



City of Sebastopol

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DATE: April 12, 1988 (AMENDING ISSUE OF APRIL 8, 1988)
TO: City Council
FROM: Planning Commission
SUBJECT: Laguna 'Advisory' Committee Report "

Pursuant to your direction of January 19, 1988, the Planning Commission has reviewed the above-referenced document; our comments and recommendations are summarized below. In the course of our review, the Commission scheduled work/study sessions on March 8, 22 and 30, and on April 12, 1988. The Commission held a public hearing on March 22, 1988.

As an overview, the Commission found that the Report contains a good deal of information about the Laguna and is probably, at this point in time, the best compendium of Laguna information available. It is evident that the Laguna Advisory Committee Members took their analysis and evaluation very seriously; the Committee should be commended for their efforts.

The Report includes an "Executive Summary" Section, on pages 1-7, which summarizes various Committee recommendations; those recommendations are repeated in subsequent sections of the Report, along with topical discussion. Because the recommendations are compiled in the Summary Section, the Commission's review concentrated on that portion of the Report. In order to facilitate City Council review, the Commission has listed below each Report comment or recommendation, followed by the Commission's comments. Where the Planning Commission has no comment, it should be understood that the Commission concurs in the recommendation. The following comments are intended not to be critical of the Report, but to assist the City Council in its review of a thorough, well-prepared document. We hope that the following comments and observations are helpful to you. (AMEND. #1)

1. (p.2) "In this report, the term "Laguna" means the entire ecosystem, including the channel, the riparian zone, the marshes, the vernal pools, and the low-land grasslands contained within the 100 year flood zone, (below the 76' elevation contour). When the text refers to the Laguna channel alone, it will be so stated."

Comment: Although this definition of the Laguna appears to be consistent with City Council Policy No.

55, the Commission notes that many Committee recommendations deal with existing developed, or urbanized portions of the Community, which are also below the 76' elevation contour.

X Not Not part of
The Natural Laguna

(AMEND. #2) 2. (p.3) ^{"ALL OF RUSSIAN BASIN (143)"} "Southern Sonoma County experienced explosive growth which continues (now in 1987?) Much of this growth is a reflection of similar explosive growth th the San Francisco Bay Area."

We still think it's explosive. S. R. + R. R. Net PK.

Comment: "Explosive" is not defined, (and is misleading as to Sebastopol's growth, which has historically been 1 1/2 - 2% per year, which the Commission believes is not "explosive", by any definition.) The Commission notes that this discussion is typical of some parts of the Report, wherein sweeping, somewhat editorialized statements are made, leading to specific recommendations. ^{THE COMMITTEE COULD NOT HAVE BEEN EXPECTED TO PRODUCE AN ENGINEERED E.I.R. COUNTY & CITY HAVE VOLUMINOUS DATA AVAILABLE FROM STUDY, AFTER STUDY.}

3. (p.4) "Filling-in of the flood basin, both legal and illegal, caused mainly by urban expansion. Substantial flood storage capacity has been lost and natural vegetation patterns altered since western man entered the area, approximately 150 years ago" ^{MOSTLY ILLEGAL DUE TO LACK OF COMPLIANCE & LACK OF ENFORCEMENT.}

Comment: As noted above under #2, what is meant by "substantial"? The Report does not quantify the flood storage capacity loss, if any, and does not identify the effects, if any, of Sebastopol's growth. ^{COMMISSION SHOULD PIN DOWN CITY STAFF OF PAST 20 YRS, THEY CAN VERIFY THE EFFECTS & MOST CAUSES.}

4. (p.4) Loss of riparian vegetation in the Laguna Basin due to urbanization, agricultural operations, and channel alterations.

Comment: This issue is well written.

