

**KING COUNTY
DEPARTMENT OF NATURAL RESOURCES AND PARKS
WATER AND LAND RESOURCES DIVISION**

**Report to the King County Hearing Examiner for Property
Enrollment in the Public Benefit Rating System (PBRs)**

September 24, 2025 – Public Hearing

APPLICANTS: Madhukirana Reddy Timiri and Velma Ostergaard File No. E21CT040B

A. GENERAL INFORMATION:

1. Owners: Madhukirana Reddy Timiri and Velma Ostergaard
4277 137th Avenue NE
Bellevue, WA 98005
2. Property location: 4277 137th Avenue NE
Bellevue, WA 98005
3. Zoning: R1
4. STR: SW-15-25-05
5. PBRs categories requested by applicants:

Open space resources

Active trail linkage
Aquifer protection area
Ecological enhancement land
Equestrian-pedestrian-bicycle trail linkage
*Public recreation area
Scenic resource, viewpoint or view corridor
Significant plant or ecological site
*Significant wildlife or salmonid habitat
Surface water quality buffer
*Urban open space
Watershed protection area

Bonus categories

Easement and access
*Unlimited public access
**Resource restoration

NOTE: *Staff recommends credit be awarded for these PBRs categories.

****Award of this PBRS category is possible but dependent upon specific category requirements being met (see resource category discussion under Section E beginning on page 6).**

Enrollment in PBRS for property within an incorporated area requires approval by impacted granting authorities following public hearing(s). For this application, the granting authorities are the King County Council and the City of Bellevue. The City of Bellevue hearing date has yet to be scheduled.

6. Parcel:	866940-0210
Total acreage	1.38
Requested PBRS:	1.33
Home site/excluded area:	1.16
Recommended PBRS:	0.67*

NOTE: The portion recommended for enrollment in PBRS is the entire property less the excluded areas as measured. The attached 2023 aerial photo outlines the parcel in yellow and the areas proposed to be excluded from PBRS in blue. In the event the Assessor’s official parcel size is revised, PBRS acreage should be administratively adjusted to reflect that change.

***If the resource restoration category is awarded and an approved plan addresses the restoration needs within Section A (0.43 acre) outlined in green on the attached map, or any acreage thereof, then the enrolling acreage would increase from acres 0.67 acres to not more than 1.10 acres.**

B. FACTS:

1. Zoning in the vicinity: Properties in the vicinity are zoned R1.
2. Development of the subject property and resource characteristics of open space area: The property consists of a single-family residence, driveway, detached garage, and landscaping. There is also a Puget Sound Energy (PSE) transmission line easement, and 10-foot Olympic pipeline easement. The open space portion of the property consists of a trail easement along the western property boundary. This trail is primarily consists of deciduous and coniferous forest with native understory. There is also a section of the property (outlined in green on attached map), that is currently impacted by non-native grass and a partially failed seeding of native pollinator meadow seed mix that the landowner plans to further restore with additional native species via the implementation of a resource restoration plan.
3. Site use: The property is used as a single-family residence with unlimited public access within the trail easement located along the west property line.

4. Access: The property is accessed from 137th Avenue NE.
5. Appraised value for 2025 (based on Assessor's information dated 09/09/2025):

<u>Parcel #866940-0210</u>	<u>Land</u>	<u>Improvements</u>	<u>Total</u>
Appraised value	\$1,269,000.00*	\$542,000.00	\$1,811,000.00
Tax applied	\$9,296.67	\$3,970.52	\$13,267.19

NOTE: *Participation in PBRs reduces, for taxation purposes, the appraised land value for the portion of the property enrolled resulting in a lower taxable value.

C. REQUIREMENTS SPECIFIED BY KING COUNTY CODE (KCC):

KCC 20.36.010 Purpose and intent.

It is in the best interest of the county to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the county and its citizens.

