

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

Telephone (206) 477-0860

hearingexaminer@kingcounty.gov

www.kingcounty.gov/independent/hearing-examiner

**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E24CT021**
Proposed ordinance no. **2025-0120**
Parcel no. **8669400210**

MADHUKIRANA REDDY TIMIRI

Open Space Taxation Application (Public Benefit Rating System)

Location: 4277 137th Ave NE, Bellevue

Applicant: **Madhukirana Reddy Timiri**
4277 137th Ave NE
Bellevue, WA 98005
Telephone: (650) 996-9597
Email: madhukir@gmail.com

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S. Jackson Street
Suite 5601
Seattle, WA 98104
Telephone: (206) 477-4788

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation:	Approve 0.67 acres for 30% of assessed value
Examiner's Recommendation:	Conditionally approve 1.10 acres for 20% of assessed value Deny the application

PRELIMINARY REPORT:

On September 10, 2025, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E24CT021 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a remote public hearing on the application on September 24, 2025.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

FINDINGS AND CONCLUSIONS:

1. General Information:

Owner:	Madhukirana Reddy Timiri 4277 137th Ave NE Bellevue, WA 98005
Location:	4277 137th Ave NE, Bellevue
STR:	SW-15-25-05
Zoning:	R1
Parcel no:	8669400210
Total acreage:	1.38 acres

2. The Applicant timely filed an application to King County for the Public Benefit Rating System (PBRs) program current use valuation of the property to begin in 2026. As required by law, notification of the application occurred.

3. A summary of relevant PBRs categories follows below. (Plain text represents a category an applicant requested an award for and that DNRP agrees is warranted. Any ~~striketrough~~ represents a category an applicant requested an award for but that DNRP disagrees is warranted. Any *italics* represents a category an applicant did not request an award for, but that DNRP nonetheless concludes is warranted. And any *asterisk* represents a category where DNRP finds an award is warranted, but only if certain contingencies or conditions are met.)

PBRs categories:	<u>Open Space Resources</u>	
	Active trail linkage	0
	Aquifer protection area	0
	Ecological enhancement land	0
	Equestrian-pedestrian-bicycle trail linkage	0
	Public recreation area	5
	<u>Scenic resource, viewpoint or view corridor</u>	0

Significant plant or ecological site	0
Significant wildlife or salmonid habitat	5
Surface water quality buffer	0
Urban open space	5
Watershed protection area	0
<u>Bonus Categories</u>	
Easement and access	0
Unlimited public access	5
*Resource restoration	*
Total	20

4. The DNRP-recommended score of 20 points results in a current use valuation of 30% of assessed value for the enrolled portion of the property.
5. **Public recreation area:** This parcel contains an easement for a portion of a trail that runs north/south through a wooded area along the western property line. It is open to the public and can be used by pedestrians and equestrians for recreation. To qualify as an open space resource, however, KCC 20.36.100.C.11 requires that “a property shall be identified by the responsible agency within whose jurisdiction the property is located as meeting the definition of public recreation area.” The parcel is entirely located within the City of Bellevue. There is no evidence in DNRP’s report or elsewhere in the record that the City of Bellevue has identified the property as meeting the definition of “public recreation area.” An applicant bears the burden of proof to establish that the property contains qualifying open space resources.¹ Based on the evidentiary record, we cannot recommend credit for this category.
6. **Significant wildlife or salmonid habitat:** To qualify for this category of open space resource, KCC 20.36.100.C.16.a requires that the land fulfill at least one of the following four criteria:
 - A. Be used by a species of local significance (or otherwise one listed as endangered, threatened, or sensitive). The only qualified species specifically mentioned by DNRP is the Pileated Woodpecker. The Pileated Woodpecker is a species of local significance listed by the King County Comprehensive Plan, so the land would qualify if Pileated Woodpeckers use it.
 - B. Have a qualified species be potentially found with sufficient frequency for critical ecological processes to occur. Again, this question turns on whether and how frequently Pileated Woodpeckers are found on the property.
 - C. Meet the criteria to be a “priority habitat” as defined by the state, county, or local jurisdiction. There is no evidence in the record that the property in question has been defined as a priority habitat.

¹ See Hearing Examiner’s Rules of Procedure and Mediation (2017), Rule XV.E.1.