5. (p.5) A widely varying water supply. In quantity and in quality, caused by precipitation patterns, accelerated run-off from hard-surfaced areas in the growing communities, waste-water discharges, and the run-off carrying nutrients and toxins from adjacent farms and urban areas. ^{LACK OF FLOODING & PROTECTION BY COUNTY & CITY OF S.R. STATE POLLUTION INCL R.P.E. SGB. PORTION}

X Comment: This issue is also well-written? ^{APPROX. 1 DOZEN}

6. (p.4) "While several governmental agencies have an interest and authority over Laguna management, no one agency has final and complete authority or adequate monitoring programs, nor do they work in concert."

Comment: This may be a legitimate issue. ^{7 MAY BE}

7. (p.4) "The City should urge the County to develop a Laguna Land Use Management Plan. ^{DEMAND} W/ A SINGLE RESPONSIBLE & ACCOUNTABLE GOVERNING BODY." ^{FROM THE "DIRTY DOZEN"}

(AMEND #3)
O.K.

COMMENT SEEMS

Comment: This (recommendation) is appropriate; protection of the natural Laguna environment is a County and/or regional responsibility.

8. (p.4) "The City Should support a strong County Riparian Ordinance."

Comment: The Commission would suggest that the City should "encourage the development of a" County Riparian Ordinance. ASK ANY COASTAL COUNTY IN MARYLAND OR DELAWARE

9. (p.4) "The City should annex or purchase lands along the Laguna within the Sphere of Influence in order to provide more responsible use than would otherwise occur."

(AMEND #4)

Comment: The Commission would suggest "or trade" as an alternative action step. More fundamentally however, the Commission would suggest that the City "explore the benefits/detriments of purchase...". As noted above in comment #2 and #3, there (seems to be) a built-in presumption in the Report that, without City acquisition, there would be "less responsible use". Laguna lands within the Sphere of Influence are very limited as to development potential; what use would "otherwise occur"? S.R. PROPERTY BAD ENOUGH! SHOULD BE TAKEN BY COUNTY OR STATE ONLY STATE OR COUNTY Acquisition?

10. (p.4) "Communicate the city's present responsible actions? (such as management plan, wetland ordinance, etc) to the Army Corps of Engineers, EPA and State agencies, and indicate that the City supports strong action by those agencies." ONE AGENCY - SEE ITEM 7.

Comment: No Commission comment

11. (p.4) "Designate a City staff person to insure that City employees are aware of the authority and responsibility of other agencies. Obtain written opinion from City Attorney on whether City can issue permits for projects which have not received the approval of other agencies where those agencies have jurisdiction."

(DELETE "THE WRITTEN...")

(AMEND #5)

Comment: "Increase awareness" would be more appropriate than "insure". The Planning Commission suggest the following language change: "City Staff should work closely with the City Attorney to verify that the City can issue permits..."

12. (p.4-5) "Designate and/or hire City staff person to actively monitor the Laguna to detect problems such as pollution, illegal fill, loss of vegetation or violation of laws, ordinances, or city policy, and follow up on violations which have been cited by this committee."

Comment: "Monitoring" may be fine, but the Report does not identify violations which have been cited by the Committee, and following up on "violations" does not seem appropriate until or unless the City Council has defined City requirements and definitive standards. Moreover, the question of funding for such a staff person is one the City Council would need to address.

GOES WITHOUT SAYING?

✓ 13. (p.5) "Continue an active Laguna Advisory Committee to insure implementation of these recommendations and assist staff in obtaining information about Laguna ecology as well as legal or governmental regulatory information."

? WATCH DOG ONLY OTHERWISE ALL CITY DUTIES.

Comment: "Promote" would be preferable to "insure". Some on-going Committee effort may be appropriate, perhaps, as a sub-committee, or advisory group to the Park and Recreation Commission. - Possibly feasible.

✓ 14. (p.5) "Sebastopol residents need to be informed and educated about the Laguna and the City Council needs to develop a wide base of public support for the protection of the Laguna."

Comment: "Explore the development of an information management program" would be preferable to "needs to develop a wide base of public support".

