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Jan 12, 1989 *Serving Western Sonoma Cou.*

VOLUME 100 NUMBER 15 • 25 CENTS PER COPY • SEBASTOPOL, CALIFORNIA

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Jan 1989

## Laguna Report: still news one year later

by Mike Jasper  
*Analysis*

After nearly a year's deliberation, the Sebastopol City Council passed Council Policy 58 — the adoption of most of the 48 recommendations of the now famous Laguna Advisory Committee Report.

The "no net fill" clause is out and the "no development" clause has been mitigated, allowing some compatible development in undeveloped parts of the Laguna floodplain. Plans for a Laguna Park are under way.

Council also recognized that although much of the 8,000 acres encompassing the Laguna is outside the city's sphere of influence, Sebastopol still remains the only incorporated city along the Laguna. Therefore, the city will take a lead role in Laguna preservation backed up by a riparian protection ordinance in the works as well as an amended wetlands district, an overlay to the zoning ordinance.

The Laguna Policy calls for the formation of an ongoing Laguna Advisory Committee to advise the council on matters of

Laguna protection.

In addition, Sebastopol will take an advocacy role as protector of the Laguna and urge stronger coordination between the city, county and city of Santa Rosa governments as well as the cooperation of private landowners bordering the Laguna.

### A YEAR IN THE LIFE

It seemed so innocent at first. Sixteen citizens commissioned by the city of Sebastopol to study the Laguna de Santa Rosa — bordering Sebastopol to the

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### Home destroyed by fire

## Family seeks shelter

# Laguna ...

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east — turn in their final report to the City Council.

Called the Laguna Advisory Committee, these citizens took upon themselves the task of studying the Laguna and finding practical ways to preserve one of the state's — in fact one of the nation's — dwindling wetland areas.

What is now known simply as the Laguna Report was delivered to City Council among much hoopla and celebration in January, 1988. Everyone on the committee received citations from Mayor Tom Miller and were thanked profusely for their community service. After the celebration, the committee members were dismissed from their charge by the council.

God knows how many people at the city council meeting guessed the report would soon be stacked away unobtrusively on a City Hall shelf.

## THE ISSUE GROWS

But it was not to be. Although the committee members relinquished their official responsibility, many of them banded together to ensure the report would not be forgotten — and they had their friends on council.

The impact of the Laguna Report rocked the city of Sebastopol in 1988. Land use policy was turned upside down and inside out. For much of the year, the council was undecided as to how much significance to give the report.

The report was "accepted but not adopted," as members of the council often stated. Laguna non-policy kept both those pro-Laguna and those not so pro-Laguna (no one ever really came out against the Laguna) in a political purgatory.

The question posed to city officials: If the provisions of the Laguna Report are not yet city policy, how much weight should they have?

Arguments erupted over the report's two most controversial issues, the "no net fill" clause and the "no development below the 76-foot floodline" clause.

The report came out strongly

for both points. The "no net fill" clause required developers to remove fill from within the floodplain in an amount equal to the fill added during construction. This clause applied to all new construction in the floodplain.

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## 'The impact of the Laguna Report rocked the city of Sebastopol in 1988.'

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To carry out this plan, fill would have to be removed from a "borrow site" within the Laguna, so that the floodplain's water-holding capacity would remain intact.

But initiation of a "no net fill" policy was complicated, costly and confusing. Where was this borrow site, developers asked?

Nearly as complicated, the "no development" clause required that no new development be allowed within the 76-foot floodplain in undeveloped areas.

At first glance, some readers of the report thought the "no net fill" clause and the "no development" clause contradicted each other. However, committee members stressed that they only wanted to prevent development in areas not previously developed.

## EMOTIONS FLARE

Impassioned public hearings over the report took place, first before the city Planning Commission, later before the City Council.

Polarization created by the report could be traced to two camps: environmentalists and land developers. But on closer analysis, this separation seemed too simplistic.

William Haigwood, a real estate broker, James Pacatte, a contractor and Guenter Meiburg, co-owner of Sebastopol Ready Mix located on Morris Street, all sat on the Laguna committee, and none would call themselves environmentalists, per se.

And Anne Magnie, who adamantly refused to endorse the "no net fill" clause of the Laguna Report, could hardly be called sympathetic to developmental interests, based on her

past voting record.

But Haigwood supported Laguna preservation because he thought it was "good real estate practice." At first, he supported "no net fill," but later changed his mind when he was convinced, as Magnie later was, that the idea was no more than an environmental gesture. Calculations by Paul Schoch, city engineer at the time, showed no more than 1/2-inch of the floodplain would be lost if all the area zoned for development were filled.

The issue remained hot through the summer, as June's election brought a new City Council. Howard Reeser (who resigned to run for Fifth District Supervisor) and Gwen Anderson were retired from the council, replaced by Nick Stewart and Richard Johnson, who took office as final deliberations on the report got under way in July.

The city found itself embroiled in a bitter lawsuit over a subdivision planned near the Laguna. Palm Terrace subdivision was initially approved by the city, but an ad hoc organization called Laguna Today and Tomorrow filed suit in Sonoma County Superior Court demanding a new environmental impact report and won. The suit is now being appealed by the developers, but the city's approval of the project has been rescinded.

Through the fall of 1988, the council whittled away at the report, approving provisions nearly one at a time. In October, a Laguna Linear Park met for the first time to look for ways to carry out that provision from the report.

