

Master Land Use Application



City of La Center, Planning Services

305 NW Pacific Highway

La Center, WA 98629

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Property Information

Site Address 1514 NW 339th St. La Center

Legal Description Lots 1, 2, & 9 East Fork Estates Ph 2; Lot 10 East Fork Estates Ph1

Assessor's Serial Number 986028-830, 986028-825, 986030-206, 986030-201 & 986030-202

Lot Size (square feet) 839,013, 58,320, 75,791, and 914,912 sq ft

Zoning/Comprehensive Plan Designation MDR-16

Existing Use of Site Ag

Contact Information

APPLICANT:

Contact Name Dennis L Nuttbrock

Company East Fork Estates Home Owners' Association

Phone 253-318-5464 Email nuttbrock@fastmail.us

Complete Address 1509 NW 339th St. La Center, WA 98629

Signature *Dennis L Nuttbrock*
(Original Signature Required)

APPLICANT'S REPRESENTATIVE:

Contact Name same as above

Company _____

Phone _____ Email _____

Complete Address _____

Signature _____
(Original Signature Required)

PROPERTY OWNER:

Contact Name Randy M Goode

Company _____

Phone 360-903-2538 Email _____

Complete Address _____

Signature _____
(Original Signature Required)

Subject: Appeal of Final Order, File No. 2017-0007-SUB (Riverside Estates)

1. In accordance with LCMC 18.30.130, Appeal, I am submitting a formal appeal of the subject order. Since I submitted written inputs to the hearing examiner on the subject file, I have standing on this matter.

2. I am appealing the following two decisions in the subject order:

a. Decision A.6, All lots on the south boundary of the site, abutting LDR properties, shall comply with the beveling standard of LCMC 18.140.030(2), and the beveling conclusions reached in paragraph 5 of the Discussion section.

b. Decision B.10, The development shall close the existing Larson Drive access to Pacific Highway upon completion of a public roadway connection to a second Pacific Highway access that complies with city access spacing requirements. Larsen Drive will remain as a right turn exit only for Riverside Estates for the interim.

3. Decision A.6 is based on the conclusion that the term "LDR zoning districts" in LCMC 18.140.030(2) is a generic reference to any low density properties as opposed to a specific reference to the City's LDR-7.5 zoning district (Final Order, Discussion 5.a). I contend there is a more valid interpretation of this paragraph.

a. The term "LDR" is clearly used as a short hand for LDR-7.5 in several places within LCMC Title 18 (18.130.010, 18.130.070, Table 18.245.060), and it can therefore be interpreted in LCMC 18.140.030(2) as meaning specifically the City's LDR-7.5 zoning district. Additionally, the use of the term "zoning district" references specific zones within the City. LCMC 18.110.010, Classification of Districts, specifically states that the city is divided into "zoning districts". While the use of the term "LDR zoning district" could be more explicit in the code, based on other usage within Title 18, it is clear that "LDR zoning district" specifically refers to the City's LDR-7.5 zoning district. Therefore, LCMC 18.140.030(2) only applies to beveling of MDR-16 lots that abut LDR-7.5 zoning districts.

b. This results in the City code being silent on the beveling standard for MDR-16 lots abutting the UGA or county lands. However, the City's intent on such a standard is clear in the amendment to Ordinance 2016-003 which was approved by the City Council on 11 May 2016. An error on the part of the City resulted in this approved amendment not being included in an Ordinance, and therefore, the hearing examiner could not enforce this amended beveling standard. This amendment reads as follows:

"New lots created adjacent to low density residential land shall employ a "beveling" technique at the perimeter of the project. New lots adjacent to: (a) LDR district, (b) the La Center UGA or (c) land outside the La Center UGA, shall be no less than 7,000 square feet. The term 'adjacent' includes abutting land or land separated by a public right-of-way, private road, utility or transportation easement or open space or critical areas less than 60 feet wide. Adjacent rear and side yard setbacks shall be no less than 20 feet and 15 respectively. The future developer may transfer the density by application of this beveling standard to interior lots."

This amendment would result in a minimum 7,000 square foot lots being required for all adjacent lots along the UGA or County land on the southern, western, and eastern boundaries of the Riverside Estates. This includes the following lots: Phase 1 lots 44 – 48 and 108 – 115; Phase 2 lots 7 and 8; Phase 3 lots 1 – 7; Phase 4 lots 12 and 13; and Phase 5 lots 1 – 18.

c. In the City's Staff Report and Recommendations date 9/6/2017 on page 8, the City made an

error in stating the above amendment to Ordinance 2016-003 did not apply because none of the lots in questions were adjacent to the UGA. In fact the majority of lots on the southern boundary, all of the lots on the eastern boundary, and some of the lots on the western boundary are adjacent to the UGA.

d. Several places within the subject Final Order (Discussion 5.d, 5.e, 5.f) states that Figure 14 of the La Center Comprehensive Plan indicates that the properties in question outside the city limits will be zoned LDR-7.5 or MDR-16 if they are annexed into the City. The potential of how these properties may be zoned when annexed is used as justification for whether the beveling standard applies. First, there is no Figure 14 in the current Comprehensive Plan and the zoning map in Map 2 of the Comprehensive Plan shows these property zoned with the county designation of R-12 or R1-6 (with a UH-10 overlay) and this designation is entirely consistent with the county GIS and the city online zoning map. There is no indication on this map that these properties are zoned or will be zoned LDR-7.5 or MDR-16. This confusion may have resulted from a misinterpretation of the color key on the zoning map. These county zoning designation have no bearing on how these properties could be zoned when annexed. Additionally, there is no basis in law, city code, or precedent that would allow the zoning of UGA or county properties to have any bearing on the beveling requirement. In fact the amendment to Ordinance 2016-003 applied beveling requirements without regard to the potential zoning of these properties.

e. The error to not include the above reference beveling amendment into a city ordinance and several errors in interpretation of city code has resulted in a circumvention of the city code and the clear intent of the city council. I strongly recommend the city council correct these errors by acknowledging that LCMC 18.140.030(2) does not apply to beveling of MDR-16 lots abutting the UGA and county lands and by implementing the beveling standard approved by the city council on 11 May 2016.

4. Decision B.10 restricts and eventually eliminates a lawful access easement from NW Larsen Dr to NW Pacific Highway. This decision was based on an incomplete set of facts. The City's final Staff Report and Recommendations dated 9/26/2017 makes no mention of the fact that the approved preliminary plat for the Highland Terrace (the development directly north across NW Pacific Highway from Riverside Estates) has its entrance directly opposite NW Larsen Dr. Additionally, there was no presentation or discussion of this relevant fact during the public hearing conducted by the hearing examiner. The preliminary plat approval for Highland Terrace predates the application for Riverside Estates. The La Center standard for intersection spacing on arterials is a minimum of 300 feet. The proposed spacing between the proposed NW 15th St and NW Larsen Dr is 290 feet. Inexplicably, the City concurred with Riverside Estates placing their entrance at less than the minimum intersection spacing from NW Larsen Dr and the approved entrance for Highland Terrace and to place restrictions only on NW Larsen Dr. The City needs to correct this error either by waiving the 300 foot spacing requirement or having the applicant move the Riverside Estates entrance 10 feet to the west, and thereby remove any restrictions on the NW Larsen Dr intersection.

5. Finally, I find it frustrating and unconscionable that I have to file a formal appeal and incur the cost of the appeal fee and city's expenses in order to get the city to correct numerous errors made by the city. I request the city council waive these fees.

Sincerely,



Dennis L Nuttbrock

President, East Fork Estates Home Owners Association