

1 **OFFICE OF THE HEARING EXAMINER**
2 **CITY OF TACOMA**

3 **In the Matter of:**

4 **Formation of Proposed**

5 **Local Improvement District No. 8668**
6

FILE NO. HEX2025-006

**ADDENDUM TO FINDINGS OF
FACT, CONCLUSIONS OF LAW,
AND RECOMMENDATION**

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8 **A PUBLIC HEARING** in the above-captioned matter was held on February 10, 2025,
9 before JEFF H. CAPELL, the Hearing Examiner for the City of Tacoma (“City”). At the
10 conclusion of the proceedings, the Hearing Examiner issued his Findings of Fact, Conclusions
11 of Law and Recommendation dated February 24, 2025 (the “Original Recommendation”).

12 At the time the Original Recommendation was issued, the levels of protest for all three
13 segments of the proposed LID were below fifty percent. As a result, the Examiner
14 recommended formation for all segments of the LID.

15 As set forth at Conclusion of Law 6 in the Original Recommendation, RCW 35.43.180
16 provides (in part) that:

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18 The jurisdiction of the legislative authority of a city or town to proceed with any
19 local improvement initiated by resolution *shall be divested by a protest filed with*
20 *the city or town council within thirty days from the date of passage of the*
21 *ordinance ordering the improvement, signed by the owners of the property within*
the proposed local improvement district or utility local improvement district
subject to sixty percent or more of the total cost of the improvement... [Emphasis
added.]

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- 1 -

City of Tacoma
Office of the Hearing Examiner
Tacoma Municipal Building
747 Market Street, Room 720
Tacoma, WA 98402-3768
(253) 591-5195
hearing.examiner@cityoftacoma.org

1 This provision of state LID law essentially requires a city to continue keeping track of
2 LID protests even up to “*thirty days from the date of passage of the ordinance ordering*
3 *the improvement...*” The Office of the Hearing Examiner has continued to tally protests
4 that have come in after the hearing and issuance of the Original Recommendation. The
5 current levels of protest, as of the date of issuance of this Addendum, are shown in
6 Attachment A hereto which is incorporated herein by this reference.

7 Because the percentage of protest for Segment 3 of the proposed LID has risen
8 above 50%, the Examiner now recommends that Segment 3 be omitted from the
9 formation of LID 8668.¹ The percentages of protest for Segments 1 and 2 are still below
10 50%. As such, the Examiner recommends formation of those two segments.

11 **DATED** this 2nd day of April, 2025.

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13 **JEFF H. CAPELL, Hearing Examiner**

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¹ Following RCW 35.43.180 (*supra*), the protest percentage could still change further between now and “thirty days from the date of passage of the ordinance...,” but the Examiner sees that as unlikely at this point.

NOTICE

RECONSIDERATION/APPEAL OF EXAMINER'S RECOMMENDATION

RECONSIDERATION:

Any aggrieved person or entity having standing under the ordinance governing the matter, or as otherwise provided by law, may file a motion with the Office of the Hearing Examiner requesting reconsideration of a decision or recommendation entered by the Hearing Examiner. A motion for reconsideration must be in writing and must set forth the alleged errors of procedure, fact, or law and must be filed in the Office of the Hearing Examiner within 14 calendar days of the issuance of the Hearing Examiner's decision/recommendation, not counting the day of issuance of the decision/recommendation. If the last day for filing the motion for reconsideration falls on a weekend day or a holiday, the last day for filing shall be the next working day. The requirements set forth herein regarding the time limits for filing of motions for reconsideration and contents of such motions are jurisdictional. Accordingly, motions for reconsideration that are not timely filed with the Office of the Hearing Examiner or do not set forth the alleged errors shall be dismissed by the Hearing Examiner. It shall be within the sole discretion of the Examiner to determine whether an opportunity shall be given to other parties for response to a motion for reconsideration. The Hearing Examiner, after a review of the matter, shall take such further action as he/she deems appropriate, which may include the issuance of a revised decision/recommendation. (*Tacoma Municipal Code* 1.23.140)

APPEALS TO CITY COUNCIL OF EXAMINER'S RECOMMENDATION:

Within 14 days of the issuance of the Hearing Examiner's final recommendation, any aggrieved person or entity having standing under the ordinance governing such application and feeling that the recommendation of the Hearing Examiner is based on errors of procedure, fact or law may have the right to appeal the recommendation of the Hearing Examiner by filing written notice of appeal and filing fee with the City Clerk, stating the reasons the Hearing Examiner's recommendation was in error.

APPEALS SHALL BE REVIEWED AND ACTED UPON BY THE CITY COUNCIL IN ACCORDANCE WITH TMC 1.70.

GENERAL PROCEDURES FOR APPEAL:

The Official Code of the City of Tacoma contains certain procedures for appeal, and while not listing all of these procedures here, you should be aware of the following items which are essential to your appeal. Any answers to questions on the proper procedure for appeal may be found in the City Code sections cited above:

1. The written request for review shall also state where the Examiner's findings or conclusions were in error.
1. Any person who desires a copy of the electronic recording must pay the cost of reproducing the tapes. If a person desires a written transcript, he or she shall arrange for transcription and pay the cost thereof.

