

February 4, 2025

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

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

SUBJECT: Department of Natural Resources and Parks file no. **E24CT002**
Proposed ordinance no. **2025-0005**
Parcel no. **312507-9052**

ELENA ZAKHAROVA AND KIRIL VAN ORMAN

Open Space Taxation Application (Public Benefit Rating System)

Location: 515 286th Avenue SE, Fall City

Applicants: **Elena Zakharova and Kiril Van Orman**

515 286th Avenue SE

Fall City, WA 98024

Telephone: (425) 406-0748

Email: tokarevkiril2@gmail.com

King County: Department of Natural Resources and Parks

represented by **Bill Bernstein**

201 S. Jackson Street

Suite 5601

Seattle, WA 98104

Telephone: (206) 477-4643

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Approve 3.38 acres for 50% of assessed value
Conditionally approve 3.38 acres for 40% of assessed value

Examiner's Recommendation: Approve 3.38 acres for 50% of assessed value
Conditionally approve 3.38 acres for 40% of assessed value

PRELIMINARY REPORT:

On January 9, 2025, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E24CT002 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 January 23, 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:
Owners: Elena Zakharova and Kiril Van Orman
515 286th Avenue SE
Fall City, WA 98024

Location: 515 286th Avenue SE, Fall City
STR: SE 31-25-07
Zoning: RA5
Parcel no: 312507-9052
Total acreage: 4.78 acres
2. The Applicants timely filed an application to King County for the Public Benefit Rating System (PBRs) program current use valuation of the property to begin in 2025. 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 ~~strike through~~ 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>	
	<i>Buffer to public or current use classified land</i>	3
	Forest stewardship land	0
	Rural open space	0
	Rural stewardship land	0
	Significant wildlife or salmonid habitat	0
	Special animal site	0
	<i>Watershed protection area</i>	5
	<u>Bonus Categories</u>	
	<i>*Resource restoration</i>	*
	Unlimited public access	0
	Total	8

The DNRP-recommended score of eight points results in a current use valuation of 50% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the resource restoration category, subject to submittal to DNRP of a resource restoration plan by **November 1, 2025**, and DNRP approval of that plan by **December 31, 2025**. Award of credit under this category will increase the point total by five points, resulting in a current use valuation of 40% of assessed value for the enrolled portion of the property.
5. As to the land area recommended for PBRS enrollment, the Applicants requested 3.00 acres and DNRP recommends 3.38 acres. (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 shall be administratively adjusted to reflect that change.)
6. Except as modified herein, we find the facts set forth in DNRP's preliminary report and testimony at the January 23, 2025, public hearing correct and we incorporate them by reference. We will provide copies of this report and DNRP's report to the Metropolitan King County Council for final approval.
7. Approval of eight points and a current use valuation of 50% of assessed value for 3.38 acres, and conditional approval of five additional points and 40% of assessed value for 3.38 acres, are consistent with KCC Chapter 20.36 and with the purposes and intent of King County to maintain, preserve, conserve, and otherwise continue in existence adequate open space lands and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of King County and its citizens.

RECOMMENDATION:

1. APPROVE a current use valuation of 50% of assessed value for the 3.38-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the resource restoration category, subject to submittal to DNRP of a resource restoration plan by **November 1, 2025**, and DNRP approval of that plan by **December 31, 2025**. Award of credit under this category will increase resulting in a current use valuation of 40% of assessed value for the 3.38-acre enrolled portion of the property.

DATED February 4, 2025.



David Spohr
King County Hearing Examiner

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 **February 28, 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 JANUARY 23, 2025, HEARING ON THE APPLICATION OF
ELENA ZAKHAROVA AND KIRIL VAN ORMAN, FILE NO. E24CT002**

David Spohr was the Hearing Examiner in this matter. Bill Bernstein 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