2016 Annual Threshold Review CPA Recommendation
and Consideration of Geographic Scoping
Site-Specific Amendment

Park Lands Policy #1

Staff recommendation: Do not include the Park Lands Policy #1 CPA proposal in the 2016 annual CPA work program.

Application Number: 15-129232 AC
Subarea: citywide
Original Addresses: N/A
Applicant(s): Geoff Bidwell

PROPOSAL
This is the Threshold Review stage of the annual Comprehensive Plan amendment (CPA) process. The purpose of Threshold Review is to determine whether a proposed amendment should be considered in the Comprehensive Plan amendment work program for Final Review.

The Comprehensive Plan Amendment process has two phases: (1) Threshold Review to determine whether a proposed amendment should be considered in the Comprehensive Plan amendment work program for Final Review; and (2) Final Review, where the merits of an application are considered. Each phase uses Land Use Code decision criteria for review.

This privately-initiated application would amend policy and/or text in the Comprehensive Plan. Three new policies are proposed in the Parks, Recreation and Open Space Element. These policies would restrict or regulate review in changes in use of acquired park lands and park property by citizens, the Parks Board and in the city's formal rezone process. See Attachment 1.

In support of the proposal, the applicant cites nineteen existing policies in the Comprehensive Plan. The applicant also includes (1) an exhibit regarding property in the Mercer Slough referred to as the "Balatico property", portions of which are being conveyed to Sound Transit under the East Link operating Memorandum of Understanding ("MOU"); and (2) a narrative indicating that the amendments are necessary to protect taxpayer investments in park lands from non-park uses, including sales of any park lands.

STAFF RECOMMENDATION
Staff recommends not including this Comprehensive Plan amendment application in the 2016 work program.

The proposals intend restrictions to the City Council's legislative authority. The Comprehensive Plan amendment process is not the place to appropriately address matters of law, or to examine how a work program (such as the East Link Memorandum of Understanding) is implemented.

BACKGROUND

Non site-specific CPAs are proposed to amend policy and/or text in the Comprehensive Plan. This proposal has not previously been presented.

THRESHOLD REVIEW DECISION CRITERIA

The Threshold Review Decision Criteria for an initiated Comprehensive Plan Amendment proposal are set forth in the Land Use Code Section 20.30I.140. Based on the criteria, Department of Planning and Community Development staff has concluded that the proposal **not be included** in the annual CPA work program.

This conclusion is based on the following analysis:

A. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and

The proposed amendments do not present a matter appropriately addressed through the Comprehensive Plan. Using policy to restrict or regulate changes in use of acquired park lands and park property that could restrict already-established statute and court-tested procedures for city actions regarding real property is a matter of law, not policy.

In citing existing policies in the Parks, Environment and Urban Design Elements in support of the amendments, the proposal implies that these existing policies need additional restrictions on park lands decisions. These existing policies are a mix of land acquisition, proactive use of parks for active and passive space, protection of natural areas, trees, views and open space, and balance in sustainability, energy efficiency and water quality. The recent 2015 Comprehensive Plan Update was the opportunity to test the adequacy of these policies to adequately frame parkland development and implementation.

The portions of the proposal restricting the sale or disposal of park property would conflict with existing provisions of state law and the Bellevue City Code. Generally speaking, the City is authorized to acquire real and personal property of every kind and to convey or otherwise dispose of such property for the common benefit. RCW 35A.11.010. Consistent with RCW 35A.11.010, the City has adopted code provisions regarding the sale of real property:

> *Notwithstanding any other section of this chapter, when city property with an estimated value of over $10,000 is to be sold, the finance director or his/her designee may, with prior approval of the city manager or his/her designee, sell or dispose of the property in any legal, commercially reasonable manner in the best interests of the city, including but not limited to public auction, private sale, sealed bid, exchange of in-kind goods, or through a broker or agent. The city shall comply with any notice requirements imposed by law for the sale.*

BCC 4.32.030.

Except as provided in BCC 4.32.020 [property less than $10,000] and 4.32.030, any sale of real property shall be submitted to the council for approval. A public hearing on the proposed sale is not required.

BCC 4.32.060. Changes to the City's ability to buy and sell real property should be addressed through an amendment to the City Code, not an amendment to the Comprehensive Plan.

The portions of the proposal that relate to bond issuances conflict with existing law. Approval of a bond issuance creates a relationship between the issuing jurisdiction and those taxpayers whose taxes are pledged to the payment of the bonds. See O'Byrne v. City of Spokane, 67 Wash.2d 132, 136-37, 406 P.2d 595 (1965). This relationship is, or is analogous to, a contract. Sane Transit v. Sound Transit, 151 Wash.2d 60, 85 P.3d 346, 350 (2004). As a result, the voter-approved taxes must be applied in a manner consistent with the purposes set forth in the ordinance authorizing the bond issuance and approved by the voters, taking into account any discretion reserved to the City Council in the ballot language to set the limitations for the use of the bond proceeds to certain uses for certain periods of time.

The proposed amendments intend to restrict use of park land for non-park purposes, a scenario that is either adequately covered by the language of a bond issuance itself or would frustrate the intent of a bond issuance. In either case, this is not a matter properly addressed through a Comprehensive Plan amendment.

