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The Return of the Battle of the Land

By Sophie Braccini

An unusually large number of people defied the frigid cold the morning of Jan. 12 and crowded the La Sala Pavilion at the Hacienda de las Flores to participate in the elaboration of the town's goals for 2013. What attracted most of them was an announcement by Mayor Dave Trotter expressing his personal desire to amend the land use rules of the town's General Plan and put a moratorium on existing projects until revisions have been incorporated.

This immediately revived what property owner Dave Bruzzone called a "very dividing battle," the confrontation between those who want to maximize open space and those who defend the legal rights of property owners. No decision was made at the goal-setting meeting other than to bring the issue of revising the General Plan back to the council for discussion.

Trotter believes that the relatively recent approval of the Rancho Laguna II development along Rheem Boulevard demonstrates a weakness in the implementation rules of Moraga's open space ordinance (MOSO) that allows homes to be approved for development on a ridgeline on MOSO land.

About a half dozen people spoke in favor of revising the General Plan and supported the idea of a moratorium on existing projects. Almost as many speakers were opposed. Among them was Mark Armstrong, representing the developer of the Rancho Laguna II. "If that happens (a moratorium), we will have no other choice but to defend the approvals and our property rights in court," he said.

Other opposition came from Council Member Ken Chew, who said he believes staff has no time to spend revising the General Plan. At different times during the meeting it was clearly stated that the town, and particularly the Planning Department, is understaffed. Moraga, being a minimal government town, offers salary and retirement packages that are at the lowest level in the Bay Area according to Town Manager Jill Keimach.

Additionally, Moraga's staff-to-population ratio is also at the lowest level, even when full. At this time, the Planning Department is comprised of the director, Shawna Brekke-Read, and one administrative assistant. Brekke-Read indicated that the large number of new development projects coming to Moraga has forced her to stop working on other issues such as winery regulations, and that taking on a revision of the General Plan was not something she could envision with her current budget.

Since Trotter was supported by council members Roger Wykle and Phil Arth, Keimach said she would present the council with options for clarifying the implementation of land use-after she talks to the town's attorney about what a moratorium could involve and what the risks would be for the town. The council can then decide how it wants to proceed. Trotter indicated he would like to see this happen soon.

The other objectives for 2013 were more consensual. Issues that emerged as priorities include an aggressive road improvement plan, a balanced budget and the recruitment of staff to replace vacant positions since burnout is a high risk.

A new objective was added to the list: the preservation of the Rheem Theatre (see article page B1). "This is the most important matter... it has to be a high priority," said Arth. It is unclear what shape support from the town could take, and Town Manager Jill Keimach said that she would like to conduct a large community outreach effort before formulating options. The theater will be on the council's agenda Jan. 23.

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