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Hearing examiner sides with North Shore citizens' group

Northeast Tacoma: Proposal for homes on golf course denied

LEWIS KAMB; The News Tribune

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A city hearing examiner ruled this week against all aspects of a developer's proposal to build hundreds of homes over the North Shore Golf Course in Northeast Tacoma, bringing a victory to a grass-roots citizens' group that has fought the project for nearly three years.

"The effect of approving" the subdivision "would be to eliminate the designated open space in adjacent plats," city hearing examiner Wick Dufford wrote in the ruling issued Thursday. "... The Examiner concludes that the Preliminary Plat should be denied because the public interest will not be served by ... the subdivision applied for."

The 21-page ruling brings as decisive a victory as was thought possible to members of Save NE Tacoma, the citizens' group that banded in early 2007 to fight the proposal in its neighborhood. Now numbering hundreds of volunteers, the group has raised more than \$300,000 in donations to hire a lawyer and pay legal fees to stop the development.

"I really couldn't feel any better," said John Lovelace, the group's president. "I always felt we were going to prevail, but I didn't think we'd have a hearing examiner support our argument on every element and at every level."

"To win such a total and complete victory was surprising to me," he added.

Lawyers for the developers and the golf course owners did not return calls seeking comment Friday.

For at least two key parts of the ruling, which has several components, the hearing examiner has final discretion for the city, said Gary Huff, the Seattle land use attorney who represented the citizens' group.

"For the preliminary plat and site plan, he has the final decision and he denied both of those," Huff said. "The only appeal for those is to go to Superior Court. I think that would be a tough road."

Another part of the examiner's ruling – a recommendation to deny the developers' application for a "rezone modification" – will be left up to the City Council to decide.

City spokesman Rob McNair-Huff said late Friday afternoon that he does not believe the matter has yet been scheduled to go before the council.

With the golf course's popularity waning, its owners contended it could not sell the property to buyers

who would maintain it as a golf course. Instead, the owners struck a deal with the developers' group in 2006.

As part of its plans for "The Point at Northshore" – a sprawling housing development to be built in phases over six years – Northshore Investors LLC submitted several applications two years ago to the city, including the preliminary plat and a site plan that sought to build 366 houses and 494 town houses over the 116-acre golf course.

The day after the applications were filed, the city enacted an emergency moratorium on such projects, known as planned residential developments. The city first said the application was incomplete and subject to the moratorium.

But a hearing examiner told the city to process the application; the city appealed the examiner's decision but later dropped the appeal after a mistake by the City Attorney's Office.

The golf course owners and prospective buyers later sued Tacoma for more than \$22 million, claiming city officials illegally singled out the application and plotted to stop the project. The city denied the allegations.

To build the subdivision, the developers also had to seek the rezone modification to allow building on the golf course, which makes up the neighborhood's only open space.

The developers' request sought to modify a rezone granted in 1981 to the Northshore Country Club Estates that allowed development of The Northshore Country Club Estates, the area's original 338-acre planned neighborhood with an 18-hole golf course.

When the City Council approved the rezone 29 years ago, it came with, among other conditions, the stipulation that the neighborhood "will maintain and always have the use of the adjacent golf course for its open space and density requirement."

A key part of the developers' application sought to remove that open space restriction.

"The primary asserted justification for making such a change to the original provisions ... is that conditions have substantially changed," the examiner wrote of the developers' modification request.

But Dufford also noted that for the existing neighborhood, "the existence of the golf course as a centerpiece for the development was reflected in the prices charged for homes in the surrounding plats. Higher prices were charged for units closer to the golf course with better views of it."

Lovelace noted that his group's challenge wasn't simply about aesthetics.

"This is not just about our views," he said. "That development would dramatically change our neighborhood. This was also about the traffic it would bring, and the impact it would have on home values."

In his decision, Dufford agreed with such arguments.

"The applicants here have labored mightily to create a development that would mitigate all environmental impacts to below the level of significance," he wrote. "Despite all efforts, there is really

no way to hide the insertion of over 800 new homes into an area where they do not now exist.”

The ruling also mentioned “an unusually large outpouring” of emphatic opposition to the project, adding that the “public sentiment expressed in this case is primarily from people who have a genuine and substantial interest in the outcome.”

Lovelace and David Radford, the group’s spokesman, both said they expect the City Council to follow the examiner’s recommendation to deny the rezone modification.

“Of course, the golf course and the builders, they have the right to appeal,” Lovelace added. “We’d like this to be over. But if it’s not, we’ll continue to fight for another three years if we have to.”

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