B. The proposed amendment is in compliance with the three-year limitation rules set forth in LUC 20.30I.130.A.2.d; and

The three-year limitation does not apply to this proposal.

C. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council; and

The policy or land use issues raised by the proposed amendment were more appropriately addressed by an ongoing work program approved by the City Council. The ongoing work program that governs the construction of East Link—the Sound Transit MOU—has already documented the means by which City Council has transacted and documented conveyances of real property.

D. The proposed amendment can be reasonably reviewed within the resources and timeframe of the Annual Comprehensive Plan Amendment Work Program; and

This proposed amendment cannot be reasonably reviewed because it implies statutory change to the relationship between the issuing jurisdiction and those taxpayers whose taxes are pledged to the payment of the bonds. This disqualifies it from being reasonably reviewed within the resources and timeframe of the annual process.

Approval of a bond issuance creates a relationship between the issuing jurisdiction and those taxpayers whose taxes are pledged to the payment of the bonds. See O'Byrne v. City of Spokane, 67 Wash.2d 132, 136-37, 406 P.2d 595 (1965). This relationship is, or is analogous to, a contract. Sane Transit v. Sound Transit, 151 Wash.2d 60, 85 P.3d 346, 350 (2004). As a result, the voter-approved taxes must be applied in a manner consistent with the purposes set forth in the ordinance authorizing the bond issuance and approved by the voters, taking into account any discretion reserved to the City Council in the ballot language to set the limitations for the use of the bond proceeds to certain uses for certain periods of time.

The proposed amendments intend to restrict use of park land for non-park purposes, a scenario that is either adequately covered by the language of a bond issuance itself or would frustrate the intent of a bond issuance. In either case, this is not a matter properly addressed through a Comprehensive Plan amendment.

E. The proposed amendment addresses significantly changed conditions since the last time the pertinent Comprehensive Plan map or text was amended. Significantly changed conditions are defined as:

> **Significantly changed conditions.** Demonstrating evidence of change such as unanticipated consequences of an adopted policy, or changed conditions on the subject property or its surrounding area, or changes related to the pertinent Plan map or text; where such change has implications of a magnitude that need to be addressed for the Comprehensive Plan to function as an integrated whole. This definition applies only to Part 20.30I Amendment and Review of the Comprehensive Plan (LUC 20.50.046); and

Policy implementation here did not create an unanticipated consequence suggesting that additional policy is necessary.

Policy PA-37 mandates a "public review process for the conversion to non-recreational use of park lands and facilities." This policy implementation was in place governing the Balatico property conveyance as well as the provisions in the East Link MOU. The City Attorney's Office (Attachment 4) has already detailed the public review process for these actions. This policy anchors the city's—and specifically the City Council's—ability to protect taxpayer investments through prescribed statute.

PA-37's predecessor was adopted in 1985 (the Parks Element was first adopted in 1974). It thus has over 30 years of successful operation. The applicant did not bring forward the opportunity to consider such citywide consequences in the recent 2015 Comprehensive Plan Update.

F. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly-situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and

Non-site specific applications are not subject to expansion of geographic scope analysis.

G. The proposed amendment is consistent with current general policies in the Comprehensive Plan for site specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the Growth Management Act (GMA), other state or federal law, and the Washington Administrative Code (WAC); or

The first part does not apply as this is not a site-specific amendment.

The proposed amendments are inconsistent with policy implementation in the Countywide Planning Policies because they direct actions that would restrict established legislative authority regarding real property conveyance, where otherwise jurisdictions should make use of the full range of regulatory and land preservation tools available to create, maintain and steward the regional open space system which has been cooperatively identified (CC-12).

The proposed amendments are inconsistent with policy implementation in the Growth Management Act because they direct actions that would restrict established legislative authority regarding Private Property and Open Space and Recreation planning goals (RCW 36.70A.020(6) and (9)).

and:

H. State law requires, or a decision of a court or administrative agency has directed such a change.

State law or a decision of a court or administrative agency has not directed the suggested change.

PUBLIC COMMENT

PCD has received two public comments on this application asking for information about the details of the proposal.

ATTACHMENTS

1. Application materials
2. List of referenced existing Plan policies
3. Public comment
4. City Attorney Office letter on Balatico

ATTACHMENT 1

RECEIVED

DEC 01 2015

CITY CLERK'S OFFICE

To: Department of Planning and Community Development

Attention Nicholas Matz

450 110th Ave NE

Bellevue, WA 98009

Date: December 1, 2015

Subject: Proposed Amendments to the Comprehensive Plan for year 2015/2016 for non site-specific applications.

Dear City Staff,

Please find attached a completed proposal for city wide non site-specific amendments for additions to the Comprehensive Plan for years 2015 through 2016 pursuant to RCW 36.70A and Bellevue Code 20.30I that may result in significantly changed conditions.

Should you wish to re-phrase the proposals or combine them into a singular amendment please let me know.

