

December 6, 2021

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

King County Courthouse
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Seattle, Washington 98104
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**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Natural Resources and Parks file no. **E21CT005**
Proposed ordinance no. **2021-0392**
Parcel no/s. **0620069066**

DMITRIY TISLENOK

Open Space Taxation Application (Public Benefit Rating System)

Location: 39019 186th Avenue SE, Auburn

Applicant: **Dmitriy Tislenok**
17515 SE Lake Holm Road
Auburn, WA 98092
Telephone: (253) 332-3515
Email: dtislenok@gmail.com

King County: Department of Natural Resources and Parks
represented by **Megan Kim**
201 S. Jackson Street
Suite 5600
Seattle, WA 98104
Telephone: (206) 477-4788

SUMMARY OF RECOMMENDATIONS:

Department's Recommendation: Contingently approve 6.07 acres for 50% of assessed value
Conditionally approve an additional 3.06 acres and 40% of assessed value

Examiner's Recommendation: Contingently approve 6.07 acres for 50% of assessed value
Conditionally approve an additional 3.06 acres and 40% of assessed value

PRELIMINARY REPORT:

On November 5, 2021, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E21CT005 to the Examiner.

PUBLIC HEARING:

After reviewing the preliminary report and examining available information on file with the application, the Examiner conducted a Zoom public hearing on the application on November 18, 2021.

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:	Dmitriy Tislenok 17515 SE Lake Holm Road Auburn, WA 98092
Location:	39019 186th Avenue SE, Auburn
STR:	NW-06-20-06
Zoning:	A10
Parcel no.:	0620069066
Total acreage:	10.13 acres

- 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 2022. As required by law, notification of the application occurred.
- The property is currently enrolled in the Timberland program. The purpose of this application is to reclassify the property and enroll it in PBRS. Any new open space taxation agreement must supersede the Timberland agreement.
- 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. *Italics* represents a category an applicant did not request an award for, but that DNRP nonetheless concludes is warranted. And an **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>	
	Farm and agricultural conservation land	(5)
	Forest stewardship land	(5)

(10)*

5. Credit may be administratively awarded under the forest stewardship land category, subject to submittal to DNRP of a forest stewardship plan—a plan which must include revegetating the green-outlined area on exhibit 4-001—by **May 31, 2022** and DNRP approval of that plan by **July 29, 2022**. This will result in a current use valuation of 50% of assessed value for a 6.07-acre area. Award of this category may allow approved forestry activities to occur on the property.
6. Additional credit may be awarded administratively under the farm and agricultural land conservation category, subject to submittal of a King Conservation District farm plan addressing the red-outlined area on exhibit 4-001 by **October 31, 2022**. Award of credit under this category will increase the enrolled acreage by 3.06 acres and the point total by 5 points, resulting in a current use valuation of 40% of assessed value for a total of 9.13 enrolled acres.
7. Enrollment acreages is the entire parcel less excluded areas, 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.
8. Except as modified herein, the facts set forth in DNRP’s preliminary report and testimony at the November 18, 2021, public hearing are correct and incorporated herein by reference. Copies of this report and DNRP’s report will be provided to the Metropolitan King County Council for final approval.
9. Contingent approval of 5 points and a current use valuation of 50% of assessed value for 6.07 acres, and conditional approval of 5 additional points and 40% of assessed value for the enrolling 9.13 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 6.07-acre enrolled portion of the property, CONTINGENT on to submittal to DNRP of a forest stewardship plan by **May 31, 2022**, and DNRP approval of that plan by **July 29, 2022**.
2. CONDITIONALLY APPROVE additional credit for the farm and agricultural land conservation category, subject to submittal of a King Conservation District farm plan by **October 31, 2022**. Award of credit under this category will increase the enrolled acreage by 3.06 acres and the point total by 5 points, resulting in a current use valuation of 40% of assessed value for a total of 9.13 enrolled acres.

DATED December 6, 2021.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A person appeals an Examiner recommendation by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD). Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal. KCC 20.22.230 also requires that the appellant provide copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner’s recommendation.

Prior to the close of business (4:30 p.m.) on *December 30, 2021*, an electronic copy of the appeal statement must be sent to Clerk.Council@kingcounty.gov and a paper copy of the appeal statement must be delivered to the Clerk of the Council’s Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. If the Office of the Clerk is not officially open on the specified closing date, delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Unless both a timely and sufficient appeal statement and filing fee are filed by *December 30, 2021*, the Clerk of the Council shall place on the agenda of the next available Council meeting a proposed ordinance implementing the Examiner’s recommended action. At that meeting the Council may adopt the Examiner’s recommendation, defer action, refer the matter to a Council committee, or remand to the Examiner for further hearing or further consideration.

If a timely and sufficient appeal statement and filing fee are filed by *December 30, 2021*, the Examiner will notify parties and interested persons and provide information about “next steps.”

MINUTES OF THE NOVEMBER 18, 2021, HEARING ON THE APPLICATION OF DMITRIY TISLENOK, FILE NO. E21CT005

David Spohr was the Hearing Examiner in this matter. Megan Kim participated in the hearing.

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

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| 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 |