It is the intent of this chapter to implement RCW Chapter 84.34, as amended, by establishing procedures, rules and fees for the consideration of applications for public benefit rating system assessed valuation on "open space land" and for current use assessment on "farm and agricultural land" and "timber land" as those lands are defined in RCW 84.34.020. The provisions of RCW chapter 84.34, and the regulations adopted thereunder shall govern the matters not expressly covered in this chapter.

KCC 20.36.100 Public benefit rating system for open space land – definitions and eligibility.

- A. To be eligible for open space classification under the public benefit rating system, property must contain one or more qualifying open space resources and have at least five points as determined under this section. The department will review each application and recommend award of credit for current use of property that is the subject of the application. In making such recommendation, the department will utilize the point system described in section B. and C. below.
- B. The following open space resources are each eligible for the points indicated:
 1. Public recreation area – five points
 2. Aquifer protection area – five points
 3. Buffer to public or current use classified land – three points
 4. Equestrian-pedestrian-bicycle trail linkage – thirty-five points
 5. Active trail linkage – fifteen or twenty-five points
 6. Farm and agricultural conservation land – five points
 7. Forest stewardship land – five points
 8. Historic landmark or archaeological site: buffer to a designated site – three points

9. Historic landmark or archaeological site: designated site – five points
10. Historic landmark or archaeological site: eligible site – three points
11. Rural open space – five points
12. Rural stewardship land – five points
13. Scenic resource, viewpoint, or view corridor – five points
14. Significant plant or ecological site – five points
15. Significant wildlife or salmonid habitat – five points
16. Special animal site – three points
17. Surface water quality buffer – five points
18. Urban open space – five points
19. Watershed protection area – five points

C. Property qualifying for an open space category in subsection B. of this section may receive credit for additional points as follows:

1. Resource restoration - five points
2. Additional surface water quality buffer - three or five points
3. Contiguous parcels under separate ownership - two points
4. Conservation easement of historic easement – fifteen points
5. Public access - points dependent on level of access
 - a. Unlimited public access - five points
 - b. Limited public access - sensitive areas - five points
 - c. Environmental education access – three points
 - d. Seasonal limited public access - three points
 - e. None or members only – zero points
6. Easement and access – thirty-five points

D. 2020 COMPREHENSIVE PLAN POLICIES AND TEXT:

E-101 In addition to its regulatory authority, King County should use incentives to protect and restore the natural environment whenever practicable. Incentives shall be monitored and periodically reviewed to determine their effectiveness in terms of protecting natural resources.

NOTE: Monitoring of participating lands is the responsibility of both department PBRs staff and the landowner. This issue is addressed in the Resource Information document (page 4) and detailed below in Recommendation #B13.

E-112a The protection of lands where development would pose hazards to health, property, important ecological functions or environmental quality shall be achieved through acquisition, enhancement, incentive programs and appropriate regulations. The following critical areas are particularly susceptible and shall be protected in King County:

- a. Floodways of 100-year floodplains;
- b. Slopes with a grade of 40% or more or landslide hazards that cannot be

mitigated;

- c. Wetlands and their protective buffers;
- d. Aquatic areas, including streams, lakes, marine shorelines and their protective buffers;
- e. Channel migration hazard areas;
- f. Critical Aquifer Recharge Areas;
- g. Fish and Wildlife Habitat Conservation Areas; and
- h. Volcanic hazard areas.

E-421 Terrestrial and aquatic habitats should be conserved and enhanced to protect and improve conditions for fish and wildlife.

NOTE: PBRS is an incentive program provided to encourage voluntary protection of open space resources and maintain high quality resource lands.

E-429 King County should provide incentives for private landowners who are seeking to remove invasive plants and noxious weeds and replace them with native plants, such as providing technical assistance or access to appropriate native plants.

NOTE: Participation in PBRS requires landowners address invasive plant and noxious weed control and removal within enrolled portions of a property. Replacement with native vegetation is also encouraged via the implementation of approved forest stewardship, rural stewardship or resource restoration plans.

E-443 King County should promote voluntary wildlife habitat enhancement projects by private individuals and businesses through educational, active stewardship, and incentive programs.

