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## Planning Commission Continues to Spar Over MOSO Land Use Amendment

*By Sophie Braccini*

At its Aug. 3 meeting, the Moraga Planning Commission once again reviewed a text originally submitted to them on June 15, which would allow for-profit recreation businesses to operate on Moraga Open Space Ordinance (MOSO) land, as long as such an activity had been started there before the ordinance was approved. In June, planning commissioners indicated that regulating land use depending on business type - for-profit or nonprofit - was not good practice. But Planning Director Ellen Clark brought back the text for recommendation to the Town Council, arguing that the elected body had required it and was the one making the final decision.

Clark restated that the amendment that had been proposed by the Town Council - to allow Adventure Day Camp to file an application to create a campsite and preschool on MOSO land, at the former Moraga Swim and Tennis Club site off Larch Avenue - would not touch the MOSO text itself, but only the municipal code that implements the open space ordinance. "One of the concerns was that the scope of the amendment would create a precedent for other sections of the code," said Clark. "Staff's analysis is that it would not be the case." Former Mayor Karen Mendonca who was in attendance argued otherwise and urged planning commissioners to do their due diligence.

"It was also a concern that this amendment would impact just one piece of property, which would not be good planning practice," said Clark, noting that Moraga Country Club could also fall into this same category.

Clark agreed that it would be a better planning practice to work on authorized types of recreation use on MOSO land, but argued that that task would be better handled by the Hillside and Ridgeline Committee, which is currently reviewing such matters.

The argument did not convince Commissioner Lindsay Carr. "This is trying to shine an old shoe," she said. "This is not fixing the real problem." She was concerned that supporting the rule modification without reviewing the more important issue of types of permitted use was giving away whatever leverage the commission might have to ever make good policy, and that trusting that another committee would tackle it was just wishful thinking.

Commission Chair Christine Kuckuk said she strongly agreed with Carr. "(This is the) wrong way to approach policy making by finagling a change," she said. "Business model is an inexact way to evaluate impacts to properties based on land use."

Commissioner Steve Woehleke, realizing that since the council would have the last word anyway, proposed modifying the recommendation instead of opposing it. "The new use (should) be functionally the same as the precedent for profit use, and (should) not exceed previous impact on the surrounding neighborhood," he proposed.

Since there was no majority on the commission to recommend the amendment, the commission decided instead to send comments to the council summarizing their positions. The Town Council is expected to make a final decision shortly.

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