

A Land-Use Victory in California

Petaluma Stops The Bulldozers

By Belle Canon

**The City sought the opinion of its residents on planning issues.
Eighty percent opposed unlimited urbanization of the valley.**

While Oregon land-use planners continue to churn out paper utopias, one small California town has actually taken this issue to court and won. After some serious belly-bumping with the construction industry, the citizens and city government of Petaluma have stopped uncontrolled growth dead in its tracks.

Located in the vague territory known as the Bay Area, Petaluma could have been swallowed up and lost in that giant megalopolis. Instead, it chose to maintain its geographic integrity and its quality of life by environmental planning and legislation.

So shockingly unique is this plan that the International Federation for Housing and Planning, which met last summer in Vienna, invited Petaluma's Director of Community Development, Frank B. Gray, to tell an international audi-

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ence what they did and how they did it.

What they did can be stated simply enough. The city, by ordinance, limited its annual residential growth rate to 6% by refusing to issue more than 500 building permits a year during a five-year trial period. But how they arrived at the decision and why is a complex and fascinating story.

Since the turn of the century, Petaluma had been a small town serving the commercial needs of chicken farmers in the local valley. For many years, a sign designated the town as "The Egg Basket of the World." The sign was removed without fanfare long after the small chicken ranchers had disappeared from the scene, owing to the high cost of sophisticated equipment they could not afford. On Bodega Highway today, within a mile of the city limits, are the crumbling remains of the chicken coops that were once the city's lifeline.

In 1960, Petaluma was still a sleepy

little town of only 14,000. While the rest of the Bay Area and most of the state were happily experiencing runaway growth, the Petaluma Chamber of Commerce and City Council were actively trying to get a piece of the action. They worked overtime to convince real estate developers that Petaluma could be a perfect bedroom community for San Franciscans.

Highway 101 had been recently expanded into a freeway that was close to the center of town. On a dead run, the Golden Gate Bridge was less than 40 miles to the south. Real estate developers, however, were reluctant at first to pick up on the town's obvious assets, preferring instead to reap their profits in the direction of San Jose. But as the price of land and the crowded living conditions skyrocketed elsewhere, Petaluma was "discovered."

It was a lovely small town, basically rural in nature, with established old



The charm of Petaluma's older section was worth saving. Now the signs of restoration are everywhere.

parks and developed facilities, a graceful older residential area with rolling hills as a backdrop. A perfect place to live and raise families.

By the mid-'60s, new housing began to fill the landscape, and by 1970 the population had soared to 24,500. Not until a year and a half later, when the population zoomed another 20% up to 30,000, did it become obvious that Petaluma's 1962 General Land Use Plan was not working.

That plan, like most others around the country, was based primarily on restricting land use by zoning. Though zoning in Petaluma had been strictly enforced over the years, too-rapid growth had forced the city to expand its boundaries by annexing land east of the freeway for development by promoters.

As development began to accelerate, the whole character of the community was deteriorating. Across the freeway on the east side, annexation was giving Petaluma the appearance of a spacious warehouse full of little boxes. New school construction had fallen far behind both prediction and the ability of the city budget to absorb it. The schools on the older west side were overflowing with east side children who had to be

bused there in two shifts. Though the busing was non-racial, resentment was nevertheless splitting the city's residents into two warring factions—east and west.

Annexation meant sewers and water and fire and police protection. The City Council was reeling under the strain of providing these services and falling ever further behind. Taxes had gone up. Grumbling among the residents soon grew to a roar.

"It started pretty slowly," recalls John Balshaw, one of those who originally started to pressure for change. "At first, it was mostly among the parents of the school children. Every time a few of us would be in a room together, someone would start crabbing about how much they hated sending their kids to schools on double session. Some of us started taking our complaints to the City Council, but no one in the power structure was listening."

In October of 1970, nine major developers announced their intention to construct yet another 1226 housing units in 1971, all on the east side. Staggered by the news, the City Planning Department prepared a study on the impact of this many new households on the already overloaded schools, should the develop-

ers be allowed to go ahead and build. When the study was due to be discussed in the City Council, the citizens were prepared to react.

"We jam-packed that Council meeting," Balshaw remembers, "but that didn't really do it. What put the planners' recommendation over the top was when the City Engineer said he couldn't hook up any more sewers without dumping all the raw sewage right into San Francisco Bay."

It was at this meeting on November 16, 1970, that the first move was made in the direction of Petaluma's ultimate solution. The school report concluded with the suggestion that the City Council seriously consider a moratorium on all annexation.

This bombshell of an idea exploded into a rapid-fire series of meetings between Council members, planners and builders. By mid-February, the unthinkable became the new reality. The City Council adopted a resolution establishing a moratorium on annexation of land surrounding the city.

The resolution states in part, ". . . it is not the intention of the City Council to stifle growth, but rather . . . to study problems of growth in order that future

growth can be directed and obtained in an orderly and logical manner. The purpose of this policy and moratorium is . . . to establish a development scheme that will . . . be coordinated with school needs, that will improve the city tax base, . . . lead to creating a more pleasant place to live and work . . . and eliminate the sort of urban sprawl that has developed elsewhere in this State." The moratorium was to remain in effect until the consulting firm of Williams & Mocine, completed an update of the old 1962 General Plan.

In its next unprecedented move, the City sought the opinion of its residents on the moratorium resolution as well as on other planning issues. A questionnaire was enclosed with its March water bill. The wide-ranging survey covered citizen reactions to the control of growth, the direction of growth, the establishment of greenbelt areas, the ideal ultimate population size, etc. Eighty percent of the respondents opposed unlimited urbanization of the valley and supported the Council's action. The survey was also a clear expression of the residents' opposition to becoming merely a bedroom community. They hoped for some industrial growth to assure a local job market.

