

Good Morning Jenna,

Thank you for showing interest in “fixing” that broken Tree Code. I have all the agenda memos’ packet, but it is not digitized. So, let me know if you want me to drop this source data with Beckie (cc). I also copied Shane and Vivian as they should remember that entire Tree Code debacle. Michelle is copied too as we talk often about code reform/rewrite in detail especially after the Rimmer debacle.

The Tree Code was passed late at night (on zoom) and I voted yes only because a moratorium on cutting “landmark” trees was part of it. During that moratorium, the City was to further work on the code with one area being the subdivision “appendix A”, and landmark trees definitions, etc. Kernen Lien had a timeline and the entire code “fixes” with a completion date of 2022 (again, I have all this source papers).

The code was delayed for many reasons, with Laura Johnson and Susan making comments of being upset. So, during public comment for almost a year, Linda Finklestaad spoke about her family’s goal wanting to build a small home for her parents on their property, and the Tree Code flaws – it would be very costly (not in their budget). Many times she quoted “the takings” rules/laws as the property was not in a critical area. Kristiana and I repeatedly told Mayor Nelson and Susan McLaughlin to fast track that code and fix the Finklestaad issue and we were ignored (common theme with Nelson and his Directors).

So it was no surprise when Nathan Rimmer sued the City. I reminded members of Council and McLaughlin that to save money, just change the code. As expected he won as his property was not in a critical area and he did not want to pay for replacement trees. We are still looking via PRR into how much money was spent by the attorney on this two year lawsuit. You as an attorney should have a pretty good idea of cost and because we loss, the City’s insurance will not pick up those costs (two years of “stalemate”) and I have yet to get those amounts either. Sadly Nathan Rimmer moved out of Edmonds and who would blame him. And, as you know without Council approval, Lighthouse filed an appeal? Did Council ever approve moving forward on the appeal? My advice again, fix the code, walk away from the Rimmer appeal.

Please, Stop wasting attorney time that costs taxpayers on bad code that can be fixed.

Another code mishap is how the City handled the CARA code and Vivian is very much familiar with this timeline where Council put \$75K in the 2022 budget to create this code (Earling had veto’d an earlier CARA code so we only had the critical area code in place that did not identify the CARAs) as we had met with Olympic View’s Bob after receiving that strongly worded resolution. I kept asking for the CARA code in 2022 and McLaughlin pushed it off as remember the code went through an extensive process with two public hearings and working with Bob to create the code (which originally PB recommended prohibited UIC wells). Since you were on

Council, you should remember all the details with the PB executive session and the PB members blabbing it was about the “takings” rules. Well, Taraday was completely wrong on this advice and CARAs are exempt. This AI generated white papers will provide all the laws.

Diane (Talmadge) shared this AI program called Perplexity since she is dyslectic and I want to share these three white papers with you as I think you will find them helpful, especially since you are an attorney and understand billing costs and liabilities (you were great arguing the fee schedule of the Comp Plan scope and fee debacle). You may want to put in your own details of this code and see what comes forth as it is a free program.

So, another point in this long email is that Council is requesting the Mayor find cuts, why was the attorney area exempted? I questioned the budget in 2023 and again, ignored and Neil didn't care. But attorney fees are exorbitant (hearing examiner costs are buried in Shane's budget) We are paying over \$500K for just Lighthouse and biennial budget increases showed five percent and then seven percent, respectively. So, are these environmental appeals that it's obvious the City is going to lose really necessary? Easy fix is Council changes code to follow best available science and best management practices?

Why?

Because once again the City loss the Perrinville appeal which will be VERY costly to taxpayers (five days of testimony) as taxpayers paid for staff, attorneys and then the hearing examiner and all because the staff did not properly fill out the SEPA checklist and tried to rewrite history.

So, please look this information over and if you want to have coffee to talk about codes, let me know.

Tough days are ahead and thanks for your service.

Diane

PS, I had a chuckle last night as a person responded to me in a meeting by saying “you are thinking like a Councilmember and not a citizen” – so here is my “citizen's advice” 😊