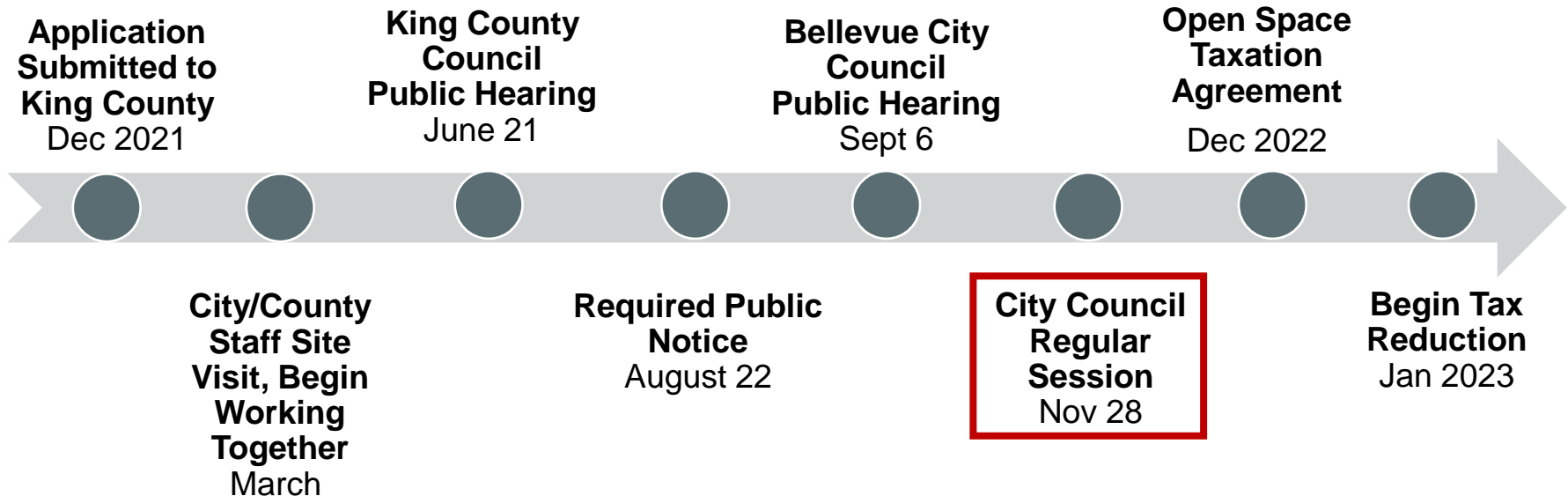


Public Benefit Rating System (PBRs) Program

- Open Space Taxation Act (the “Act”) enacted in 1970
- Voluntary resource conservation on private property
- Preserve, protect or restore open space resources, such as buffers to streams and wetlands, ground water, wildlife habitat, etc.
- In exchange for tax incentive
- Administered by King County



Timiri & Ostergaard PBRS Application Process



Joint Granting Authorities

King County	City
Administer the Act, created the PBRS program, including resource categories and their corresponding points	No PBRS program. May consider King County decision and approval
Review under the evaluation criteria in PBRS program	Review under the evaluation criteria in RCW 84.34.037(2)
Hold a public hearing, and act: (1) approve; (2) approve with conditions; or (3) deny	Hold a public hearing, and act: (1) approve; (2) approve with conditions; or (3) deny



Evaluation Criteria

RCW 84.34.037(2) requires consideration of:

- (a)** The resulting revenue loss or tax shift;
- (b)** Whether granting the application will: *[application does not have to satisfy all]*
 - (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