E-476 King County should identify upland areas of native vegetation that connect wetlands to upland habitats and that connect upland habitats to each other. The county should seek protection of these areas through acquisition, stewardship plans, and incentive programs such as the Public Benefit Rating System and the Transfer of Development Rights Program.

E-504 King County should protect native plant communities by encouraging management and control of nonnative invasive plants, including aquatic plants. Environmentally sound methods of vegetation control should be used to control noxious weeds.

NOTE: Lands participating in PBRS provide valuable resource protection and promote the preservation or enhancement of native vegetation. Addressing nonnative vegetation (invasive plant species), through control and eradication is a PBRS requirement.

E-449 King County shall promote retention of forest cover and significant trees using a mix of regulations, incentives, and technical assistance.

R-605 Forestry and agriculture best management practices are encouraged because of their multiple benefits, including natural resource preservation and protection.

NOTE: The implementation of an approved forest stewardship, farm management or rural stewardship plan benefits natural resources, such as wildlife habitat, stream buffers and groundwater protection, as well as fosters the preservation of sustainable resources.

E. PBRs CATEGORIES REQUESTED and DEPARTMENT RECOMMENDATIONS:

Open space resources

- Active trail linkage
The property has a recorded easement titled “Roads, Bridle Trails, Water Lines and Tanks” dated 1959. However, there is no agreement between the owner and King County to maintain the trail, nor does it provide a linkage between trails within the county’s regional trail system, which are required for award of this category. Credit for this category cannot be recommended.
- Aquifer protection area
To be eligible for this category, a property must have a minimum of one acre of which native plants are dominant that is located within a designated critical aquifer recharge area. This property is not located in a designated critical aquifer recharge area therefore credit for this category cannot be recommended.
- Ecological enhancement land
To be awarded credit for this category, an ecological enhancement plan must be provided and approved detailing an agency funded project to occur on the property to remove significant human-made structures, alterations or impediments that are detrimental to significant wildlife or salmonid habitat to reestablish natural function or processes to the project area. Because no such project is anticipated, the receipt of a plan is not realistic. Credit for this category is not recommended.
- Equestrian-pedestrian-bicycle trail linkage
In order to be eligible for this category, a recorded trail easement must be located on the property. In addition, the property owner must allow the public to use the trail as an off-road trail linkage for equestrian, pedestrian or other nonmotorized uses or to provide a trail link from a public right of way to a recognized trail system. While the property has a recorded easement titled “Roads, Bridle Trails, Water Lines and Tanks” dated 1959 it does not meet current standards, such as user groups, trail maintenance, design standards, and information that would make this an acceptable trail easement for the Department. Additionally, this trail easement does not provide a direct link from a public right of way to a recognized trail system, therefore, credit for this category cannot be recommended.
- Public recreation area
The property contains a portion of a trail (along west property line), used by the public. This trail runs north/south and begins at NE 40th Street, and ultimately outlets at 132nd

Avenue NE where pedestrians and equestrians can continue and/or access trails in Bridle Trails state park. Credit for this category is recommended.

- Scenic resource, viewpoint or view corridor

In order to be eligible for this category, a property must be either a) a scenic natural resource significant to the character of the county, b) provide a viewpoint accessible to the public or c) contribute to a recognized county view corridor. The property does not contribute significantly to the character of the county nor is it 10 acres in size. Since the general public does not access the property to view a noteworthy natural resource, it would not be considered a viewpoint. The property is not part of a recognized view corridor. Credit for this category cannot be recommended.

- Significant plant or ecological site

A portion of the property is natively vegetated. However, qualification for this category requires the existence of a rare plant species or ecosystem identified by the Washington Department of Natural Resources' Natural Heritage Program, existence of which must be confirmed by an expert. No such plant or ecosystem is known to exist and a further study by the owners is not expected. Credit for this category cannot be recommended.