OK ✓

✓ 15. (p.5) "In order to enhance public access and appreciation of the Laguna, the City should construct a Nature Trail and overlook as an adjunct to the Laguna Youth Park linear Park). This should also be part of the development of a public education program about the Laguna".

✓ Comment: While this recommendation seems generally appropriate, the Commission believes that "explore trails/system of trails" would be preferable to "construct a trail". Moreover, during discussion of the Wetlands Ordinance, it was understood that the Department of Fish and Game (Mr. Alan Buckmann) would prefer to not have trails in "primary" wetland areas. This question of trails needs to be clarified with Fish and Game.

(Agree) Keep it out of actual wetland

✓ 16. (p.5) "As part of the local planning process the City should consider vegetation preservation and require mitigation for vegetation and habitat loss when development occurs within the portion of the Laguna within City limits or jurisdiction. Mitigation must be greater than one to one replacement of habitat and native vegetation. (Projects in the Bay Area have used as much as one to four replacement).

Comment: The type and nature of vegetation and habitat should be clarified. The Commission would suggest some reference to the plant lists on pages 14-16, except for

(AMEND #6)

grassland. "May consider" would be preferable to "must be". Also, the Commission suggests: "...occurs within the undeveloped portion ...".

✓ 17. (p.5) "The City should develop well-defined and stated long range plans for City controlled portions of the Laguna. These plans must include protection and/or enhancement of the natural resources."

Comment: No Commission comment, other than "should" would be preferable to "must". ?

✓ 18. (p.5) "The City should recommend adoption of a strong riparian ordinance at the county level, and strengthen coordination between the city and county governments."

Sonoma County
one of the few
Bay Area Counties
without a
Riparian Ordinance

Comment: No Commission comment. ✓

✓ 19. (p.5) "The City should become the lead agency to enhance and protect a Laguna Riparian Corridor."

Comment: The County of Sonoma should be the lead agency of such an effort.

o.k. but Seb.
can lend strength /
Moral Support.

✓ 20. (p.5) "The City should consider and plan for annexation or purchase of lands which lie within the Laguna as they become available for protection and, when feasible, recreation."

(AMEND #7) Comment: The Planning Commission recommends "or trade" be added to the possible alternative actions listed.

this item
should be
reconsidered.

✓ 21. (p.5) "The City should maintain the riparian woodland as it exists, replant in disturbed areas, and/or allow natural succession to occur. A program to replant valley oaks and protect them from grazing should be implemented."

Comment: The City should "encourage the maintenance", not "maintain" - Moreover "natural succession" is not necessarily the best goal; there should be some latitude to allow management for positive improvement.

True!

✓ 22. (p.6) "The City of Sebastopol should take a lead role with the County in monitoring all water rights applications, construction applications, and fill applications within the Laguna and to protest when appropriate."

(AMEND #8) Comment: The Planning Commission suggests "...fill applications within the portion of the Laguna within the City's Sphere of Influence and to protest..."

COMPLETE CHANGE

✓ 23. (p.6) "The City should support continued and increased irrigation using advanced treated effluent from the sub-regional system."

Comment: No Commission comment

✓ 24. (p.6) "A minimum target flow in the Laguna channel should be established, after consultation with responsible agencies, based on fish and wildlife requirements, to be used by decision makers."

Comment: This is outside of Sebastopol's jurisdiction; perhaps the Sonoma County Water Agency would be the appropriate agency to consider this recommendation.

✓ 25. (p.6) "Groundwater recharge information at hand could be summarized for land use planners, further study recommended."

Comment: See comment above under #24.

✓ 26. (p.6) "The City should adopt a resolution (or other vehicle) strongly urging the County, Santa Rosa, and other agencies to consider the effects of any change in water quantity in the Laguna when making decisions regarding wastewater disposal and land uses. (No actions should be recommended which would further dewater the Laguna."?)

Comment: See comment above under #24. ✓

✓ 27. (p.6) "Policies regarding an end to channelization and channel maintenance should be made official."