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ATTACHMENT A--Protest by Segment as of April 2, 2025

LID 8668 Protest - Segment 1

Parcel Number	Owner	Site Address	Assmt Amount	Percentage	Cumulative Total	Cumulative Percentage	Protest Received	Format	Comments
03-20-30-1-017	Daniel Trullinger	6601 S Wapato Street	\$20,873.20	8.45%			Recd 2-10-2025	Zoom chat	Screen shot from the examiners office
03-20-30-5-047	Lisa M & Brandon M Ault	6611 S Wapato Street	\$23,398.15	9.47%	\$44,271.35	17.92%	Recd 2-15-2025	Email	
03-20-30-1-188	Donna J Thomas	6635 S Wapato Street	\$12,918.85	5.23%	\$57,190.20	23.15%	Recd 2-15-2025	Letter	attached to email sent by Patty Berge
03-20-30-1-132	Richard A & Diane Y Bell	6637 S Wapato Street	\$15,801.90	6.40%	\$72,992.10	29.54%	Recd 2-17-2025	Email	
03-20-30-1-126	Albert H Donaldson	6628 S Wapato Street	\$11,399.40	4.61%	\$84,391.50	34.16%	Recd 2-26-2025	Email	cannot find Travis Dentice although email is in S
03-20-30-1-120	Lindsay & Derrick Bird	6612 S Wapato Street	\$11,399.40	4.61%	\$95,790.90	38.77%	Recd 2-26-2025	Email	
Total Assessment			\$ 247,073.45						

LID 8668 Protest - Segment 2

Parcel Number	Owner	Site Address	Assmt Amount	Percentage	Cumulative Total	Cumulative Percentage			
287000-004-0	Tye & Katherine Minckler	2307 N 27th Street	\$9,999.60	7.90%			Recd 2-10-2025	Zoom chat	Screen shot from the examiners office
287000-005-0	Geraldine Maniatis A Living Trust	2702 N Carr Street	\$9,999.60	7.90%	\$19,999.20	15.81%	Recd 2-7-2025	Letter	Delivered to the LID office
287000-006-0	April Davis	2620 N Carr Street	\$16,000.00	12.65%	\$35,999.20	28.45%	Recd 2-17-2025	Email	
287000-003-0	Ranjit Kaur	2315 N 27th Street	\$9,999.60	7.90%	\$45,998.80	36.35%	Recd 3-3-2025	Email	
Total Assessment			\$ 126,530.80						

LID 8668 Protest - Segment 3

Parcel Number	Owner	Site Address	Assmt Amount	Percentage	Cumulative Total	Cumulative Percentage			
747002-232-0	Kara S Sale & Evan K Aeschlimann	4322 S Bell Street	\$16,715.65	4.09%			Recd 2-13-2025	Email	
747002-236-0	Gelder B & Donelle Griffith	4336 S Bell Street	\$16,715.65	4.09%	\$33,431.30	8.19%	Recd 2-18-2025	Letter	attached to email sent by the examiners office
747002-239-0	Victor M Zapata-Ramirez &	4305 Pacific Avenue	\$16,715.65	4.09%	\$50,146.95	12.28%	Recd 2-18-2025	Letter	from the City Clerks office
747002-243-0	Michael W & Ginny M Agnew	4319 Pacific Avenue	\$16,715.65	4.09%	\$66,862.60	16.37%	Recd 2-10-2025	Zoom chat	Screen shot from the examiners office
747002-246-0	Hazelle I A Gjerde	4327 Pacific Avenue	\$25,073.70	6.14%	\$91,936.30	22.52%	Recd 2-10-2025	Zoom chat	Screen shot from the examiners office
747002-247-0	Hazelle I A Gjerde	4335 Pacific Avenue	\$25,073.70	6.14%	\$117,010.00	28.66%	Recd 2-10-2025	Zoom chat	Screen shot from the examiners office
747002-248-0	Lana Cooper	4337 Pacific Avenue	\$20,894.70	5.12%	\$137,904.70	33.77%	Recd 2-10-2025	Zoom chat	Screen shot from the examiners office
747002-237-0	Marlene Buffington Living Trust	4338 S Bell Street	\$20,894.70	5.12%	\$158,799.40	38.89%	Recd 2-25-2025	Email	
747002-245-0	Katherine L Shockman & Daniel J Oldenkamp	4323 Pacific Avenue	\$16,715.65	4.09%	\$175,515.05	42.98%	Recd 2-25-2025	Email	
747002-227-0	Rory Jens	4306 S Bell Street	\$16,715.65	4.09%	\$192,230.70	47.08%	Recd 2-26-2025	Email	
747002-234-0	Patricia C Woods	4330 S Bell Street	\$16,715.65	4.09%	\$208,946.35	51.17%	Recd 2-26-2025	Email	
747002-226-0	Summer Maloy & James D Schuelke	4302 S Bell Street	\$20,894.70	5.12%	\$229,841.05	56.29%	Recd 2-26-2025	Email	
747002-231-0	Tiffany Fambrough	4320 S Bell Street	\$16,715.65	4.09%	\$246,556.70	60.38%	Recd 2-26-2025	Email	
747002-249-0	Torrin Bratton	162 S 43rd Street	\$11,333.05	2.78%	\$257,889.75	63.16%	Recd 2-28-2025	Email	
Total Assessment			\$ 408,330.60						