- Significant wildlife or salmonid habitat

The property contains habitat for numerous wildlife species, including foraging and nesting habitat for the pileated woodpecker, which is defined in King County Comprehensive Plan Species of Local Importance E-328(e). The landowner has made visual observations of pileated woodpeckers actively utilizing the property. It should be noted that this property is in close proximity (1450 feet) to Bridle Trails State park which identifies Pileated Woodpeckers as a resident bird species. Award of this category is consistent with habitat as defined by KCC 20.36.100, section B.15.a (1). Credit for this category is recommended.

- Surface water quality buffer

In order to be eligible for this category, the enrolling land must provide a qualifying buffer of native vegetation to a portion of a lake, pond, stream, wetland or shoreline that is within the enrolling portion of a property. The property does not contain any aquatic features. Credit for this category cannot be recommended.

- Urban open space

To be eligible for this category the enrolling area must be at least one acre or be at least one-half acre and meets one of the criteria listed in KCC 20.36.100 B.18a. The property is located within the City of Bellevue and the landowners are providing a minimum of 0.67 acres of open space meeting both the requirement for enrolling one-half acre or more and criteria 1 of KCC 20.36.100 B.18a. Credit for this category is recommended.

- Watershed protection area

In order to be eligible for this category, the enrolling area must consist of additional native forest cover beyond that required and be at least one acre or 65% of the property acreage, whichever is greater. Additionally, the property must consist of native forest or be in the process of reforestation. The landowners are currently only providing 0.67 acres of open space which is less than one acre and less than 65% of the property acreage. Even if the area in green (attached map) is replanted with native vegetation, it cannot be considered forest due to PSE vegetation height restrictions. Credit for this category cannot be recommended.

Bonus categories

- Easement and access

To be eligible for this category, the property must qualify for one open space resource, provide unlimited public access or limited public access due to resource sensitivity and have a conservation easement or historic preservation easement. The property provides at least one open space resource and will be providing unlimited or limited public access. However, the recorded easement does not meet current standards, such as user groups, trail maintenance, design standards, and information that would make this an acceptable trail easement for the Department.. Credit for this category cannot be recommended.

- Unlimited public access

The owners provide unlimited public access to the portion of a trail (along west property line). This trail runs north/south and begins at NE 40th Street, and ultimately outlets at 132nd Avenue NE where pedestrians and equestrians can continue and access trails in Bridle Trails state park. Credit for this category is recommended.

- Resource restoration

The owners would like to continue to improve the health and diversity of their property, which includes the removal of invasive species (English Ivy, Scotch broom, Himalayan blackberry, etc.) and restoration with native plants and shrubs. The area in green (on attached map), is currently in the process of being restored with a native pollinator meadow seed blend (Annual wildflowers 29%, perennial wildflowers 47%, and grasses 24%). While this seed blend is appropriate for PBRs enrollment it should be noted that it is possible that the grasses may quickly become dominant therefore the landowner must be vigilant and/or it is strongly encouraged to plant native plants and shrubs within the area. Additionally, these plants must meet the height and species requirements of Puget Sound Energy (PSE), the holder of the easement, City of Bellevue, Olympic Pipe Line Co. and the PBRs program. For the property to qualify for this category and the area outlined in green to be eligible for enrollment, a restoration plan must be provided by the owner, approved by the department, and implemented. At this time, a plan has been drafted but not approved therefore credit for this category cannot currently be recommended. However, if a plan is **provided to the department by November 1, 2025, and approved by the department by December 31, 2025**, then credit for this category could be awarded administratively. Award of this category may allow restoration activities to occur in the participating open space area. It is the landowner's responsibility to apply for and receive the necessary approvals from the applicable state and local governmental agencies for activities that may require a permit or approval, such as clearing and grading. **It should be noted that this planting activity must be completed within a three-year period.** Award of this category also requires the owner to provide to the department **an annual restoration progress report for at least the first five years** of participation in addition to the program's annual reporting requirements (see below, Section B. 13.), which should be sent to PBRs staff by either email or other agreed to method.