Timiri and Ostergaard property

Property Address: 4277 137th Avenue NE

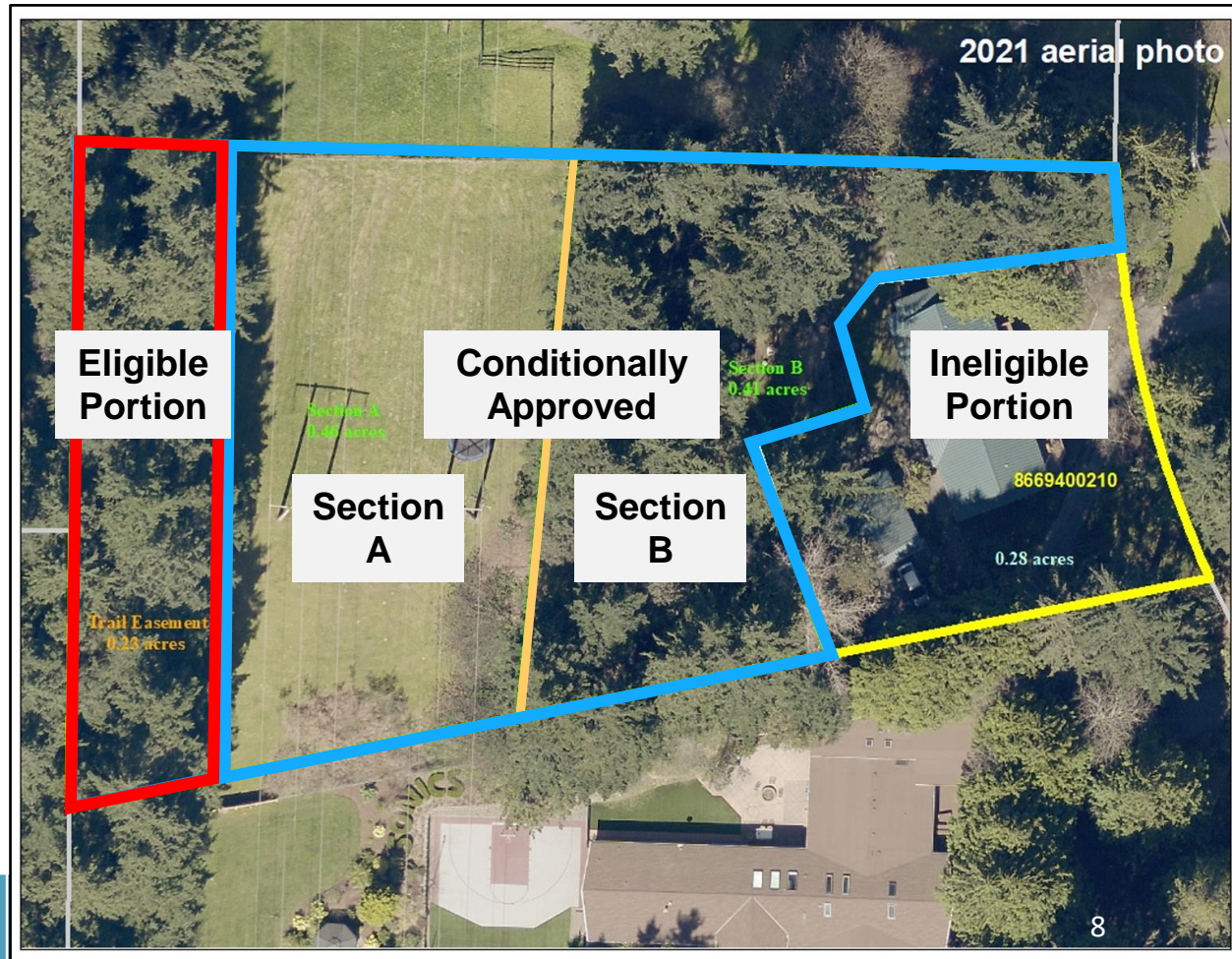
Eligible Portion = 0.23 ac

Conditionally Approved:

Section A = 0.46 ac

Section B = 0.41 ac

**Max. Potential
Enrollment Area = 1.1 ac**



NE 50th

137th NE

Eligible Portion

30' Trail Easement = 0.14 ac
16' Adjacent Area = 0.09 ac
Eligible Portion = 0.23 ac

30' Trail Easement

16' Adjacent Area

NE 40th

- Resource Categories:
 - Public recreation area
 - Unlimited public access
- Reduction: 50%
- Revenue Impact:
 - Overall \$278
 - City ~\$28



