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BRIEF IN SUPPORT OF APPEAL OF HEARING  
EXAMINER'S RECOMMENDATION ON REZONE  
MODIFICAITON - 31

PDX/117426/155180/AAL/5793641.7

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**Anderson, Eric**

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**From:** Huffman, Peter  
**Sent:** Tuesday, January 23, 2007 5:44 PM  
**To:** Anderson, Eric; Petty, Ryan  
**Cc:** Katich, Peter; Victor, Steve; Stenger, Donna  
**Subject:** CM Fey Information Request

CM Fey has contacted me and has requested information regarding potential legislative land use actions that the City Council could consider to affect/prevent/delay the redevelopment of the Northshore Golf Course located in Northeast Tacoma. As far as background, Public Work's Building and Land Use Services (BLUS) staff has been contacted by the property owner who is interested in developing over 400 units of housing on the existing golf course. The development would require a rezone modification through the City's Hearing Examiner and according to staff, submittal of a rezone modification application is expected to be submitted within in the next two weeks, which if deemed competed by Public Works, would vest the development and prohibit future legislative land use actions from affecting the project as submitted.

My staff and staff from BLUS and Legal have met to discuss what options are available to affect or prevent the development of the golf course and have determined that the land use mechanism available is the use of the moratoria provisions of TMC 13.02.055. Under these provisions, the City Council could enact a moratorium on the modification of existing Planned Residential Development (PRD's) in which the golf course is currently zoned. Also under the provisions of TMC 13.02.055 the City Council could enact interim regulations that would amend the PRD ordinance prohibiting the reduction of open space in PRD zoned developments that exist prior to a date established by Council. Both mechanisms could be enacted as an emergency measure effective upon adoption by the Council and requiring a Planning Commission and City Council public hearing within 60 days of adoption.

If the above rezone application submittal schedule is accurate, in order for these approaches to be effective, consideration of this matter may need to occur as early as next week; recognizing that if this is the case, a rezone modification application could be submitted by the developer between now and next Tuesday, subsequently vesting the project.

CM Fey call me during the writing of this memo and I conveyed this information to him and requested that he direct this dialogue through the City Manager and my Director at which time I will proceed as direct by the CMO and Director. He said he is meeting with the City Manager in the morning and would discuss this issue with him at that time.

**Peter Huffman, Manager**  
Planning Division  
City of Tacoma  
Community and Economic Development Department  
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1/24/2007

## City of Tacoma

### January 30, 2007 Council Study Session

The following is a partial transcript taken from the audio files of the January 30, 2007 City Council Study Session as provided by the City Clerk on an audio CD. The meeting track is 2 hours, 47 minutes and 51 seconds long. The discussion below begins at 2:18:46.

CM Talbert: I almost hate to raise this, but I am going to, famous last words, since the word of the day seems to be moratorium. I guess I'd like to at least have a discussion as to whether or not there is any need for us to move forward with the emergency ordinance that was placed on tonight's agenda in light of the information that we received that the applicant has filed their paperwork, the city does have 28 days in which to review that paperwork. And so I question whether or not we have an impending emergency at this very moment to deal with anything and I personally like the opportunity for a lot more discussion and investigation as to exactly what we are trying to accomplish. I have grave concerns that in the interest of addressing what may be some flaws within the PDD that this may have unintended consequences that we're not aware of at this time. I don't know how this impacts the ASARCO project; I don't know if anyone has addressed that or thought about it, but I would assume that a project of that size and scope there is a possibility at some point that they may need to make changes to that plan and if we do this action tonight, that would preclude that ability. I don't know what the answers to any of that are and I just don't see that we, in the next three hours are in a position to have to make an emergency decision tonight so I'm throwing it out there and there it is.

Mayor Baarsma: Well, I appreciate that actually and a comment about the ASARCO project, I believe they are going to start their development in Ruston and it's going to be several years before they ever get to the

Tacoma part of that project, that's not true, okay they are, okay then they have changed direction. CM Fey

CM Fey: Mr Mayor, with all due to CM Talbert, I do believe it is worth a discussion and I do believe staff is prepared to talk about whether there are any unintended consequences and indicate the nature of why a moratorium would be appropriate action by the city council. I would say at the outset with respect to the developers rush to beat me to the punch so to speak by getting his application in earlier than anticipated, that if that application is not sufficient, deemed to be not sufficient it would be subject to the moratorium.