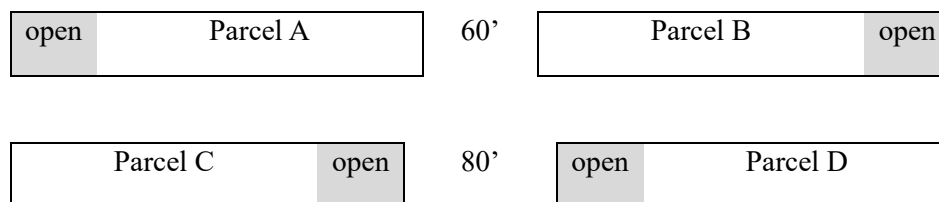
- D. Meet the criteria for a “wildlife habitat conservation area” as defined by the county or the local jurisdiction. There is no evidence in the record that the property in question has been defined as a wildlife habitat conservation area.
7. DNRP states that the property owner has seen Pileated Woodpeckers using the property. Since the property owners did not attend the hearing, it was not possible to inquire where or how frequently these observations were made. When asked at the hearing, DNRP staff confirmed that they had not seen any Pileated Woodpeckers on the property themselves. There are no photographs or other evidence of Pileated Woodpeckers in the record, other than the hearsay statements of the property owner, who has a pecuniary interest in there being Pileated Woodpeckers on their property. Hearsay statements are not barred in these hearings, but they may be given less weight than sworn testimony.
 8. Furthermore, to be eligible for this open resource category, KCC 20.36.100.C.16.b requires that DNRP “shall verify that qualified species are present on the property or that the land fulfills the functions described in subsection C.16.a.” KCC 20.36.190.B lists the ways that “the presence or occurrence of an eligible open space resource may be verified.” One way to verify the presence of Pileated Woodpeckers is to reference recognized sources, such as official databases, registers, inventories, studies, or maps developed by a recognized authority. The DNRP report does not make any references to any such recognized sources in the context of Pileated Woodpeckers. Alternatively, the code allows the presence of Pileated Woodpeckers to be verified by “using the best available source, such as a recognized expert in the particular resource being reviewed.” The DNRP report does not make any references to any recognized experts on Pileated Woodpeckers. Since the applicants have the burden of proof and there does not appear to be a verified account of Pileated Woodpeckers using the property in the evidentiary record, we cannot recommend credit for this category.
 9. **Urban open space:** To qualify for this open space category, KCC 20.36.100.C.19.a requires the land to be within the boundaries of a city, have a plant community in which native plants are dominant, and be eligible for more-intensive development or use. Portions of the property meet these criteria: the parcel is within the City of Bellevue, some portions of the parcel have predominantly native plants, and some of those portions are eligible for more-intensive use than their current undeveloped state.
 10. The same code section also imposes a size limitation: if the enrolling area is not at least one acre in size, then the enrolling area must be at least one-half acre in size and also meet one of six criteria. DNRP considers there to be 0.67 acres on the parcel that could currently qualify for enrollment, which is less than the one acre minimum. Therefore, to qualify as urban open space, the enrolling area must meet one of six criteria listed in code. DNRP stated that of the six criteria, this area qualified as urban open space specifically because it “enhances recreation opportunities for the general public.”²

² At the hearing, DNRP corrected an outdated code citation that had been used in the report. The correct citation for “enhancing recreation opportunities” is currently KCC 20.36.100.C.19.a.5.

