



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance 19757

**Proposed No.** 2024-0064.2

**Sponsors** Upthegrove

1           AN ORDINANCE concurring with the recommendation of  
2           the hearing examiner to approve, subject to conditions, the  
3           application for public benefit rating system assessed  
4           valuation for open space submitted by Seth and Eleanore  
5           Swank for property located at 33433 NE 102nd Way,  
6           Carnation, WA, designated department of natural resources  
7           and parks, water and land resources division file no.  
8           E23CT013.

9           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10          SECTION 1. This ordinance does hereby adopt and incorporate herein as its  
11 findings and conclusions the findings and conclusions contained in Attachment A to this  
12 ordinance, the report and recommendation of the hearing examiner dated March 29,  
13 2024, to approve subject to conditions, the application for public benefit rating system  
14 assessed valuation for open space submitted by Seth and Eleanore Swank for property  
15 located at 33433 NE 102nd Way, Carnation, WA, designated department of natural  
16 resources and parks, water and land resources division file no. E23CT013. The council

Ordinance 19757

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17 does hereby adopt as its action the recommendation or recommendations contained in the  
18 examiner's report.

Ordinance 19757 was introduced on 2/20/2024 and passed by the Metropolitan King County Council on 5/7/2024, by the following vote:

Yes: 9 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Perry, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:  
  
E76CE01F07B14EF...

Dave Upthegrove, Chair

ATTEST:

DocuSigned by:  
  
8DE1BB375AD3422...

Melani Hay, Clerk of the Council

**Attachments:** A. Hearing Examiner Report dated March 29, 2024

March 29, 2024

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

Telephone (206) 477-0860

[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)

[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

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

SUBJECT: Department of Natural Resources and Parks file no. **E23CT013**  
Proposed ordinance no. **2024-0064**  
Parcel no. **3426079084**

**SETH AND ELEANORE SWANK**

Open Space Taxation Application (Public Benefit Rating System)

Location: 33433 NE 102nd Way, Carnation

Applicants: **Seth and Eleanore Swank**  
33433 NE 102nd Way  
Carnation, WA 98014  
Telephone: (202) 731-0601  
Email: sethswank@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 14.54 acres for 40% of assessed value  
Conditionally approve 14.54 acres for 30% of assessed value

Examiner's Recommendation: Approve 14.54 acres for 40% of assessed value  
Conditionally approve 14.54 acres for 30% of assessed value

**PRELIMINARY REPORT:**

On March 11, 2024, the Department of Natural Resources and Parks (DNRP) submitted its report on file no. E23CT013 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:        | Seth and Eleanore Swank<br>33433 NE 102nd Way<br>Carnation, WA 98014 |
| Location:      | 33433 NE 102nd Way, Carnation  |
| STR:           | SW-34-26-07  |
| Zoning:        | RA5  |
| Parcel no:     | 3426079084   |
| Total acreage: | 20.04 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>                            |   |
|                  | Buffer to public or current use classified land        | 3 |
|                  | <del>Ecological enhancement land</del>                 | 0 |
|                  | Forest stewardship land                                | * |
|                  | Rural open space                                       | 5 |
|                  | <del>Rural stewardship land</del>                      | 0 |
|                  | <del>Scenic resource, viewpoint or view corridor</del> | 0 |
|                  | <del>Significant wildlife or salmonid habitat</del>    | 0 |

|                                |    |
|--------------------------------|----|
| <del>Special animal site</del> | 0  |
| Watershed protection area      | 5  |
| <hr/>                          |    |
| Total                          | 13 |

The DNRP-recommended score of 13 points results in a current use valuation of 40% of assessed value for the enrolled portion of the property.

4. Additional credit may be awarded administratively under the forest stewardship land category, subject to DNRP approval of the draft forest stewardship plan by **December 1, 2024**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 30% of assessed value for the enrolled portion of the property.
5. As to the land area recommended for PBRS enrollment, the Applicant requested 14.00 acres and DNRP recommends 14.54 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 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.
7. Approval of 13 points and a current use valuation of 40% of assessed value for 14.54 acres, and conditional approval of 5 additional points and 30% of assessed value for those 14.54 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 40% of assessed value for the 14.54-acre enrolled portion of the property.
2. CONDITIONALLY APPROVE additional credit for the forest stewardship land category, subject to DNRP approval of the draft forest stewardship plan by **December 1, 2024**. Award of credit under this category will increase the point total by 5 points, resulting in a current use valuation of 30% of assessed value for the 14.54-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](mailto:Clerk.Council@kingcounty.gov), to [hearingexaminer@kingcounty.gov](mailto: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 SETH AND ELEANORE SWANK, FILE NO. E23CT013**