Working with the information obtained from the survey during the next nine months, citizens' advisory committees appointed by the Council met with the Planning Department, Council members, other City staff and the consulting firm in pursuit of the perfect plan for Petaluma. What resulted was "The Environmental Design Plan for the City of Petaluma." It was adopted *in toto* by the City Council on March 27, 1972, and is now thought of world-wide as the "Petaluma Ordinance."

The Design Plan is an extensive 28-page document detailing goals, criteria and methods for meeting community needs over a five-year period. Rezoning is part of the Plan. Industrial areas are basically restricted to land along sections of the railroad. Some land along the highways, previously designated commercial, is rezoned back to agricultural use. This move has prevented unsightly strips of commerce from developing parallel to all the highways, so commonly seen elsewhere as endless stretches of visual pollution. Favored instead are small commercial zones spotted among residential areas emphasizing neighborhood use and pedestrian access. Greenbelt areas and parks are identified.

But the primary thrust of the Plan is

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aimed at controlling residential development, in three ways.

The first is to discontinue annexation. This single move entirely eliminates the City's burden of providing water, sewers, services and new schools outside its city limits, and automatically creates a greenbelt area around the city.

The second feature of the Plan—that the City would only issue building permits for 500 residential subdivision units each year—was the issue that eventually took the City of Petaluma into a court fight with the construction industry. This point of the Plan did not apply to any construction other than residential, nor did it affect the rights of its private citizens to buy and sell property or build a house. Only construction of more than four housing units fell under this regulation.

The third point established a citizens' review board which would act in conjunction with City staff to evaluate and choose which of the applicants were to be issued the 500 building permits, based on merit.

As might have been anticipated, real estate developers were furious. Two California builders' associations sued the City of Petaluma in April 1973, alleging that the growth-limiting ordinance violated the constitutional right to travel and live wherever one wishes. Viewing the whole scheme as a dangerous precedent, the National Association of Home Builders supplied \$25,000 to fight the ordinance in court.

To test the residents' support of the Plan, the city's mayor, Helen Putnam, was determined to find the funds to fight the case. According to Chief Planner Frank Gray, "She took the unorthodox step of soliciting funds by mail from other local governments. The letter asked for \$250 from each of them, and as I recollect, about \$10,000 came in."

Forty small cities actually responded with checks, among them Santa Rosa, Laguna Beach, Del Mar and Menlo Park. As the Petaluma case began to get media

coverage, individual contributions arrived from as far away as Philadelphia and South Carolina.

But despite such support, Petaluma lost the first round of the court fight when trial Judge Lloyd Burke agreed with the builders that no city has a right to "draw up the bridge and turn people away."

The U.S. Ninth Circuit Court of Appeals, however, reversed Judge Burke's decision, ruling in favor of the City ordinance. Undaunted, the builders took the case to the U.S. Supreme Court.

On February 23 of this year, there was great rejoicing in City Hall when word came down that the City had won. By refusing to review the case, the High Court effectively sustained the constitutionality of the Petaluma ordinance.

The Residential Development Evaluation Board is the implementing agency which carries out the intent of the Design Plan. Its 17 members are appointed by the City Council and include two City Council members, two from the Planning Department, three businessmen or professionals, a representative from each of the four local school boards, and six citizens at large from all three sections of the city—east, west and central. This Board is charged with evaluating all applications submitted each year by builders, no later than June 30 of each year. By October 15, the Board must publish its findings based on specific criteria and a point rating system.

Among the criteria are (1) the availability of public facilities and services such as water, sewers, drainage, fire protection, schools and existing traffic patterns; and (2) the quality of design and contribution to public welfare and amenity, which consists of architectural design, site layout, safety, usable public and/or private open space, bicycle trails, the degree of contiguous extension of existing development, and the provision of city policy goal of constructing 8-12% low and moderate income dwelling units each year.

According to John Balshaw, who was appointed to the planning commission when the Design Plan was being put together, "The beauty of this evaluation system is that a design competition has developed among the builders, with each trying to outdo the next. One year the Board processed 2000 applications to select the best 500. Obviously, the designs are now far superior to what they used to be."

Driving around Petaluma today, at least some of the results are visible. On the older west side, where no new housing had been built for years, the single family development of West Ridge is just being completed. Though well within the old city limits, the area is surrounded by rolling countryside where cattle graze.

All along the nearby residential streets are signs of restoration. Many old Victorian dwellings have been recently revamped and repainted. Frank Gray attributes this current activity to a renewal of civic pride in maintaining the charm of the older section.

In a recent interview, Gray, asked to assess the results of the Design Plan thus far, said, "We've virtually achieved all our goals. We reduced our annual growth rate from about 18% down to six. Builders who wanted to build only single family homes on the east side are now constructing a variety of multiple units all over town. In the five years since the moratorium, we've had the time to add space to the existing schools, and we've eliminated busing and double sessions. The split that developed between the east and west has not only been healed, but the whole city has a new community spirit.

"Everyone is happy with the results, including the Chamber of Commerce. Only the developers are still objecting to the idea."

While urban planners in Oregon and elsewhere are still pounding their fists on the desks of council members just trying to get their attention, Petaluma's planners are busy preparing their second five-year Plan.

In his Vienna speech, Frank Gray said: "The City is confident that the courts of the United States will find that a comprehensive planning implementation process is a valid exercise of the city's police power to ensure its present and future citizens a decent place to live." He was right.

Petaluma's special spot on the map of California seems guaranteed. □

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