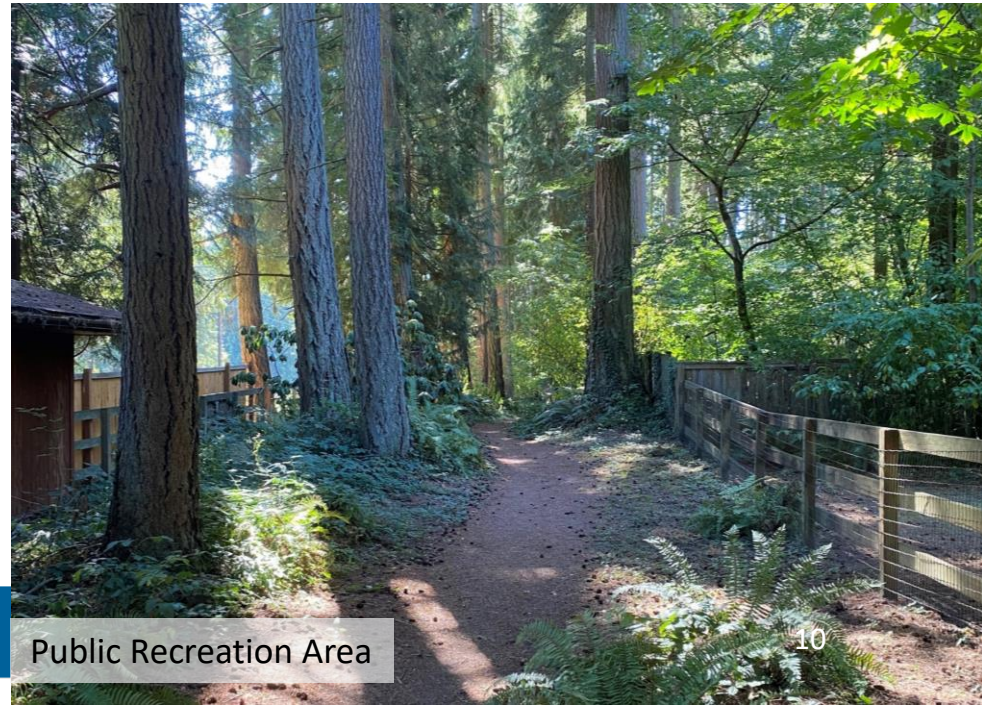
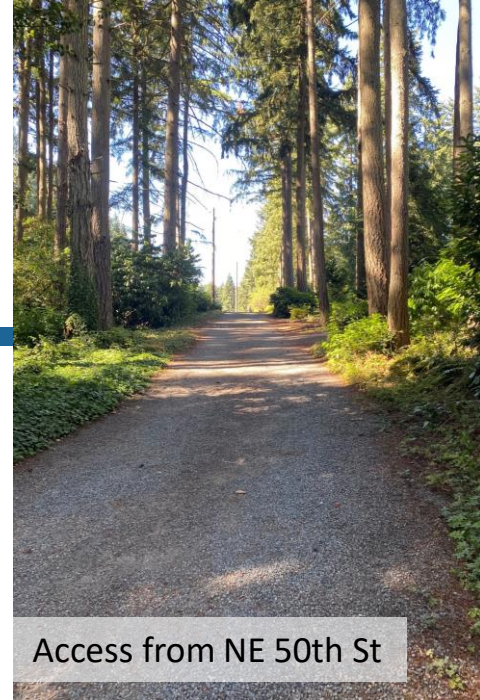
Resource Categories

Public recreation area (5 points)

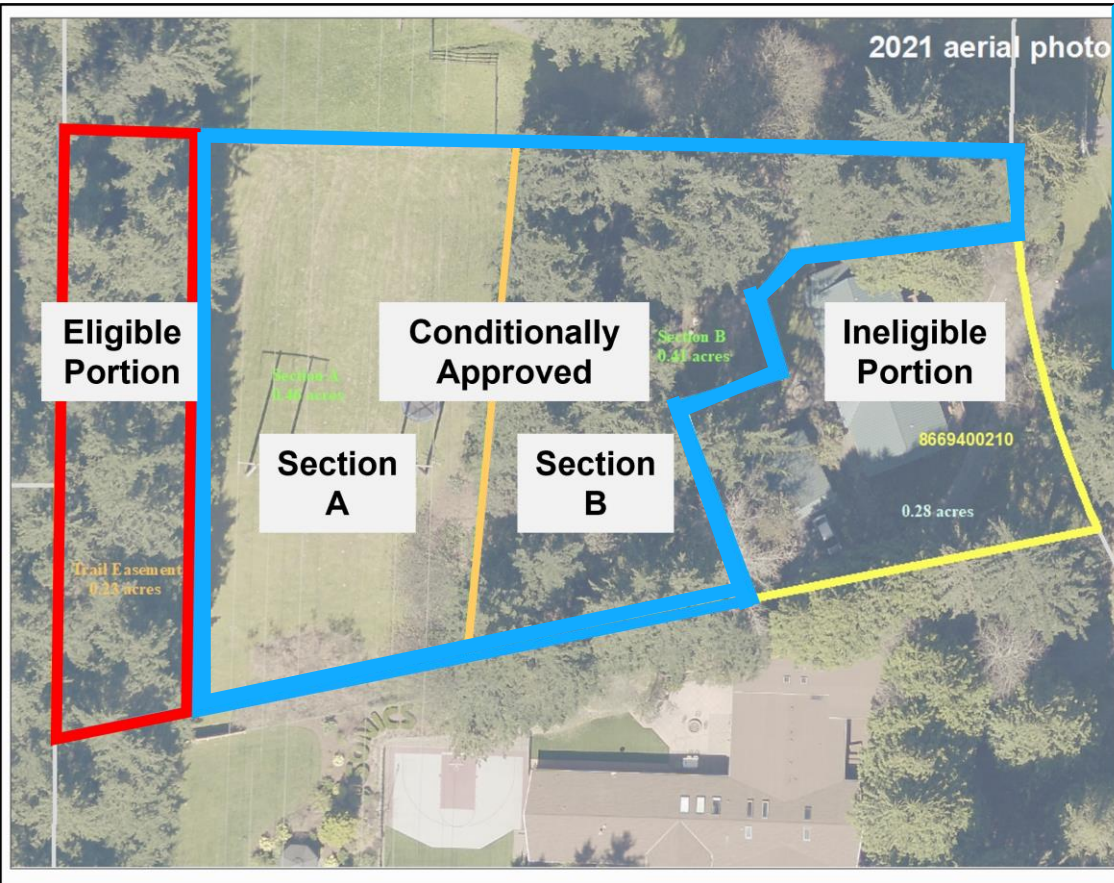
- Contains large trees and native plantings
- Passive and active recreation use