Comment: The Report is not clear as to what/whose policies are being referenced; perhaps "should be reviewed" would be more appropriate than "should be made official". See also comment above under #24.

✓ 28. (p.6) "Pursue streamside fencing possibilities and riparian zone revegetation with the County Water Agency and others."

Comments: Streamside fencing may be appropriate, but it is not clear what the geographical extent of fencing would be. Perhaps the "potential for fencing" should be the emphasis of this recommendation.

✓ 29. (p.6) "The City of Sebastopol should seek further cooperation from landowners regarding fencing off a minimum of 100 feet on each side of the riparian corridor to help control sedimentation, protect riparian cover, control surface water temperatures and prevent excessive animal wastes from reaching the stream (some sources of funding are listed later in this report)."

Env. Group
Gen. agreed
on this system

Probably
give

o.k.
This is mainly
a County Water
Agency Matter!

? NO
Vital
NO

? or NO

Comment: The general goal of this recommendation is appropriate, but the "riparian corridor" and, hence "100 feet on each side" needs to be defined. Some of the westerly side of the Laguna is outside of the Sphere of Influence; almost all of the easterly side is. This would limit the City's role, in any event. *1100*

✓ 30. (p.6) "The City should adopt policies requiring environmental impact report from those² intending to place structures, paving, or fill within a zone of influence on the Laguna (to be determined.)

Comment: Environmental Impact Reports (EIRs) should be required when one or more specific significant effects on the environment are identified, via an Initial Study, pursuant to CEQA, not on the basis of broad policy. Moreover, the "Zone of influence on the Laguna" is not defined. *True* Regardless, the City can only require an EIR when the City is the "Lead Agency" per CEQA.

✓ 31. (p.6) "The City should participate in the formulation of the regional wastewater management plan to ensure protection of water quality in the Laguna." ✓

Comment: No Commission comment

✓ 32. (p.5) "Require funding in such plans for continued inspection and monitoring of water quality by Regional Water Quality Control Board and the Department of Fish and Game."

Comment: "Explore funding sources" would be a more realistic goal for the City than "require funding". *OK*

✓ 33. (p.6) "Seek increased funding from the Department of Fish and Game, State Water Board or Governor for monitoring of other discharges."

Comment: The level of funding is not identified, so that "increased" funding may or may not be appropriate; "necessary" funding may be preferable. ✓

✓ 34. (p.7) "Encourage occasional spot checks or visits by the EPA without waiting for a specific complaint to look at point or no-point discharges."

Agreed 4/9
Comment: The Planning Commission would recommend "Encourage the EPA and, other governmental agencies with jurisdiction within the Laguna to enforce their regulations without..." (COMPLETE CHANGE) ?

✓ 35. (p.7) "The City should designate the staff person responsible for seeing that staff understands pollution

potentials in activities under City control, the responsibilities of other agencies and sources of expert help."

Comment: "Increasing staff awareness of..." would be preferable. As in comment #12, above, there appear to be some budgetary implications in the recommendation which the City Council would need to address. *0.4*

✓ 36. (p.7) "The City should continue its program collecting household toxins which is also an educational process for the public." ✓

Comment: No Commission comment.

✓ 37. (p.7) "The City should consider annexation or acquisition of lands to protect the Laguna and to provide a buffer from encroaching cities to the East." ✓

Comment: As noted in comment # 9, above, "trading" should be considered as an alternative action. Also "consider the benefits of ..." would be preferable to "consider". The Commission questions the need for such action by the City, in any event, in light of County General Plan designation of "Community Separator" and similar restrictive language. The City Council has previously supported the County's General Plan land use and open space designations east of the Laguna and believes that continued support would be preferable to annexation, acquisition, or trade. *Possible*

✓ 38. (p.7) "The City should enforce a strong policy of no development below the 76' elevation along the Laguna and its local tributaries." ✓

Comment: As an overview to this recommendation, the Commission believes that a preferable course of action would be for the City to develop long-range plans to address development below the 100-year flood elevation (see comment #17, above). Notwithstanding that, the Commission believes that a development restriction on properties below 76' elevation which are currently developed and/or are in an urbanized setting would be inappropriate. The Commission believes that those areas include those identified by the City Engineer in his memo of March 16, 1988:

Area "A" - Properties West of Morris Street and North of Sebastopol Avenue and fronting on Morris Street.

