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City of Sebastopol

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July 28, 1988

TO: City Council

FROM: Bruce Aspinall, Planning Consultant

SUBJECT: "No Development Policy Map" -
Laguna de Santa Rosa

The Laguna Advisory Committee Report, of January, 1988, contains a number of recommendations, one of which is that "the City should enforce a strong policy of no development below the 76' elevation along the Laguna and it's local tributaries". Neither that specific recommendation, nor the report, has been adopted yet as policy by the City Council.

As part of the Planning Commission/City Council review to date, the intent of the "no development and other recommendations in the Report have been clarified. As part of Council review and clarification, the Council, on May 23, 1988 directed staff to prepare a draft map, showing specific parcels which may be affected by a "no development" policy. The purpose of that map was to serve as a basis for City Council and community discussion. On June 6, 1988, the City Council received the draft map, and directed that a Public Hearing be set, with all owners of property which may be affected by the map notified. Pursuant to City Council direction, that hearing has been scheduled for the regular City Council meeting of August 2, 1988. A Notice of the Meeting, together with a copy of the draft map, has been sent to all owners of property within the "no development" area.

In his memo of July 22, 1988, City Attorney McLaughlin discusses a number of land-use considerations as they pertain to a "no development" recommendation. His discussion of "inverse condemnation" is particularly relevant to a "no development" policy. Please note, however, that the draft map does show properties outside the City limits, but within the Urban Boundary, for which a City policy would be only advisory. In my opinion, the question of "inverse condemnation" is a very serious one, which must be carefully considered by the Council in the adoption of any "no development" policy.