Sincerely,

Geoffrey J.Bidwell

1600 109th Ave SE

Bellevue, WA 98004

e-mail:- geoffreybidwell@yahoo.com

Phone:- 425-453-9265

Total of 4 pages including this page

Department of Planning & Community Development
425-452-6800 www.bellevuewa.gov

Application for
COMPREHENSIVE PLAN AMENDMENT

CPA YEAR 20__ APPLICATION DATE:	TECH INITIALS	AMANDA PROJECT FILE:

1. Project name —
2. Applicant name GEOFFREY J. BIDWELL Agent name —
3. Applicant address 1600 109th AVE SE, BELLEVUE, WA 98004
4. Applicant telephone (425) 453-9265 fax (—) — e-mail geoffreybidwell@yahoo.com
5. Agent telephone (___) — fax (___) — e-mail —

This is a proposal to initiate a site-specific Comprehensive Plan Amendment proposal ☐ (Go to **Block 1**)
This is a proposal to initiate a non site-specific Comprehensive Plan Amendment proposal ☑ (Go to **Block 2**)

BLOCK 1
Property address and/or 10-digit King County parcel number _____.

Proposed amendment to change the map designation from existing _____ to proposed _____.
Site area (in acres or square feet) _____.
Subarea name _____.
Last date the Comprehensive Plan designation was considered ___/___/___.
Current land use district (zoning) _____.
Is this a concurrent rezone application? ☐Yes ☐No Proposed land use district designation _____.

Go to **BLOCK 3** Community Council: ☐ N/A ☐ East Bellevue

BLOCK 2
Proposed amendment language. This can be either conceptual or specific amendatory language; but please be as specific as possible so that your proposal can be adequately evaluated. If specific wording changes are proposed, this should be shown in ~~strike-out~~/underline format. Attach additional pages as needed.

PLEASE SEE ATTACHED SHEET 4
ELEMENTS THAT ARE REFERENCED ARE:-
1) PARKS, RECREATION AND OPEN SPACE
2) ENVIRONMENT
3) URBAN DESIGN AND THE ARTS

SHEET 4 PA-XX1, PA-XX2, PA-XX3

Reference Element of the Comprehensive Plan (e.g., Land Use, Transportation, Housing, Capital Facilities):

Last date the Comprehensive Plan policy or text was considered ___/___/___.
Go to **BLOCK 3**

BLOCK 3
Support for the proposed amendment. Explain the need for the amendment—why is it being proposed? Describe how the amendment is consistent with the Comprehensive Plan Vision (Web link). Include any data, research, or reasoning that supports the proposed amendment. Attach additional pages as needed.

THE FOLLOWING ELEMENTS OF THE COMPREHENSIVE PLAN SUPPORT THE PROPOSED ADDITIONS TO THE PLAN i.e.,
PA-2 PA-5 PA-7 PA-16 PA-21 PA-29 PA-30 PA-37
EN-1 EN-2 EN-4 EN-21 EN-36 EN-63 EN-89
UD-2 UD-3 UD-62 UD-83

Go to **BLOCK 4**

BLOCK 4a
Evaluating the proposed amendment. Explain how the proposed amendment is consistent with the Threshold Review Decision Criteria in LUC Section 20.30I.140 (see Submittal Requirements Bulletin #53). Attach additional pages as needed.

THE PROPOSED AMENDMENTS ARE CONSISTANT WITH SECTION 20.30.140 IN THAT IT ASSURES THE PUBLIC THAT THE GOALS AND POLICIES IN THE COMP PLAN WILL BE REALIZED AND ADDRESSES SIGNIFICANTLY CHANGED CONDITIONS

BLOCK 4b ***complete this section only for a site-specific concurrent rezone***
Evaluating the proposed concurrent rezone. Explain how the proposed rezone would be reviewed under Rezone Decision Criteria in Land Use Code Section 20.30A.140. Attach additional pages as needed.

—

I have read the Comprehensive Plan and Procedures Guide ☑

NOTICE OF COMPLETENESS: Your application is considered complete 29 days after submittal, unless otherwise notified.

Signature of applicant Geoffrey Bidwell Date December 1ST 2015

I certify that I am the owner or owner's authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owner's agent regarding the property at the above-referenced address for the purpose of filing applications for decisions, permits, or review under the Land Use Code and other applicable Bellevue City Codes and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.

I certify that the information on this application is true and correct and that the applicable requirements of the City of Bellevue, RCW, and the State Environmental Policy Act (SEPA) will be met.

Signature — *Date* —
(Owner or Owner's Agent)

CP Amendment Proposals years 2015 through 2016

Block2 - PA xx1

Protect and prevent park lands, acquired through city wide bond measures (i.e., Bellevue taxpayers), from being used for purposes that are inconsistent with park dedicated uses, unless such uses are approved by citizens of the city.

Block2 - PA xx2

Require park property restricting public use and/or park access for longer than a 6 month duration, shall be deemed permanent and require review and approval by the City Parks and Community Services Board for closures related to non-park uses.

Block2 - PA xx3

Require park lands that are to be converted (or partially converted) for uses other than park dedicated use, shall be formally re-zoned and subject to the city public review process.

March 9, 2016

Good evening, my name is Geoffrey Bidwell and I reside at 1600 109th AVE SE, Bellevue. I have lived here for 39 years. I have been involved in protecting the Mercer Slough Nature Park for many years.

I am here tonight to speak briefly on my suggested Comp Plan Amendments regarding the preservation and protection of city park lands. I concur with and fully support Mrs. Smith's comments regarding her Comp Plan Amendments.