Area "B" - Properties East of Morris Street and North of Sebastopol Avenue.

Area "C" - Properties South of Sebastopol Avenue and North of railroad tracks including properties from the Laguna or East City limit line to 76 foot elevation.

Area "D" - Properties North of Sebastopol Avenue and West of properties fronting Morris Street to 76 foot elevation.

It may be possible to further define those areas which may be affected by such a recommendation such as: "along the main channel of the Laguna (100' on each side of the channel; 50' on each side of the tributaries?, where the land is presently undeveloped and/or unbuilt on."

? POINT OR NON-POINT

✓ 39. (p.7) "The City should enforce a strong policy of no net fill below the 76' elevation along the Laguna and its local tributaries."

Comment: The Planning Commission generally supports the concept of this recommendation. However, the feasibility of this recommendation needs to be analyzed before implementing such a policy. For example, how is this accomplished on properties totally below 76'? If there is to be a 'borrow' area, who knows if the quality of borrow material is appropriate for structural fill? If not, would the unsuitable material need to be transported to a third site, perhaps outside of Sebastopol? While fill material is imported from somewhere else? See also Comment # 43, below.

Round & round we go!

As in the preceding comment, it may be possible to further define the areas which would be affected by such a recommendation, and to allow exceptions, on a case-by-case basis, after hydraulic/engineering review by a competent authority, so as to protect property rights.?

More round & round

✓ 40. (p.7) "The City should begin study, planning, implementation of a Laguna Linear park in 1988"

Comment: Implementation of a Linear Park needs to be evaluated in the City's Capital Improvement Program, against other competing needs for City resources, rather than targeting 1988. Long-range costs including maintenance, operation and staffing should be evaluated by the Parks and Recreation Commission.

but Time is of the essence here

✓ 41. (p. 7) "The City's wetland ordinance needs to be enforced and may require refinement and strengthening."

Comment: The Ordinance is being enforced; the only two development proposals made since adoption of the Ordinance (one of which was the Laguna Youth Park improvements) have been processed pursuant to the provisions of the Ordinance. It is possible that the

Ordinance, like most Ordinances, could be refined. However, there is no documentation that that is needed at this time. The Report does reference a site on Morris Street, suggesting that a more restrictive designation be applied. This suggestion may be based on the belief that an error was made in the original mapping. No error was made; application of W-2 was specifically and deliberately applied along Morris Street. ?

✓ 42. (p.7) "The City government needs to know the authority of the many government agencies in regards to activities in the Laguna (hopefully this report will help) and pursue an active role in working with appropriate agencies."

Comment: No Commission comment ✓

✓ 43. (p.12) "The surface of the Laguna itself has too much clay and is relatively impermeable. Allowing unrestrained construction of impermeable surfaces such as roads and houses, as well as poor cultivation practices such as excessive or downhill cultivation which increases runoff and reduces percolation will have a negative effect on the groundwater basin in the Laguna and increases flooding.

Comment: This section seems to underscore some of the problems with 'no-net fill'; clay is not a suitable fill material, in that it exhibits shrink/swell characteristics. "unrestrained" construction does not exist; such terms are inappropriate, just as "explosive" growth is. The Commission suggests that methods of possibly improving permeability could be explored. ???

✓ 44. (p.18) ? "Before any conclusions can be drawn, an analytical study must be undertaken to survey the number and species of fishes present in the Laguna waterways. The study must be done and projected over time to identify changes in those populations. Extrapolations can tell us of possible historic changes."