And so deliberations continued, until after nearly a year of close scrutiny — and compromise upon compromise — closure was finally reached at the Dec. 20 meeting of City Council.

The new Laguna Policy, unanimously passed by the council, gave the Laguna de Santa Rosa a clear focus in the city's vision of the future. Now many of the report's ideas — gleaned from a diverse and unlikely blend of West County citizens — is officially in the books.

It may have taken nearly a year for the council to decide on a policy, but now it's done and engraved in stone.

Sebastopol Times Jan. 12, 1989 by Mike Jasper

## Laguna Report timeline

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**November 18, 1986** — Sebastopol City Council appoints a Laguna Advisory Committee.

**January 19, 1988** — Laguna Advisory Committee Chairman Bob Sharp presents City Council with a 50-page report on the status and future preservation of the Laguna. "You will have the council's full support," Mayor Tom Miller says.

**February 23** — The Laguna Report is cited by the city Planning Commission as a consideration in the decision on a negative declaration for the Palm Terrace subdivision. "The Laguna Report was the cause of our not getting the negative declaration," developer George Young says.

**March 22** — The city Planning Commission holds a public hearing concerning the Laguna Report. "We were taking a big, visionary look at the Laguna," committee member Bill Haigwood says. "One year was not enough time to define the universe and give two examples."

**April 12** — After one three-hour public hearings and two hour-long study sessions, the city Planning Commission recommends adoption of the Laguna Report, with some changes. The commission decides against "no net fill" for several areas of Sebastopol most notably the Morris Street industrial district.

**April 18** — Members of the original Laguna Advisory Committee hold a press conference voicing their disappointment over what they see as a dilution of the original report by the Sebastopol city government. Members Bob Sharp, Harold Appleton, Helen Libeu and Bill Haigwood meet with the press at the home of Suzanne Nelson, another committee member. "The city that has shown leadership is now apparently abandoning this position," Sharp says.

**April 26** — City Council holds a four-hour town meeting at the Community Center on Morris Street. Much of the discussion — or debate — centers around the "no net fill" clause of the report. Helen Libeu gives a demonstration of net fill, using pennies and a glass full of water. City Engineer Paul Schoch's memo calculating less than an inch rise in the floodplain in a "worst case scenario" is cited. "All eyes are on Sebastopol," committee member Suzanne Nelson says.

**May 3** — City Council finds it difficult to decide on fill permits for two Morris Street construction sites in light of the recommendations of the Laguna Report. City Attorney Larry McLaughlin tells the council the process of granting fill permits is continuing at a normal pace, but key environmental facts provided by the Laguna Report have to be considered before the permits could be granted this time. "I want specific environmental facts," Councilman Bill Roventini says. "I think you're more vulnerable to lawsuits being general than by being specific."

**May 24** — City Council decides that until the time the Laguna Report is adopted as city policy, property developers within the 76-foot floodplain may apply for fill permits. "We took it as a given that Morris Street would be developed," committee member Bill Haigwood says.

**May 31** — Congressman Doug Bosco tours the Laguna area with city and county officials. Bosco promises federal assistance for Laguna preservation, but says the Sebastopol and Sonoma County governments must reach an accord with public and private interests first. "It's time that we all work to protect this and do a good turn for Mother Nature," Bosco says.

**June 7** — City Council approves the 29-unit Palm Terrace subdivision near Palm Drive hospital and the Laguna de Santa Rosa, despite protests from Laguna activists. Councilwoman Anne Magnie casts the lone dissenting vote. Juliana Doms of Sebastopol Tomorrow reads a four-page letter warning the council that the project violates several guidelines set forth by the California Environmental Quality Act (CEQA). "If CEQA's out there, they know where we live," Councilman Bill Roventini says. "Have them give us a call."

**August 2** — Sebastopol's new City Council, with members Richard Johnson and Nick Stewart replacing Gwen Anderson and Howard Reeser, deliberate on the Laguna Report for the first time. "We need to act on this in the most expeditious manner possible," Councilman Johnson says.

**August 16** — A report by a technical advisory committee, whose members include two city staffers and one Laguna committee member, deliver a report to City Council recommending against the "no net fill" clause.

**August 31** — City Council members approve part of the Laguna Report on a straw vote, but still find the “no net fill” issue unsettling. William Stillman from the Sonoma County Water Agency comes to the council meeting to offer his opinion on “no net fill.” But when questioned by Mayor Anne Magnie, Stillman hedges. “Every bit of fill has a cumulative impact,” Stillman says.

**Sept. 14** — Council approves more recommendations of the Laguna Report, with the notable exception of “no net fill.” Councilman Richard Johnson says he wants to take time to study the potential of a “borrow site” on the Laguna for fill removal. Mayor Anne Magnie and Councilman Nick Stewart respond to criticism that the council is stalling on the “no net fill” issue. “It’s not all happening in one fell swoop, but a component at a time,” Magnie says.

**October 24** — Councilman Nick Stewart heads a committee investigating the possibility of a Laguna Linear Park. Members include officials from the State Fish and Game department, the city of Santa Rosa, the county Fish and Wildlife Advisory Board, Sonoma Land Trust and former Laguna Committee members. “This isn’t an advisory group,” Stewart says. “We can make things happen.”

**November 29** — City Council decides against a “no net fill” policy for development within the 76-foot floodplain. Only Councilman Nick Stewart votes for the fill policy.

**December 20** — City Council officially and unanimously approves Council Policy 58, commonly known as the Sebastopol Laguna Policy.