These Comp Plan Amendments are necessary to protect taxpayer investments in park lands from non park uses including sales of any park lands.

I would like the commission to consider the following example which involves a piece of property that was acquired in 1988 through a Bellevue park bond measure supported by Bellevue taxpayers, Exhibit # 1. The City Council Resolutions states, and I quote:

"The parcel (known as the Balatico property) was selected as having the highest priority for land acquisition. The parcel is necessary to retain views of the Slough from Bellevue Way and to provide an appropriate entrance to the Park."

Exhibit # 2, is the drawing of the creation of the trailhead for the Mercer Slough Nature Park and its improvements as authorized by the City Council and park bond measure. As you can see, this is a critical feature of the Mercer Slough Nature Park for its visual and physical enjoyment.

Exhibit # 3, is the Assessors Report, Balatico property 7000100445. This report claims that the property is unimproved, has a zoning of R-1, low density single family zoning and that this zoning is in place to protect the wetlands from high intensity use. This is false and is contrary to the reason the City Council and taxpayers approved the purchase of this park land back in 1988.

This clearly demonstrates that we need stronger language to protect these unique and irreplaceable park lands for now and for the future. Thank you for considering this important amendment.

EXHIBIT #1

2376h

Item No. 10c

CITY COUNCIL AGENDA MEMORANDUM

Subject: Resolution No. 5080, approving the purchase of a 22.34-acre parcel of land from the Trust for Public Lands for a total price of $1.45 million to expand Mercer Slough Park.

Fiscal Impact: The purchase price of $1,450,000 plus about $3,000 of closing costs will be charged to the new CIP Project P-AD-30, Open Space Acquisitions. This project will be supported by proceeds derived from the $16,500,000 Park and Recreation Bond Issue which the voters approved at the September 20, 1988 primary election. Since these bonds will not be sold and the proceeds derived until approximately February 20, 1989, a short-term interfund loan will be arranged which will be repaid when the park bond proceeds are received.

Staff Contact: Lee Springgate, Parks Director, 455-6881.

POLICY CONSIDERATION

The Comprehensive Plan--Parks, Open Space and Recreation Element has a goal to acquire and develop a system of park, open space and recreation facilities, both active and passive, that is attractive, safe, functional, and available to all segments of the population. Land acquisition for parks and open space is the priority of the 1987 Parks Plan and Mercer Slough acquisitions are a key recommendation. Passage of the September 1988 Bond Issue, which highlighted land acquisition in Mercer Slough, supports the policies identified above.

BACKGROUND

The Mercer Slough is a unique habitat within the City. It is a highly visible area from Interstates 90 and 405. In the early 1970's the City and state began to purchase land in the Mercer Slough to retain it for public use and for its environmental integrity. Together, 181 acres are publicly-held.

The completion of the Parks Plan in 1987 and master planning efforts for this property pointed to the significant role the Slough plays for a trail system, nature park, agricultural area, wetlands and visual amenity. A number of underdeveloped or undeveloped parcels still remain in the Slough. Development pressures have increased and the urgency to acquire land to expand the park also escalated.

The parcel (known as the Balatico property) was selected as having the highest priority for land acquisition. The parcel is necessary to retain views of the Slough from Bellevue Way and to provide an appropriate entrance to the park.

The City sought the help of the Trust for Public Land to intervene on its behalf with the property owner to secure the site until such time as a bond issue passed that would fund the land acquisition.

The action tonight authorizes the full transaction, which will place the land into public ownership. This is one step towards retaining the central portion of the Slough for the enjoyment for all generations.

OPTIONS

1. Adopt Resolution No. 5080 approving the purchase of a 22.34-acre parcel of land in Mercer Slough for $1.45 million and authorizing the City Manager to take all action necessary to complete such purchase.

2. Do not adopt Resolution No. 5080, approving the purchase of a 22.34-acre parcel of land in Mercer Slough for $1.45 million.

RECOMMENDATION

Adopt Option No. 1, approving the purchase of a 22.34-acre parcel of land in Mercer Slough for $1.45 million and authorizing the City Manager to take all action necessary to complete such purchase.

MOTION

Move to adopt Resolution No. 5080, approving the purchase of a 22.34-acre parcel of land in Mercer Slough for $1.45 million and authorizing the City Manager to take all action necessary to complete such purchase.

ATTACHMENTS

Site Map
Vicinity Map
Proposed Resolution

ORIGINAL

3716c
11-29-88

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 5080

A RESOLUTION approving the purchase of a 22.34-acre parcel of land by the City of Bellevue from the Trust for Public Lands to expand Mercer Slough Park, and authorizing the City Manager to execute and accept a statutory warranty deed and to take all other action and to sign all other documents necessary to complete said purchase.

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

Section 1. The City Council hereby approves the purchase by the City of Bellevue of a 22.34-acre parcel from the Trust for Public Lands for the total price of $1 45 million to expand Mercer Slough Park.

Section 2. The City Manager or his designee is hereby authorized to execute and accept on behalf of the City a statutory warranty deed and to take all other action and to sign all other documents necessary to complete said purchase.

PASSED by the City Council this 5th day of December 1988, and signed in authentication of its passage this 5th day of December 1988.

