

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

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

SUBJECT: Department of Natural Resources and Parks file no. **E22CT025**
Proposed ordinance no. **2023-0039**
Parcel no. **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) 332-3408
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:	Approve 9.13 acres for 50% of assessed value
Examiner's Recommendation:	Approve 9.13 acres for 50% of assessed value

PRELIMINARY REPORT:

On February 16, 2023, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E22CT025 to the Examiner.

PUBLIC HEARING:

After the required notification of the application, and after reviewing the preliminary report, and after examining available information on file with the application, the Examiner conducted a Zoom public hearing on the application on March 2, 2023.

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 property is currently enrolled in the Public Benefit Rating System (PBRS) program. The application E21CT005 was *conditionally* approved for credit under both the forest stewardship land category and farm and agricultural land conservation category, but subject to steps required later in 2022. The Applicant timely met the forest stewardship deadline, but not the farm and agricultural land conservation land deadline. The Applicant re-filed today's application to address this. Any new open space taxation agreement must supersede the current one.
- The Applicant has since met the farm and agricultural conservation land requirements. Adding those five points to the five points already earned in 2022 for the forest stewardship land category does not change the current use valuation. (Properties between five and ten points earn 50% of assessed value for the enrolled portion of the property.) But it increases the enrollable acreage by 3.06 acres, meaning 9.13 acres are now eligible for a 50% property tax reduction, as opposed to the 6.07 acres currently enrolled. (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.)

4. Except as modified herein, we find the facts set forth in DNRP’s preliminary report and testimony at the March 2, 2023, 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. DNRP’s report stated that 4.06 acres were being excluded as a future homesite. Ex. 1 at page 1. Only one acre is now being excluded.
5. Approval of 10 points and a current use valuation of 50% of assessed value for 9.13 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 50% of assessed value for the 9.13-acre enrolled portion of the property.

DATED March 16, 2023.



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 *April 10, 2023*, 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 *April 10, 2023*, 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 *April 10, 2023*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

MINUTES OF THE MARCH 2, 2023, HEARING ON THE APPLICATION OF DMITRIY TISLENOK, FILE NO. E22CT025

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:

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	Farm management plan
Exhibit no. 7	Forest stewardship plan