

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. **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 33433 NE 102nd Way 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
	Ecological enhancement land	0
	Forest stewardship land	*
	Rural open space	5
	Rural stewardship land	0
	Scenic resource, viewpoint or view corridor	0
	Significant wildlife or salmonid habitat	0

Special animal site	0
Watershed protection area	5
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Total	13

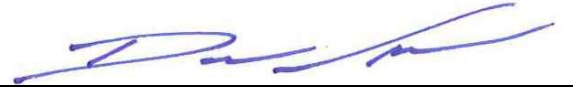
The DNRP-recommended score of 13 points results in a current use valuation of 40% of assessed value for the enrolled portion of the property.

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, 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 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:

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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 |