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**Please read and add the following to the public record.**

1 message

**Rick May** <rick@mayandassociates.net>

Thu, Mar 19, 2020 at 11:00 AM

To: "annie.mchale@ci.stevenson.wa.us" <annie.mchale@ci.stevenson.wa.us>, Amy Weissfeld <amy.weissfeld@ci.stevenson.wa.us>, "scott.anderson@ci.stevenson.wa.us" <scott.anderson@ci.stevenson.wa.us>, Matthew Knudsen <matthew.knudsen@ci.stevenson.wa.us>, robert.muth@ci.stevenson.wa.us, Paul Hendricks <paul.hendricks@ci.stevenson.wa.us>, Pat Rice <easylivingpat@gmail.com>, Leana Kinley <leana@ci.stevenson.wa.us>, "bakerkrn@gmail.com" <bakerkrn@gmail.com>, Julie May <julie@creatingspirals.com>

Dear Stevenson City Council Members,

The four of us were planning to attend the Thursday City Council meeting to discuss the issues below. However, due to the coronavirus, it appears best we submit this written response. Please include this response and the attached addendums into public record. Our best wishes for handling this health crisis. Thank you for your efforts.

Instead of overwhelming Council with data, attached is info on a portion of the problems with Planning in digestible chunks. If you have questions or need further documentation, please call or email us. Attached is the attorney/client privileged exemption log from the City of Stevenson (Exhibit A). This log runs from August 30<sup>th</sup>, 2019 to the end of February 2020. A total of at least 11 of the 27 communications pertain to our May/Rice-Rutledge Boundary Line Adjustment (BLA 2019-05).

These communications on the BLA included Ben Shumaker, City Attorney Ken Woodrich, Stephen DiJulio and Tacy Hass. Stephen and Tacy are Seattle Attorneys from the law firm of Foster Garvey. As seen in the billing records (Exhibit B), Stephen is charging the City \$580 per hour, while Tacy is charging \$350. To give you reference, Ken Woodrich charges the city less than 1/3<sup>rd</sup> of Stephen's amount at \$180 per hour.

This is the simplest of BLA's where property lines are being moved to allow a larger buffer between homes. We appealed the Planning Director's seven additional requirements on February 11<sup>th</sup>, since all requirements are not supported by facts, code or law. In fact, three of the requirements were already thrown out by the Hearing Officer when the Officer approved our first BLA (BLA 2014-04). All seven new requirements will be summarily thrown out if the City brings this to a hearing, as we have confirmed with our Land Use Attorney.


This BLA has followed the pattern seen in earlier proceedings. (1) An application is submitted to Planning. (2) Planning does not answer the application in the required time frame. (3) When finally answered, Planning's requirements have no legal basis. (4) The applicant appeals the Planner's ruling. (5) Planning does not answer the appeal for months, nor contacts the applicant to resolve the issue. (6) Planning incurs large attorney bills from our public funds seeking guidance to defend the case. (7) The case goes in front of a Hearings Officer and the Officer throws out the requirements and approves the application. (8) The BLA is recorded. For BLA 2014-04, a process that should have taken weeks took over 1.5 years, while the current application is in its eight-month without resolution.

We could easily sit down with the City and solve the problem, like we have offered, and every other regional Planning Director does. Planning simply ignored our request. Instead the City decided to pay thousands of dollars of public funds to expensive out of area Attorneys to figure out how to defend Planning's unsupportable BLA requirements. Is this "lawyering up at public expense" appropriate for a Planning Department that fairly applies code? Past Hearing Examiner rulings, history, City Administrator written directions and this BLA proceeding will give you the answer. Our request to City Council is simple, **watch this case**. Notice the pattern, the lack of legal basis, along with the waste of taxpayer and your neighbors money and resources. Become aware of the history of similar cases and other planning issues. Discover the facts; they will speak for themselves. Thank you.

Karen Rutledge, Julie F. May, Rick May and Pat Rice  
503-341-2932 / 503-201-9460

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**2 attachments**

 **Exhibit A - Exception Log.xlsx**

12K

 **Exhibit B - Seattle Attorney Bill #1.pdf**

173K