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  |

**Certificate Of Completion**

|   |                             |
|---|-----------------------------|
| Envelope Id: 040D0EF8F7FB4B27B7226EA6B7F90661   | Status: Completed           |
| Subject: Complete with DocuSign: Ordinance 19757.docx, Ordinance 19757 Attachment A.pdf |                             |
| Source Envelope:  |                             |
| Document Pages: 2   | Signatures: 2               |
| Supplemental Document Pages: 4  | Initials: 0                 |
| Certificate Pages: 5  | Envelope Originator:        |
| AutoNav: Enabled  | Gavin Muller                |
| Enveloped Stamping: Enabled   | 401 5TH AVE                 |
| Time Zone: (UTC-08:00) Pacific Time (US & Canada)                                       | SEATTLE, WA 98104           |
|   | gavin.muller@kingcounty.gov |
|   | IP Address: 146.129.133.41  |

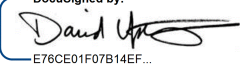
**Record Tracking**

|                                      |                             |                    |
|--------------------------------------|-----------------------------|--------------------|
| Status: Original                     | Holder: Gavin Muller        | Location: DocuSign |
| 5/8/2024 2:44:11 PM                  | gavin.muller@kingcounty.gov |                    |
| Security Appliance Status: Connected | Pool: FedRamp               |                    |
| Storage Appliance Status: Connected  | Pool: King County-Council   | Location: DocuSign |

**Signer Events**

Dave Upthegrove  
dave.upthegrove@kingcounty.gov  
Chair  
Security Level: Email, Account Authentication (None)

**Signature**

DocuSigned by:  
  
E76CE01F07B14EF...  
Signature Adoption: Uploaded Signature Image  
Using IP Address: 67.185.138.82


**Timestamp**

Sent: 5/8/2024 2:45:47 PM  
Viewed: 5/8/2024 4:16:43 PM  
Signed: 5/8/2024 4:17:07 PM

**Electronic Record and Signature Disclosure:**

Accepted: 5/8/2024 4:16:43 PM  
ID: 4c6c689f-bcf2-4760-b4af-67dac89c8cf8

Melani Hay  
melani.hay@kingcounty.gov  
Clerk of the Council  
King County Council  
Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
8DE1BB375AD3422...  
Signature Adoption: Pre-selected Style  
Using IP Address: 198.49.222.20

Sent: 5/8/2024 4:17:08 PM  
Viewed: 5/9/2024 7:38:41 AM  
Signed: 5/9/2024 7:38:45 AM

**Electronic Record and Signature Disclosure:**

Accepted: 9/30/2022 11:27:12 AM  
ID: 639a6b47-a4ff-458a-8ae8-c9251b7d1a1f

| In Person Signer Events      | Signature | Timestamp |
|------------------------------|-----------|-----------|
| Editor Delivery Events       | Status    | Timestamp |
| Agent Delivery Events        | Status    | Timestamp |
| Intermediary Delivery Events | Status    | Timestamp |
| Certified Delivery Events    | Status    | Timestamp |
| Carbon Copy Events           | Status    | Timestamp |
| Witness Events               | Signature | Timestamp |
| Notary Events                | Signature | Timestamp |

| <b>Envelope Summary Events</b> | <b>Status</b>    | <b>Timestamps</b>   |
|--------------------------------|------------------|---------------------|
| Envelope Sent                  | Hashed/Encrypted | 5/8/2024 2:45:47 PM |
| Certified Delivered            | Security Checked | 5/9/2024 7:38:41 AM |
| Signing Complete               | Security Checked | 5/9/2024 7:38:45 AM |
| Completed                      | Security Checked | 5/9/2024 7:38:45 AM |

| <b>Payment Events</b> | <b>Status</b> | <b>Timestamps</b> |
|-----------------------|---------------|-------------------|
|-----------------------|---------------|-------------------|

**Electronic Record and Signature Disclosure**



## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, King County-Department of 02 (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact King County-Department of 02:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov)

### **To advise King County-Department of 02 of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

### **To request paper copies from King County-Department of 02**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with King County-Department of 02**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [cipriano.dacanay@kingcounty.gov](mailto:cipriano.dacanay@kingcounty.gov) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.