(SEAL)

Nan Campbell
Nan Campbell, Mayor

Attest:

Marie K. O'Connell
Marie O'Connell, City Clerk

THE SEATTLE TIMES

Eastside

MONDAY, APRIL 4, 1988

SERVING THE COMMUNITIES EAST OF LAKE WASHINGTON

Pact would protect one slough parcel

by Alex Tizon
Times East bureau

■ BELLEVUE

To preserve open space in the Mercer Slough area, Bellevue has reached a tentative agreement with a local corporation that owns two undeveloped parcels near the slough, according to the corporation's president.

The closed-door agreement would net Bellevue one of the parcels and would allow Zaser-Longston Inc. to build a controversial office complex on the other parcel, said Jessica Longston, president of the corporation.

Bellevue officials admitted negotiations were under way but added that no special deal was being offered. Negotiations regarding land acquisitions are routinely done in closed sessions.

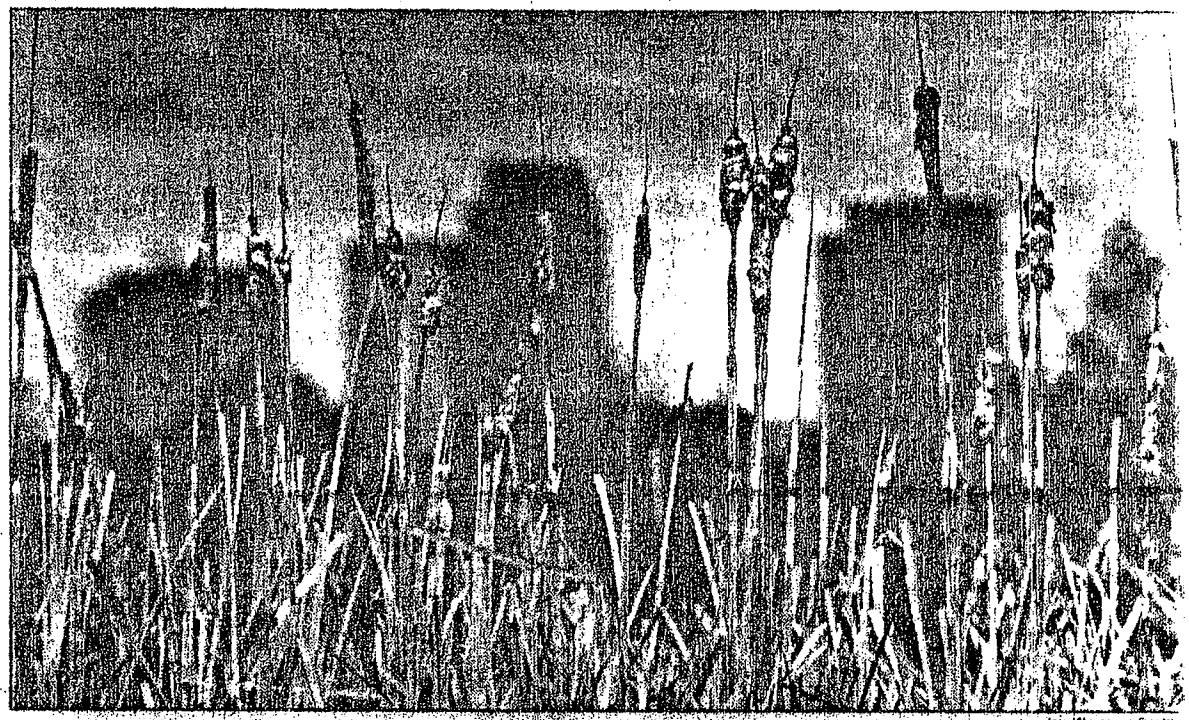
Zaser Longston owns a 14-acre site, known as the Ostbo-Riepl property — named after the former owners — on the west side of Mercer Slough, and a 23-acre parcel, known as the Balatico property, also west of the slough. The corporation wants to build office complexes on both properties.

Bellevue is interested in buying both parcels to keep them as open space or to convert them to parks, thereby preserving a continuous greenbelt along the slough from Interstate 90 to Bellefield Office Park.

However, the city reportedly has earmarked only enough money for one of the properties. The proposed $16.5 million park bond issue in May, if approved by voters, would allow the city to purchase the Balatico property.

In an apparent move to tie up the properties until the bond issue is passed, the city has made it difficult to obtain permits to build the development projects, Longston said.

"We've been trying for three years to get a building permit. . . . The city can make it awfully rough and awfully expensive for us," Longston said. "They said, 'Let us buy the Balatico property and we'll let you build on the other part.'"



The Bellevue skyline looms above cattails on the Balatico property west of Mercer Slough.

Jon Warren / Seattle

Lee Springgate, parks department director, said a tentative agreement has been reached between the corporation and Trust For Public Land, an organization negotiating on behalf of the city.

According to the agreement, the corporation would sell the Balatico property to the city only after the corporation obtained a city permit to build the project on the Ostbo-Riepl land. That would ensure at least one of the projects will be built.

Zaser-Longston wants to build a 90,000-square-foot, multilevel office complex called Enatai Plaza on the Ostbo-Riepl parcel.