NOTE: It is important to note that enrollment in the PBRs program requires the control and removal of invasive plant species. This issue is addressed in the Resource Information document (page 3) and below in Recommendation #B6.

CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSIONS:

1. Approval of the subject request would be consistent with the specific purpose and intent of KCC 20.36.010.
2. Approval of the subject request would be consistent with policy E-101 of the King County Comprehensive Plan.
3. Of the points recommended, the subject request meets the mandatory criteria of KCC 20.36.100 as indicated:

Open space resources

• Public recreation area	5
• Equestrian-pedestrian-bicycle trail linkage	0
• Active trail linkage	0
• Scenic resource, viewpoint or view corridor	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

Bonus categories

• Resource restoration	*
• Additional surface water quality buffer	0
• Conservation easement or historic easement	0
• Unlimited public access	5
• Easement and access	0

TOTAL 20 points

NOTE: *If credit is awarded for the resource restoration category, the 0.43 acres (in green on attached map) would be eligible to enroll in PBRS thereby increasing the acreage from 0.67 to 1.10 acres.

PUBLIC BENEFIT RATING

For the purpose of taxation, 20 points result in 30% of market value and a 70% reduction in taxable value for the portion of land enrolled. If the contingent category (*) is awarded, the property would qualify for a maximum of 25 points, which results in a 20% of market value and an 80% reduction.

B. RECOMMENDATION:

APPROVE the request for current use taxation "Open space" classification with a Public Benefit Rating of 20 points, subject to the following requirements:

Requirements for Property Enrolled in the Public Benefit Rating System Current Use Taxation Program

1. Compliance with these requirements is necessary for property participating ("Property") in King County's Public Benefit Rating System ("PBRs"), a current use assessment program for open space. Failure to abide by these requirements can result in removal of PBRs designation and subject Property owner ("Owner") to penalty, tax, and interest provisions of RCW 84.34. King County Department of Assessments ("DoA") and King County Water and Land Resources Division, Agriculture, Forestry, and Incentives Unit, PBRs Program or its successor ("PBRs Program") may re-evaluate Property to determine whether removal of PBRs designation is appropriate. Removal shall follow the process in Chapter 84.34 RCW, Chapter 458.30 WAC and Chapter 20.36 KCC.
2. Revisions to any of these requirements may only occur upon mutual written approval of Owner and granting authority. These conditions shall apply so long as Property retains its PBRs designation. If a conservation easement acceptable to and approved by City of Bellevue and King County is granted by Owner in interest to Department of Natural Resources and Parks, King County or a grantee approved by King County, these requirements may be superseded by the terms of such easement, upon written approval by PBRs Program.
3. The PBRs designation for Property will continue so long as it meets the PBRs criteria for which it was approved. Classification as open space will be removed upon a determination by PBRs Program that Property no longer meets PBRs criteria for which it was approved. A change in circumstances, which diminishes the extent of public benefit from that approved by City of Bellevue and King County Council in the open space taxation agreement, will be cause for removal of the PBRs designation. It is Owner's responsibility to notify DoA and PBRs Program of a change in Property circumstance, which may impact PBRs participation.
4. When a portion of Property is withdrawn or removed from the program, the remaining Property shall be re-evaluated by PBRs Program and DoA to determine whether it still meets the criteria for PBRs categories as approved.
5. Notwithstanding the provisions of Section 14, tree(s) posing a hazard to a structure, road or property access may be removed from Property, provided that Owner shall first notify the PBRs Program prior to taking such action. Native vegetation must be introduced for any tree(s) removed and must be planted within a reasonable location of where the tree(s) previously existed. It is Owner's responsibility to apply for and receive any

necessary consent from applicable state and local governmental agencies for activities that may require a permit or approval.

