

March 29, 2024

**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. **E23CT022**
Proposed ordinance no. **2024-0066**
Parcel no. **162308-9081**

DAVID AND NADEZHDA TESAR

Open Space Taxation Application (Public Benefit Rating System)

Location: 12818 412th Avenue SE, North Bend

Applicants: **David and Nadezhda Tesar**

12818 412th Avenue SE

North Bend, WA 98045

Telephone: (425) 243-2206

Email: david@tesar.info

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 2.33 acres for 10% of assessed value

Examiner's Recommendation:

Approve 2.33 acres for 10% of assessed value

PRELIMINARY REPORT:

On March 11, 2024, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT022 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 March 20, 2024.

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:	David and Nadezhda Tesar 12818 412th Avenue SE North Bend, WA 98045
Location:	12818 412th Avenue SE, North Bend
STR:	NE-16-23-08
Zoning:	UR
Parcel no:	162308-9081
Total acreage:	3.48 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 2024. 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>	
	Aquifer protection area	5
	Forest stewardship land	0
	Significant wildlife or salmonid habitat	5
	Surface water quality buffer	8
	Urban open space	5

Watershed protection area	5
<u>Bonus Categories</u>	
Unlimited public access	5
Resource restoration	5
Additional surface water quality buffer	0
Total	38

The DNRP-recommended score of 38 points results in a current use valuation of 10% of assessed value for the enrolled portion of the property.

4. As to the land area recommended for PBRS enrollment, the Applicants requested 2.40 acres and DNRP recommends 2.33 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.)
5. Except as modified herein, we find the facts set forth in DNRP’s preliminary report and testimony at the March 20, 2024, 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.
 - A. At the time of its staff report, DNRP had only seen a *draft* forest restoration plan, and thus was recommending only conditional approval of the resource restoration category. The Applicants subsequently submitted a signed copy (exhibit 7). Thus, there is no longer a conditional approval.
6. Approval of 38 points and a current use valuation of 10% of assessed value for 2.33 acres is 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:

APPROVE a current use valuation of 10% of assessed value for the 2.33-acre enrolled portion of the property.

DATED March 29, 2024.



David Spohr
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 *April 22, 2024*, 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 MARCH 20, 2024, HEARING ON THE APPLICATION OF DAVID AND NADEZHDA TESAR, FILE NO. E23CT022

David Spohr was the Hearing Examiner in this matter. Megan Kim and David Tesar 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	Draft forest stewardship plan
Exhibit no. 7	Signed forest stewardship plan, submitted March 22, 2024