Springgate said the project will have to go through the normal review process, but added that the city staff has been asked to process the corporation's application quickly. He emphasized that the corporation would not be given any special breaks; the project could still be denied later by the hearing examiner or the City Council.

Springgate said a decision to approve or deny a permit will probably be made in the next two months.

The office complex plan has raised the ire of many residents who live near the site. The residents have deluged City Hall with letters and a petition with 300 signatures asking the city to buy the Ostbo-Riepl parcel for park space.

Heather McCartney, assistant park director, said the city is considering buying several privately owned parcels in the Mercer Slough area, including the Ostbo-Riepl property, if the May 17 bond issue passes.

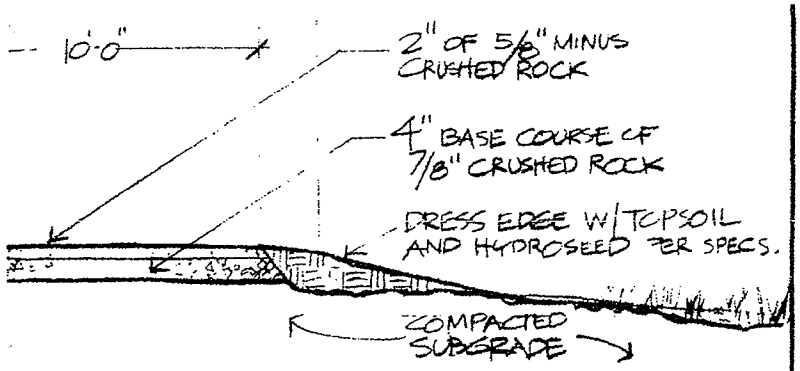
City Manager Phil Kushlan, however, said the purchase of the Ostbo-Riepl property was possible but not probable because [illegible] high price and the determin[illegible] of the corporation to develop.

The corporation is reluct[illegible] sell the land, but it is leavin[illegible] door open.

"We'd rather not sell i[illegible] we would if the city came up [illegible] a fair price," Longston said [illegible] said the fair market value o[illegible] site is about $20 to $25 [illegible] buildable foot, which amou[illegible] as much as $2.6 million.

Zaser-Longston owns a [illegible] station in Anchorage, A[illegible] farm properties in Eastern W[illegible]ington and commercial prop[illegible] in the Puget Sound area.

EXHIBIT #2



Gravel Path Detail

No scale

labitat Enhancement Seed Mix:

areas with hydroseed between Sept. 15 and Nov. 15 unless specified)

tal wood cellulose 1600 lbs/ac; fertilizer 10-20-20 @ 300 lbs/ac

Mercer Slough Nature Park

Balatico Trailhead

Demolition/Grading/Trail Constructi

City of Bellevue
Parks and Recreation

PLANNING AND
DEVELOPMENT DIVISION

PO Box 90012
Bellevue, WA 98009-9012
(206) 455-6881

BELLEVUE/WASHINGTON

EXHIBIT #3

EAST LINK – RESTRICTED USE APPRAISAL REPORT

RE: City owned parcel: #7000100445 BALATICO
Property Location: 2820 Bellevue Way SE; S. of Park-and-Ride

TO: Max Jacobs, Real Property Manager
City of Bellevue

FROM: Michael E. Murray, MAI
Murray & Associates

Summary of Conclusions – See Attached Worksheet

Appraiser	Date of Valuation	Value Before Project	Value After Project	Estimated Owner Compensation
Michael E. Murray, MAI	4/1/2011	$1,352,500	$209,600	$1,142,900

Intended Use, Intended User, and Limiting Conditions
This is a ***Restricted Use Appraisal Report*** and prepared for the City of Bellevue's (Client's) use only. It is my understanding that the Client intends to use this report during discussions with Sound Transit relating to developing a tunnel funding agreement for the East Link Light Rail project. This appraisal reflects a current date of value and it is based on preliminary engineering plans. If market conditions and/or the engineering plans materially change between the date of value set forth herein and the expected date of the right-of-way acquisition, then the above value conclusions will have to be updated. ***Further, the opinions and conclusions set forth herein may not be understood properly without additional information that is contained in the Appraiser's work file.*** Please refer to the *Assumptions and Limiting Conditions and USPAP Addendum herein* for general assumptions and limiting conditions.

Appraisal Problem - The appraisal problem was to evaluate the impact of a 6,618-square-foot fee take, a 22,096- square- foot permanent aerial guideway easement, and a 34,594-square-foot temporary construction easement needed for five years.

Describe Subject briefly – include zoning, description of improvements, if any, size, shape, topography, access, available public utilities, highest and best use. The subject is located directly south of the South Bellevue Park-and-Ride and is a 90,169-square-foot site. It is unimproved and the zoning is R-1, which is a low-density residential zoning that is in place to protect the wetlands from high intensity uses. The highest and best use of the usable area is for special-purpose facilities for public uses and educational uses similar to the developments along the perimeter of the nature park, including: the Sweyolocken Pump Station, the South Bellevue Park-and-Ride, Blueberry Farm, Winters House, and the Mercer Slough Environmental Education Center.

