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Wetlands zoning requirement upheld

BY BRUCE ROBINSON

With misgivings about past policy breakdowns, the Sebastopol City Council stood firm in support of the city's "Wetlands District combining zone" Tuesday night, voting 4-1 to impose the special zoning restrictions to a one-acre commercial parcel adjacent to the main Laguna channel.

The action was taken over the strong objections of the property owner, local developer Garry Taylor. Taylor had requested that the lot, which faces Highway 12 between Morris Street and the Laguna bridge, be rezoned from manufacturing to commercial, a change which was unanimously supported. But when the matter came before the planning commission, that body determined that a special Wetlands District designation should also be applied, and forwarded both recommendations to the council.

The Wetlands District is a zoning "overlay" which adds specific limitations and requirements to all properties within the district, regardless of their primary zoning. The city's wetlands zoning came in three levels, from W-1 for primary wetlands, that are essentailly undisturbed, to W-3 for lands that have only a peripheral connection to the Laguna.

Taylor protested vigorously that the parcel had not previously been included in any of the five studies of the Laguna that identified wetlands, and cited a February 7, 1989 negative declaration from the city as the most recent evidence of his contention. Yet another negative declaration, issued just a month later, included the wetlands designation, much to Taylor's consternation. "That piece [of land] has seven feet of fill on it now," he protested. He also pointed out that the two minority members in the planning commission's 5-2 vote to support the W-2 overlay were also both members of the city's Laguna Advisory Committee.

However, another member of that committee spoke out in support of the wetlands overlay. "There was some suggestion that a tire store might go in there. That alone was enough to make one feel that it needs to be restrictively zoned," said Richard Nichols, a leading proponent of local wetlands preservation. The requirement of a use permit for any new development in a W-2 zone would be the "main benefit" of the overlay, he added.

Councilman Nick Stewart observed that the current W-2 zone was appropriate for Taylor's property, but worried aloud that the revisions of the Wetlands Zone now under review by the planning commission would impose additional restrictions which would be "unfair" to Taylor.

"We've gotta walk what we talk," countered Councilman Richard Johnson. "The intent is that we have a direct review of tenancy with respect to making sure that no degradation to the waterway is done." Bill Roventini agreed, but called the W-2 zoning "a compromise," noting that he felt the C-2 designation alone was too intense for the parcels on that corner of Morris Street.

Mayor Anne Magnie also supported the dual zone changes, saying they allowed for both development of the site, and sensitivity to the Laguna environment. "I don't see the two objectives as being inharmonious," she said.

Councilman Tom Miller, though, preferred to leave Taylor the leeway to build without additional restrictions. "Mr. Taylor has brought a great deal of beauty into this town," Miller said. "I don't think he's going to put a used car lot in there. I'm willing to leave it to him to protect the environment."

But Miller was the only member of the council so inclined, and wetlands overlay was attached to the zone change Taylor wanted and both were approved on the single 4-1 vote.

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