

Moraga Discusses MOSO 2008 Impact Report

By Sophie Braccini

On July 23 the Moraga Town Council received the 9212 impact report (under California Election Code Section 9212) on the MOSO 2008 open space initiative and ordered the initiative to the November ballot. Moraga voters will have a choice between two very different initiatives addressing land use.

The reports produced by staff assessing the potential impacts of the MOSO 2008 and MOSPRO initiatives on the town are important pieces of information for Moraga voters. The complete texts of the initiatives and the corresponding 9212 reports are available on the town's web site at http://moraga.ca.us/production/moraga_ballot_initiatives.php.

The accuracy of the 9212 reports has been fiercely debated by proponents and opponents of each initiative. During the Council meeting, speakers raised important issues including, but not limited to, the risk of litigation for the Town. Some members of the public, sensing too many uncertainties, called for both initiatives to be voted down.

MOSO 2008, the initiative proposed by the Friends of Moraga Open Space, aims at restricting development in the remaining undeveloped space in Moraga. The targeted areas are Bollinger Canyon, Indian Valley and Rheem Valley.

The first disagreement about the impact of the initiative was its potential to include more than the three designated areas specified in the text.

Renata Sos, a Moraga resident who supports the initiative, asked that the 9212 report clarify the issue by indicating that MOSO 2008 would apply only to the areas designated in the text of the initiative.

That position was challenged by David Bruzzone, a member of the family which owns much of the land in question, whose interpretation is that, "All the slopes of more than 20% and all the ridge lines above 800 feet would be submitted to the development restrictions, and that would include parts of Ascot Dr. and Birchwood among other areas."

Council Member Mike Metcalf asked the Town's attorney, Michelle Kenyon, for her opinion on the matter. She replied that she would interpret the initiative as only applying to the areas defined in the text.

A major concern raised during the meeting was the possibility of lit-

igation and the extra costs that would result for the Town. Moraga resident Bob Reynolds asked, "What would happen if both initiatives pass?" Kenyon responded that if both initiatives have a majority of votes, and if they do not conflict, they would both stand.

The determination of whether or not the initiatives conflict would be made by the Town Council, based on legal advice. In that case, Kenyon would not exclude the possibility of a legal challenge.

Residents voiced their concern that the cost of litigation was not budgeted. "Vote both initiatives down," said Moraga resident Barbara Simpson, "we should know ahead of time if the initiatives conflict."

A larger element of discussion involved the financial impact of the initiative for the town. The fiscal analysis that was conducted by staff estimates that the town will undergo a reduction of net revenues in the range of \$410,700 a year due to the limitation of the number of houses that could be built. It concludes that the initiative would still have a positive impact on the town, smaller than in a no initiative scenario, and would amount to a net municipal revenue of \$60,200.

Dick Loeke, urban planner for the Bruzzone family, said, "What's missing (in the 9212 report) is the long term effect on budget and housing." Loeke believes that the restriction on housing will generate a loss in sales tax revenue and will jeopardize the viability of the retailers in town.

In response to a question from Loeke on the impact of the initiative on Moraga schools and the Fire District, Moraga Planning Director Lori Salamack responded that both entities had declined to assess the financial impact of the initiative.

Salamack indicated that Town staff is preparing a comparison of the two initiatives. This report could be presented to the Council at its next meeting on August 27, and would be available online with the meeting agenda.