6. If an area of Property becomes or has become infested with noxious weeds or non-native species, Owner may be required to submit a control and enhancement plan to PBRS Program in order to remove such vegetation and, if necessary, replace with native vegetation.
7. If it is determined by PBRS Program that Property vegetation near structures is prone to wildland fire and poses a fire hazard, management activities as allowed under KCC 16.82.051 may be implemented as long as those activities do not cause significant adverse impact to the resource values of awarded PBRS categories. Prior to undertaking any wildfire risk reduction activities on Property, a summary of any proposed work must first be submitted to and approved by PBRS Program.
8. There shall be no motorized vehicle driving or parking allowed on Property, except for medical, public safety or police emergencies, or for an approved management activity (such as forestry, farm, or restoration activities) detailed in an approved plan.
9. Grazing of livestock is prohibited unless Property is receiving credit for the farm and agricultural conservation land or resource restoration PBRS categories. In those cases, grazing may occur in areas being farmed as defined in the approved farm management plan or to be restored as defined in the approved resource restoration plan.
10. For Property receiving credit for ecological enhancement land, farm and agricultural conservation land, forest stewardship land, rural stewardship land, or resource restoration, activities that are defined in associated approved plan(s) shall be permitted as long as those activities do not cause significant adverse impact to the resource values of other awarded PBRS categories.
11. Passive recreational use and maintenance of associated improvements shall be permitted on Property receiving credit for public recreation area, active trail linkage, equestrian-pedestrian-bicycle trail linkage, or public access PBRS categories. Those uses and associated maintenance are allowed as long as they do not conflict with restrictions imposed by any of the awarded PBRS categories.
12. Public access shall be permitted upon any area of Property that is designated for public access.
13. Owner of Property participating in PBRS may be required to submit a monitoring report on an annual or less frequent basis as requested by the PBRS Program. This report must include a brief description of how Property still qualifies for each awarded resource category. It must also include photographs from established points on Property and any observations by Owner. If requested, Owner must submit this report to the PBRS Program by email, through the PBRS monitoring form provided on the PBRS Program's

website, or by other mutually agreed upon method annually by December 31 or as directed by the PBRS Program. An environmental consultant need not prepare this report.

14. No alteration of Property or resources shall occur without prior written approval (such as an approved plan) by PBRS Program, except for selective cutting for personal firewood, maintaining areas for approved passive recreational uses (such as walking or horseback riding trails) or for removal of non-native species. **Any unapproved alteration may constitute a departure from an approved open space use and be deemed a change of use, and subject Owner to the additional tax, interest, and penalty provisions of RCW 84.34.080.** "Alteration" means any human-induced action that adversely impacts the existing condition of Property or resources including, but not limited to, the following:
 - a. erecting structures;
 - b. grading;
 - c. filling;
 - d. dredging;
 - e. channelizing;
 - f. modifying land or hydrology for surface water management purposes;
 - g. cutting, pruning, limbing or topping, clearing, mowing, or removing native vegetation;
 - h. introducing non-native species (as defined in KCC 21A.06.790);
 - i. applying herbicides or pesticides or any hazardous or toxic substance, without prior written approval;
 - j. discharging pollutants except for stormwater;
 - k. paving or application of gravel;
 - l. storing or dumping equipment, construction materials, garbage, vehicles, household supplies, or compost;
 - m. engaging in any other activity that adversely impacts existing native vegetation, hydrology, wildlife, wildlife habitat, or awarded program categories.
15. Participation in PBRS does not exempt Owner from obtaining any required permit or approval for activity or use on Property.

TRANSMITTED to the parties listed hereafter:

Madhukirana Timiri and Velma Ostergaard, applicants
Thera Johnson, Planning Director, Community Development, City of Bellevue
Elenore Bonyeau, King County Department of Assessments

An aerial photograph of a property. A large green rectangular area is outlined in green, containing a grassy field with two basketball hoops. A smaller, irregular blue area is outlined in blue, containing a house with a grey roof. The entire property is outlined in yellow. The text '0.43 acres' is in green, '0.28 acres' is in blue, and '8669400210' is in yellow.

0.43 acres

0.28 acres

8669400210

2023 Aerial Photo

EagleView Technologies, Inc. King County, King County