

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Objection of

GENE BURRUS ET. AL.

to the City of Seattle Waterfront Local
Improvement District

Hearing Examiner File:
CWF-0022 & CWF-0050

**ORDER ON MOTION FOR
CONTINUANCE**

On January 10, 2020, Gene Burrus (“Objector”) filed a Motion for Continuance of Hearing. The Objector filed a supplement to his original motion on January 13, 2020. The City of Seattle (“City”) filed a response to the motion. In addition, some other individual objectors have included a request for continuance in their objections.

The motion alleges that the Objector does not have adequate time to prepare for hearing based on the City’s release date of documents and the timing of notice for the hearing relative to the date of the hearing.

Some of the objections filed include the following paragraph or something similar:

Request for Delay of Assessment Hearing. In preparation of this object and appeal, we have been informed that the Final Special Benefit Study, and Addenda Volume had not been made available to property owners until January 4, 2020, although the 237-page Final Study is dated November 18, 2019 and the 214-page Addenda Volume dated November 12, 2019. The Hearing Examiner should continue the final assessment hearings currently set for February 4, 2020 for at least 90 days to allow time for property owners to locate, analyze, and respond to the Final Special Benefit Study.

These requests of other objectors (“Requests for Continuance”), that are imbedded in the objections, are being considered by the Hearing Examiner as motions for a continuance.

The City objects to the motion on the basis that the Objector has adequate time to prepare for hearing, and case cited by the Objector is inapposite to the current hearing.

The City issued notice of the February 4, 2020 Waterfront LID Assessment Hearing on _____. Proposed final Waterfront LID assessments have been available on the website of Seattle’s City Clerk and Office of the Waterfront and Civic Projects since at least November 19, 2019. In addition, the City sent a link to the proposed final assessment roll via e-mail to a standing property owner listserv on December 3, 2019. Lastly, the Final Special Benefit Study authored by the City’s appraiser (ABS Valuation) and its addenda have been available on the same websites since January 7, 2020.

In addition to arguing that the above dates were adequate, the City also indicates that the “final Waterfront LID assessment for Mr. Burrus’ property is more than 18% lower than the preliminary Waterfront LID assessment he received in June 2018.”

The Objector primarily argues that making the Final Special Benefit Study available on January, 7, 2020 is not adequate, due to the need to review hundreds of pages of materials in advance of the hearing.

The Objector cites *Hasit, LLC v. City of Edgewood*, 179 Wn. App. 917 (2014). In that case, the Washington Court of Appeals found a due process violation when the City of Edgewood provided hearing notice only fifteen days in advance of a hearing on proposed final LID assessments. The court in *Hasit* also noted evidence in the record of substantial increases in proposed final assessments as compared to preliminary assessments.

In this case, notice was initiated on December 30, 2019, thirty-six days in advance of the February 4, 2020 hearing. Most of the relevant materials have been provided months in advance of the hearing, with the Final Special Benefit Study being made available 4 weeks in advance of the hearing. Contrary to Objector’s allegation that he needs to work through hundreds of pages of materials, only a portion of the materials relates directly to the parcels at issue in the objection, and the Final Special Benefit Study results in a decrease of the assessment for the Objector. Thus, there is no special hardship on the Objector requiring a continuance of the hearing, and the motion should be denied.

For the same reasons identified above the Requests for Continuance of other objectors should be denied. In addition, none of these Requests for Continuance identify any specific hardship to the objectors.

The Requests for Continuance and Objector’s motion for continuance is **DENIED**.

Entered this 24th day of January, 2020.



Ryan Yancil, Hearing Examiner