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# Laguna recommendations forwarded to Sebastopol City Council

Sebastopol's Planning Commission unanimously voted to accept all 48 recommendations from the city's Laguna Advisory Committee Tuesday night, including two controversial measures which will affect business development along Morris Street.

The city council will use the planning commission document as the basis for a formal policy regarding development on those portions of the Laguna de Santa Rosa that lie within Sebastopol's limits. A public hearing will be held April 25 as the first step in the council's deliberations.

Despite considerable comment when the planning commission held its own public hearing last month, the panel forwarded the Laguna Committee's two most controversial recommendations to the council without modification. Those proposed policies would prohibit new development on lands lying below the 76 foot elevation that currently defines the 100 year flood plain level of the Laguna, and require "no net fill" any time there is infilling on any of those same properties.

The new construction ban was intended to protect the fragile riparian environment along the banks of the waterway, but as proposed would also apply to much of the low-lying lands to the east of downtown Sebastopol, including the site for the new police station and the recently developed industrial lands along Morris Street. The council is expected to impose some limitations in the scope of that measure if it is to be incorporated in their final policy.

There is less resistance to the no net fill concept, which is proposed as a flood control measure. By requiring that any fill placed within the flood plain be matched by an equal volume of excavation or displacement, the policy seeks to prevent any further diminution of the Laguna's flood storage capacity. The Laguna Committee concluded that a portion of the flood of 1986 resulted "from the runoff due to the development of the cities surrounding the [Laguna] basin" and warned that the 76 foot flood level is likely to be raised in the future.

However, city engineer Paul Schoch has calculated that a "worst case scenario" in which all city properties within the flood plain were filled to the 76 foot level would increase the water level at flood stage by only 5/8 of an inch, a figure the planning commission noted should be considered by the city council in their policy determination.

Some of the ideas advanced by the Laguna Committee would have fiscal consequences if implemented, the planning commission observed. But some suggestions deal with areas outside of Sebastopol's direct jurisdiction, so that the city can do little more than encourage the county or other agencies to adopt those measures. At least a quarter of the 48 specific recommendations made by the citizen's committee were endorsed by the commission without comment, indicating their complete concurrence.

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## Fill by any other name not permitted

Stockpiling piles of concrete to crush at a business neighboring the ecologically sensitive Laguna de Santa Rosa must stop until the cement factory applies for a use permit from Sebastopol.

Sebastopol Ready Mix's plans to install a concrete crusher and recycle cement in addition to manufacturing it will probably require a new use permit from the city, according to Sebastopol's fire chief Russ Shura.

Last week in a letter written to Guenter Meiburg, the owner of the Morris Avenue cement company, the city determined "no further stockpiling of material should take place at the plant" and requested he file an application for a use permit as soon as possible.

Shura said the issue of "stockpiling versus fill" would be discussed during the permit hearing "because the issue of fill in flood zones has become so important at this time."

A recent study on the Laguna by a local environmental group recommended that a policy of "no net fill" be adopted in order to protect its fragile eco system. An executive order during the Jimmy Carter administration ordered communities not to fill flood zones, a policy which has not been strictly enforced in Sebastopol.

Guenter could not be reached for comment. According to Shura, he had not applied for a use permit by Tuesday.

But the line between property owners' rights and protected wetlands is developing into a new battleground for Sebastopol, where old practices are being challenged by those who worry about the town's vanishing rural ambience.

The Morris Avenue business community, which lies adjacent to the Laguna and includes a trucking firm, cement factory and other light industry, has become particularly sensitized to the precise meaning of the term "no net fill," said Sebastopol building inspector Richard Maddux. At least four businesses had planned to use fill to develop their property and now have been told they won't be allowed to.

"The laws are changing, and everyone is short-tempered. They were given permission to build and operate, and now they are being told they cannot develop without additional costs. Some may be put out of business," Maddux said.

—SARA PEYTON

—BY BRUCE ROBINSON