

May 5, 2023

RE: T2-2022-16204 Appeal of Planning Director's Decision Property North of 13220 NW Newberry Road

Dear Hearing Officer Turner,

The county's argument is as if the county approves the division of yin, that yang somehow ceases to exist. This would be laughable if it wasn't having this serious impact on my property and life. Yin and Yang both exist in one circle and that circle is called a lot of record.

The county's Second Post Hearing Memorandum is continuing evidence of the county's hypocritical arguments, smoke and mirror attempts to cloud this clear issue, and their dismissive attitude towards the property owner so they can avoid answering directly for their actions and decisions.

In the county's Second Post Hearing Memorandum, you can see what I have been dealing with lo these infuriating past decades. The county here again chooses to ignore my arguments as "sentiment", despite the fact that my arguments are well supported and cite hearing decisions and planning criteria. Among other hearing decisions, I cite T2-2018-10124 and the county can somehow dismiss my arrangements as "sentiment", yet then turn around and cite T2-2018-10124 themselves? This hypocrisy is only too typical of the county actions. They know that if they actually properly respond to my arguments that they indite themselves further, so attacking me as "sentimental" non-sense is their only recourse. Heaven forbid that they could admit to their wrong doing and acknowledge that my property is a Lot of Record as we have proven.

T2-2018-10124 acknowledged that LE 14-92 & LD 49-92 is and always has been void. If the county believes (incorrectly) that the 1985 Bernet/Looney sale somehow created an unlawful land division, why did the county not use this 1985 interest line when carving off Looney's real property interest from Parcel 1 to create a new Lot of Record for Looney? Why did the county in their Case file: T1-2018-11141 steal my property described as the lot line adjustment in void LE 14-92 & LD 49-92, which Lightcap performed only to comply with LE 14-92 & LD 49-92 as they expected was their civic duty? How can this boundary and the illegal county actions not impact this lot of record decision and be ignored by the county as "sentimental"?

In Case file: T1-2018-11141, the county never contacted me, much less got my written permission to perform this Lot Legalization. This despite the fact that the county literally steals my land to perform this action. Look at the exhibits from Case file: T1-2018-11141, there is no mention of contacting anyone, much less me as an applicant or for signature. Again, Lightcap has not been an applicant to sign off on ANYTHING to divided Parcel 1. The county is relentlessly forcing these things on Lightcap to make us a scapegoat for their bad and biased actions with Looney. The county in full knowledge that LE 14-92 & LD 49-92 is void and as freshly reiterated as void by Case File: T2-2018-10124, ignores the fact that Parcel 1 remains as undivided with unequal interest and ignores that the Lightcap lot line adjustment (and as

described in the quit claim deed as a lot line adjustment) is and has been long void.

A Lot of Record can only be created lawfully, as defined by the zoning ordinance definitions. We have established that Parcel 1 is a lawfully created Lot of Record that predates zoning law as shown by deed. A failed land division that was deemed by Hearing Decision to be UNDIVIDED can not eliminate a lawful lot of record. Otherwise, how can something illegal override something that is legal? If so, the county could act impudently and go all about the county performing these actions to kill historical lots of record that they do not like. When the county ignored the solution proposed by both myself and the hearing officer in LE 14-92 & LD 49-92, they made Looney go through a new Lot Legalization process and thereby created a brand lot of record for Looney, like a brand new ying & yang circle. The county does not have the permission to act unilaterally and illegally without all property owners signed authorization, to eliminate a legal and historical Lot of Record from the map. The lawful and historical Lot of Record that is Parcel 1 and that is fully applicable to meet the dwelling requirements is retained by Lightcap. What the county did with Looney is of their own making.

Sincerely,

Andrew Lightcap  
Property Owner