11. As mentioned above, there is a trail that runs along the western border of the parcel that is open to the general public. This trail exists because of an easement from 1959 that predates the plat for this parcel. DNRP stated that this easement does not meet current design standards for an acceptable trail easement and that there is no agreement with the property owner to maintain the trail. Additionally, there do not appear to be any plans to improve the trail or the recreation opportunities it provides. Therefore, it is not clear from the record whether this trail in fact “enhances” recreation opportunities, rather than simply “conserving” or “preserving” those opportunities (for comparison, other criteria use the words “conserve” and “preserve” instead of “enhance”). Where “enhancement” is used elsewhere in the same code section, it appears to indicate at least some efforts to improve the thing being enhanced.³ Since the applicants have the burden to prove the land “enhances recreation opportunities,” and there doesn’t seem to be any plans to “enhance” in the record, we cannot recommend credit for this category.
12. Even assuming the trail “enhanced” recreation opportunities, it does not necessarily follow that all 0.67 acres of potentially eligible property would also do so. The trail runs along the western border of the property, in a narrow strip of wooded land. Between that narrow strip and the rest of the 0.67 acres there is a large 0.43-acre area that DNRP currently excludes from enrollment. This excluded intermediary area is roughly 100 feet wide, 200 feet long, and has an easement for Puget Sound Energy to run large powerlines across the property. The majority of the 0.67 acres lies on the other side of those powerlines, disconnected from the trail area. There is nothing in the record that indicates there are any recreation opportunities in this larger disconnected area, let alone any resources that would enhance them. The only portion of the property that could conceivably enhance recreation opportunities is the area around the trail, and that narrow strip is not at least one-half acre in size. Therefore, this qualifying area would not meet the requirements of KCC 20.36.100.C.19.a. This is a second reason we cannot recommend credit for this category.
13. Finally, even assuming that an enrollment area – no matter how large – would all qualify as enhancing recreation opportunities if there was a portion of a trail anywhere within it, the powerlines in today’s case bisect the enrollment area into two non-contiguous areas. The definition of an urban open space describes “the enrolling area” (singular), not “the enrolling areas” (plural). However, as DNRP explained at the hearing, the code does not explicitly say that an urban open space must be contiguous. Two other types of open space resources do explicitly require “contiguous” acreage, so DNRP interprets the absence of the word “contiguous” here to mean that the enrollment area does not need to be contiguous. This is not the only way to interpret this subsection of code, but it is certainly a reasonable way to do so. That said, there are also some reasons to question this interpretation when it is read in the context of the rest of the section.

³ For example, subsection 4 discusses “enhancement projects” that involve “removing significant [detriments]” to “reestablish natural functions,” and that require an “enhancement plan” and annual reporting on “the enhancement’s efforts.” Similarly, subsection 13 refers to “restoration, reforestation, or enhancement” – all words that imply an action taken to improve the land.

14. To understand why, it's instructive to first look at how code treats contiguous parcels. KCC 20.36.190.A allows “abutting parcels of land with the same open space resources” to apply together as a single parcel, but it does not go into details about the open space areas on each parcel or minimum acreage requirements. In contrast, KCC 20.36.100.D.2 awards additional points for “contiguous parcels under separate ownership” and is very specific about the placement of open space areas. This subsection allows two property owners to combine their open space lands to meet minimum acreage requirements, but only if the open space acreage on one property abuts (i.e., is contiguous with) the open space acreage on the other property. Alternatively, each open space area can abut the same publicly owned open space. Either way, to earn additional points the code requires a contiguous open space area, without any significant human-made barriers. The code is silent on how this could possibly work if a property owner had multiple non-contiguous open space areas on their property. Instead, the code only talks about “the open space portion” (singular) of each parcel abutting each other.
15. KCC 20.36.100.C.19.b goes even further and permits non-contiguous parcels to apply together to meet minimum acreage requirements, but only for the urban open space category. At first blush, this would seem to argue decisively in favor of DNRP's interpretation that the enrollment area for urban open space does not need to be contiguous. However, this subsection only applies if each property is closer than 75 feet to another property in the application. This proximity requirement raises the question: why would it be important for the properties to be so close together if the enrollment areas themselves do not need to be? For example, say that parcel A and parcel B are 60 feet apart, but their open space areas are on the furthest edges away from each other. Meanwhile, parcel C and parcel D are 80 feet apart, but their open space areas are on the edges closest to each other. To illustrate:



16. One way to interpret subsection C.19.b is that the open spaces do not need to be near each other, since the code does not explicitly require that to be true. This would mean Parcels A and B could qualify together as urban open space while Parcels C and D would not, even though their open spaces are closer together. This interpretation doesn't make much sense considering that the code explicitly requires proximity. Alternatively, subsection C.19.b could be interpreted as an extension and expansion of how contiguous parcels operate in subsection D.2. It could be implicitly understood that the open space areas on each parcel should be contiguous with each other (as per D.2), but that this strict requirement might be difficult to achieve in denser urban areas, which have more roads that might separate open space areas. In that light, subsection C.19.b would grant a small exception to D.2 for urban areas, allowing open spaces that are not quite contiguous to still apply together, but only if they are still fairly close to each other.