*2 fish + some
Dept. function*

Comment: This paragraph is well-conceived and well-written. The Commission believes that "spirit" of this statement is good; this approach and attitude should be incorporated into the fill recommendations. ✓

✓ 45. (p.19) "Protection of the vegetation and wildlife habitat is one stated goal. A clearly defined set of guidelines should be developed outlining what should be done, with suggestions for implementation. A beginning point is to work with the City of Sebastopol directly and within their jurisdiction in developing a set of design guidelines for all new development or redevelopment which

falls in the Laguna and in control of the City. Recommendations for this type of guideline have been attached and include construction mitigation as well as a requirement for direct developer involvement in enhancement and revegetation. This is a recommendation for a very small beginning, but one which has precedent, is definable,? has specific defined goals, and is enforceable.?

Comment: Again, the "spirit" of these statements is good. However, development areas within Sebastopol are limited, which may not warrant preparing design guidelines. Also given the "no development" recommendations elsewhere in the report, it is not clear what development the guidelines would be for. Recommendations for this type of guideline were not attached to the Report. ?

✓ 46. (p.25) "Pursue funding from other sources for fencing and riparian revegetation."

"Evaluate the "Kortum Plan" or any other wastewater treatment and disposal plan regarding how it effects water quantity in the Laguna."

Basically this is the Bay-Morsh option!

Comment: These two recommendations were not included in the Executive Summary Section:

- a. What are the "other sources"? - *Some are listed!*
- b. The referenced "Kortum Plan" is not discussed in the Report; the Commission cannot evaluate this recommendation.

✓ 47. (p.32) "Based upon the fact that 1 cubic foot of fill displaces 7 1/2 gallons of water, any fill in the Laguna flood plain approved by Sebastopol has definite and possibly detrimental effects upon the surrounding areas in time of flooding. According to the Sonoma County Water Agency (Bob Morrow and Dave Allen, personal communication); there is a concern that the effects of the 1986 flood may be more likely to reoccur. The uniqueness of that flood was that the high water level did not come from the Russian River backing into the Laguna Basin, but from the runoff due to the development of the cities surrounding the Basin. The cumulative effects of fill and development are unknown. The conclusion has been drawn, however, that the flood elevation level will be raised in the future. This means that that the 100-year flood elevation of 76' would be increased to a higher level. INEVITABLE

?
~~NOT TRUE~~

Comment:

- 00 11/12
- a. Runoff could be due to activities other than development of cities; this statement is not quantified.
 - b. The statements are made that "any fill...has definite and possibly detrimental effects..." yet that "the cumulative effects of fill and development are unknown". The Report does not quantify fill effects but still offers sweeping recommendations regarding no development/no-net fill. (The Commission notes that the City Engineer in his memo of March 16, 1988 has quantified a maximum only of 5/8" flood level use, as a "worst-case" scenario resulting from maximum theoretical fill) The City Council should carefully weigh the various statements and information prior to establishing policy on development/fill.

✓ 48. (p.A-2) "Nationwide permits are reserved for projects with minor activities which are "categorically excluded from environmental review because it is included within a category of actions which neither individually nor cummulative have a significant effect ...that the activity will not jeopardize a threatened or endangered species... and the activity shall not significantly disrupt the movement of those species of aquatic life indigenous to the waterbody." (Public Notice, November 21, 1986 on consolidated final rules for the administration of Section 404 Regulatory Program)? *By whom. Not I.*

Comment: This discussion of Corps of Engineers "Nationwide Permits" may be of some assistance in determining significant effect though not the sole determinant. (i.e. should an applicant apply for an receive Corps approval prior to filing an application with the City, the environmental process perhaps could be shortened.) However Corps Regulatory Branch staff has advised City staff that they would prefer the City to act on an application before they act on a fill permit.

(AMEND #10) ~~(DELETED FURTHER)~~ ~~~~