Describe Acquisition. The acquisition is a 6,618-square-foot fee take, a 22,096-square-foot permanent aerial guideway easement that bisects the triangular shaped site, as well as a 34,594-square-foot temporary construction easement expected to last five years.

Valuation Methodology - The three approaches to value (the Cost Approach, Sales Comparison Approach, and the Income Approach) were considered for this appraisal. As the subject property is vacant land, the Sales Comparison Approach was relied upon for valuing the property in the "before" and "after" conditions. Comparable land sales from the past several years were analyzed and adjusted for market conditions, zoning, location and physical differences in comparison to the subject property and then correlated to a single unit value (per square foot) and applied to the subject's usable land area. For the usable site area, low-intensity land sales with similar location and site characteristics, including residential and special purpose transactions, were analyzed, and indicated a current value of $14 to $16 per square foot. Wetland sales and sites with substantial wetland/critical areas were analyzed and indicated a unit value of 10% to 30% of usable site area. Based on my analysis, and based on my judgment, a value of $15 per square foot was concluded for the usable site area and a value of $3.00 per square foot (20% of the usable unit value) was concluded for the wetland or building-restricted portions of the sites.

Describe Remainder briefly - including zoning description of improvements, if any, size, fee, topography, access, available public utilities. The site is 6,618 square feet smaller with the fee take from the northwest corner of the subject property. The path of the aerial guideway bisects the site in such a manner as to effectively eliminate the opportunity to build permanent structures and therefore the entire site becomes building-restricted in the "after" condition. The remainder will also be encumbered by a 5-year temporary construction easement.

Discuss Damages. The aerial guideway through the subject remainder effectively eliminates the opportunity to build permanent structures and causes the entire site to become building-restricted, reducing its value from $15.00 per square foot to $3.00 per square foot. In addition to these severance damages the ST ROW plan indicates an area of 34,594 square feet for the temporary construction easement. Temporary Construction Easement damages are calculated using 34,594 square feet @ $3.00 per square foot ("after" value) x 9% = $9,340 per year. Since this is a 5-year temporary construction easement, an increase of 2% a year was assumed for the five-year duration and these amounts were discounted to present value based on a 5.5% financial rate of return to reflect a lump-sum payment of the TCE as of the date of value, or $41,000. **The impacts of these permanent and temporary acquisitions result in a remainder that has very little utility or value to the property owner, therefore a total acquisition should be required.**

ATTACHMENT 2

PA-2. Obtain land throughout the community to meet present and future parks and open space needs.

PA-5 Obtain, for preservation, natural areas that are sensitive to urbanization or represent a valuable natural and aesthetic resource to the community.

PA-7 Maximize use of public lands by collaborating with other City projects and programs to incorporate utility, storm drainage, underutilized right-of-way and other public lands into the parks and open space system.

PA-16 Designate active and passive recreation uses and cultural use of parkland through the master plan approval process.

PA-21 Use parks to celebrate, promote and preserve Bellevue's history, cultural arts and local heritage when consistent with the park's design and programming.

PA-29 Design, construct, operate, and maintain parklands and facilities to preserve the ecology of natural systems on parklands.

PA-30 Protect and retain, in a natural state, significant trees and vegetation in publicly and privately-dedicated greenbelt areas.

PA-37 Require a public review process for the conversion to non-recreational use of park lands and facilities.

EN-1 Balance the immediate and long range environmental impacts of policy and regulatory decisions in the context of the city's commitment to provide for public safety, infrastructure, economic development and other obligations.

EN-2 Conduct city operations in a manner that ensures the sustainable use of natural resources, promotes an environmentally safe workplace for its employees, and minimizes adverse environmental impacts.

EN-4 Promote and invest in energy efficiency and renewable energy resources as an alternative to non-renewable resources.

EN-21 Monitor surface water quality and implement measures to identify and address the sources of contamination.

EN-36 Require an analysis of soil liquefaction potential where appropriate, in the siting and design of structures and infrastructure.

EN-63 Preserve and maintain fish and wildlife habitat conservation areas and wetlands in a natural state and restore similar areas that have become degraded.

EN-89 Explore opportunities for public acquisition and management of key critical areas of valuable natural and aesthetic resources, and fish and wildlife habitat sensitive to urbanization through a variety of land acquisition tools such as conservation easements and fee-simple purchase.

UD-2 Preserve and enhance trees as a component of the skyline to retain the image of a "City in a Park."

UD-3 Foster and value the preservation of open space as a dominant element of the city's character.

UD-62 Identify and preserve views of water, mountains, skylines or other unique landmarks from public places as valuable civic assets.

UD-83 Preserve, enhance and interpret Bellevue's historical identity.