Unlimited public access (5 points)

- Recorded access easement trail, part of a plat
- Runs north-south, access from NE 40th St, NE 50th St, 137th Ave NE
- Well used trail, by both pedestrians and equestrians



Conditionally Approved



Section A	= 0.46 ac
Section B	= 0.41 ac
Conditionally Approved	= 0.87 ac
Eligible Portion	= 0.23 ac
Potential Total	= 1.10 ac

- Resource Categories:
 - Urban Open Space
 - Resource Restoration
- Percent Reduction: 70%
- Revenue Impacts:
 - Overall \$4,298
 - City ~\$443

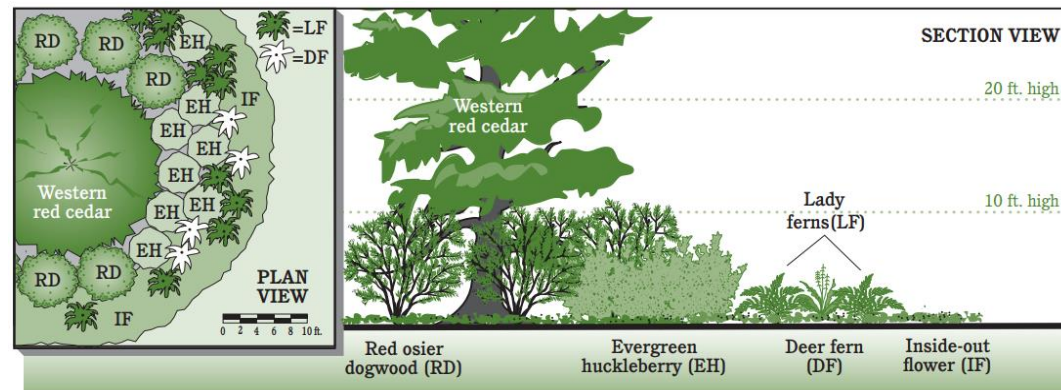
Resource Categories (conditional)

Urban Open Space (5 points)

- Must be at least 0.5 acre
- Conserves, enhances, or protects natural resources

Resource Restoration (5 points)

- Improve health and diversity of the land
- Restoration plan and monitoring
- Removal of invasive species
- Planting native vegetation



Sample Planting



Decision Options

Council to consider:

- Application record
- Evaluation criteria in RCW 84.34.037(2)
- Appeals are reviewed under arbitrary and capricious standard

Option	Action	Process
A	Approve with additional conditions	Adopt Resolution No. 10175
B	Deny	Provide findings and direct staff to prepare resolution to deny



Option A

- If Council approves Resolution No. 10175, this action must happen tonight

King County Approval	Staff Recommended for City Approval
Restoration plan submitted by Nov 1, 2022	(Same)
Plan approved by King County by Dec 31, 2022	(Same)
	Plan approved by PSE and OPL by Feb 28, 2023
	Plan and schedule approved by the City (DSD Director) by April 28, 2023
	Any required permits and approvals must be obtained prior and as part of the work
Planting completed within 3 years, or Dec 31, 2025	(Same)
Annual progress report from the landowner for the first five years of restoration effort	(Same)

Option B

Council to consider:

- Evaluation criteria in RCW 84.34.037(2)
- Application record

Process:

- Provide findings and direct staff to prepare resolution to deny
- Resolution would come back at a future Council date



Recommended Action

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