17. If proximity is an important requirement in subsection C.19.b when dealing with multiple owners, it might also be an important consideration in subsection C.19.a when dealing with a single owner. If read in the light of subsections D.2 and C.19.b, the requirement in C.19.a that “the enrolling area shall be at least one acre” could be understood to mean exactly what it says: a singular “area” that is at least one acre.
18. This interpretation would also avoid the absurd result of multiple property owners being able to cobble together an acre’s worth of open space from a scattering of tiny, disconnected areas that would have never qualified on their own. If the intent was to let even tiny patches of open space qualify in urban areas, then there wouldn’t be an acreage requirement in subsection C.19.a in the first place.
19. Returning to the applicant’s property, there are 0.67 acres that could qualify for urban open space (again assuming that an unimproved trail in one area can qualify every other area of open space on the parcel, no matter how distant from the trail, as also “enhancing recreational opportunities”). The 0.67 acres are split, with a narrow strip with the trail on the western property border, and the remainder on the other side of the easement for PSE’s powerlines. Neither of these two areas are a half-acre in size, so to qualify, we must interpret “enrolling area” to mean two non-contiguous areas, separated by at least 100 feet. If PSE owned the 100-foot strip of land that separated these two open space areas, then the two areas would not be able to qualify, even under the exception for non-contiguous parcels in subsection C.19.b. That exception requires separate properties to be closer than 75 feet to qualify, and we don’t see a compelling reason why a change in ownership of the intervening land should change whether there is sufficient open space to qualify. Therefore, this is a third reason why we cannot recommend credit for this category.
20. **Unlimited public access:** The applicants grant the general public year-round access to the trail and other open spaces on their property without special arrangements. This category is for additional points, however, and it can only be awarded for a property that has already qualified for an open space category under KCC 20.36.100.C. Since the property does not currently qualify for any of those open space categories discussed above, we cannot recommend credit for this category either.
21. **Resource restoration:** The applicants have drafted a restoration plan to improve the health and diversity of the plant community underneath the powerlines, but the plan has not yet been approved. Furthermore, this category is for additional points and can only be awarded for a property that has already qualified for an open space category under KCC 20.36.100.C. Since the property does not currently qualify for any of those open space categories discussed above, we cannot recommend credit for this category either. If that should change, however, and if DNRP approves the restoration plan, then an additional five points could be awarded administratively under the resource restoration category and up to an additional 0.43 acres could be added to the enrollment area. To be eligible for these additional points the applicants would still need to implement the plan and submit annual monitoring reports to DNRP for at least five years following

enrollment. The reports would need to describe the progress and success of the restoration project and include photographs to document the success.

22. As to the land area recommended for PBRS enrollment, the applicant requested 1.33 acres and DNRP recommends 0.67 acres, with a recommendation of 1.10 acres contingent on the resource restoration category described above. (Enrollment acreage is the entire parcel less the excluded area, as calculated by DNRP. In the event the County Assessor's official parcel size is revised, the PBRS acreage would be administratively adjusted to reflect that change.) Since we found this property does not qualify for any open space resource categories, we do not recommend any acreage for PBRS enrollment at this time.
23. Despite coming to different conclusions, we find the facts set forth in DNRP's preliminary report and testimony at the September 24, 2025, public hearing correct and we incorporate them by reference. We will provide copies of DNRP's report to the Metropolitan King County Council along with our report and recommendation.

RECOMMENDATION:

DENY the application.

DATED October 3, 2025.



Peter Heineccius
Hearing Examiner pro tem

NOTICE OF RIGHT TO APPEAL

A party may appeal an Examiner report and recommendation by following the steps described in KCC 20.22.230. By **4:30 p.m.** on **October 27, 2025**, an electronic appeal statement must be sent to Clerk.Council@kingcounty.gov, to hearingexaminer@kingcounty.gov, and to the party email addresses on the front page of this report and recommendation. Please consult KCC 20.22.230 for the exact filing requirements.

If a party fails to timely file an appeal, the Council does not have jurisdiction to consider that appeal. Conversely, if the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about next steps in the appeal process.

**MINUTES OF THE SEPTEMBER 24, 2025, HEARING ON THE APPLICATION
OF MADHUKIRANA REDDY TIMIRI, FILE NO. E24CT021**

Peter Heineccius was the Hearing Examiner in this matter. Bill Bernstein, Megan Kim, and Pamela Johnston participated in the hearing.

The following exhibits were offered and entered into the hearing record:

Exhibit no. 1	DNRP report to the Hearing Examiner
Exhibit no. 2	<i>Reserved for future submission of the affidavit of hearing publication</i>
Exhibit no. 3	Legal notice and introductory ordinance to the King County Council
Exhibit no. 4	Arcview/orthophotograph and aerial map
Exhibit no. 5	Application signed and notarized
Exhibit no. 6	Plat Map