ATTACHMENT 3

Matz, Nicholas

From: CAROLYN A MAXIM <camaxim@msn.com>
Sent: Friday, March 04, 2016 2:29 PM
To: Matz, Nicholas
Subject: RE: Bellevue Planning Commission 3-9-2016 Study Session on 2016 privately-initiated Comprehensive Plan Amendments (CPA)

Nick,
Thanks for the notice. If you'd be kind enough to send a link to those materials, I'd appreciate it. Bellevue's website I find cumbersome to navigate.
I have a conflict next Wednesday but will certainly try to keep informed re the subject.
From the brief items you sent before, I'm guessing the proposals came from individuals with longstanding opinions re. the City's policies, and one speculates about what's motivating them at this particular time.
Carolyn Maxim

From: NMatz@bellevuewa.gov
To: NMatz@bellevuewa.gov
CC: EAKing@bellevuewa.gov; TCullen@bellevuewa.gov; JSteedman@bellevuewa.gov; estead@bellevuewa.gov
Subject: Bellevue Planning Commission 3-9-2016 Study Session on 2016 privately-initiated Comprehensive Plan Amendments (CPA)
Date: Fri, 4 Mar 2016 21:40:01 +0000

The Bellevue Planning Commission will be introduced in Study Session to the 2016 site-specific privately-initiated Comprehensive Plan Amendment (CPA) applications on Wednesday, March 9, 2016. The meeting location is at Bellevue City Hall, 450 110th Ave NE, in Room 1E-113. The meeting will start at **7:00** pm. The Planning Commission agenda and meeting materials are posted online. Please let me know if you would like the materials delivered in another manner.

The purpose of the Study Session is to introduce the Commission to the proposals and ask them to advise on the geographic scope of the proposals under LUC 20.30I.130.A. This is **not** the Threshold Review public hearing and a Threshold Review staff recommendation has **not** been proposed or presented.

Please also note that a Public Meeting required by LUC 20.35.327 for the Newport Hills Village and Naficy concurrent rezones will be held from 5:30-6:30 pm at Bellevue City Hall in Room 1E-113.

This is also **not** a legal notice; you are receiving this courtesy information because you are the applicant, agent, or party of record to one or more of these CPA applications.

Please contact me with any questions or issues.

Nicholas Matz AICP
Senior Planner
425 452-5371

Matz, Nicholas

From: Matz, Nicholas
Sent: Monday, February 29, 2016 2:46 PM
To: 'Renay Bennett'
Subject: RE: File Number: 16-123752-AC
Attachments: VCOBPRINTPR01_PCD_DEPT8_SP_0972_001.pdf; VCOBPRINTPR01_PCD_DEPT8_SP_0973_001.pdf

Hi Renay-

The pieces aren't missing.

Here is the map they make reference to in their application.

Here is the application page with the signature.

Please let me know what else we can provide.

Nicholas Matz AICP
Senior Planner
425 452-5371

One City
Committed to Excellence

From: Renay Bennett [mailto:renaybennett@msn.com]
Sent: Thursday, February 18, 2016 8:41 PM
To: Matz, Nicholas <NMatz@bellevuewa.gov>
Subject: File Number: 16-123752-AC

Hi Nicholas,
I was looking at this link and there is no map. Also, there is no signature on the form.
Can you please email me these two missing pieces?
Thanks!
Renay

ATTACHMENT 4

City of Bellevue

Office of the City Attorney • 425-452-6829 • Fax 425-452-7256
Post Office Box 90012 • Bellevue, Washington • 98009 9012

February 2, 2016

Sent via Email and U.S. Mail

Mr. Geoffrey Bidwell
1600 109th Avenue SE
Bellevue, WA 98004

Re: Conveyance of City Park property for Sound Transit Light Rail

Dear Mr. Bidwell:

Thank you for letter dated January 28, 2016, regarding conveyance of portions of the Mercer Slough Nature Park to Sound Transit for the East Link Project. The City Council authorized the conveyance of portions of the Mercer Slough Nature Park when it approved the Amended and Restated Memorandum of Understanding dated May 6, 2015 ("Amended MOU").

This process is consistent with both Bellevue City Code Section 4.32.060 (". . . any sale of real property shall be submitted to the council for approval. A public hearing on the proposed sale is not required") and RCW 35A.11.010 (cities "may purchase, lease, receive, or otherwise acquire real and personal property of every kind, and use, enjoy, hold, lease, control, convey or otherwise dispose of it for the common benefit"). The statute cited in your letter, RCW 39.33.020, does not apply to the conveyances under the Amended MOU. A formal public hearing is not required.

The Amended MOU includes conveyance of approximately 2 acres of property within the Mercer Slough Nature Park in fee, which includes a portion of the Balatico and Ostbo-Rieple properties. As identified in Exhibit D-1 to the Amended MOU, the City acquired approximately 6.1 acres of replacement property in the Mercer Slough to replace the property to be conveyed to Sound Transit. On April 9, 2015, the Washington State Recreation and Conservation Office approved the City's conveyance of certain rights in the Mercer Slough to Sound Transit and accepted the replacement property acquired by the City.

Under Section 24.0 of the Amended MOU, the City is required to convey those portions of the Mercer Slough Nature Park needed for the construction of East Link to Sound Transit within sixty days of receiving notice. Sound Transit has indicated that they will likely not need the property rights for the Mercer Slough Nature Park until October of

2016. As a result, we anticipate that these conveyances will take place during the summer of 2016.

The permit file includes the City's consent, as property owner, to pursue the design and mitigation permit for the property prior to transfer of ownership to Sound Transit.

Sincerely,

CITY OF BELLEVUE
OFFICE OF THE CITY ATTORNEY
Lori M. Riordan, City Attorney

Monica A. Buck
Assistant City Attorney

cc: Matt Jackson, Neighborhood Development Planning Manager