

cided by speculative profit-making or by proper land planning? Is the chaos of vested interest to be supported irrespective of rational growth policies? Surely the freedom to move or live where one pleases is a primary concern; but that freedom of choice should be shaped by national or community needs rather than exclusively by developers' dollar roulette.

If law did not have the flexibility to move with society, it would lose its meaning and power. It has been doing so in areas of land use, planning and preservation. Zoning law, which has instituted public control of private property in the public interest, is well-established as constitutional. The essential and delicate balance between public and private rights is not irreconcilable with the concept of individual freedom.

Such a balance must clearly not foster exclusionary policies; it must be a legitimate, demonstrable planning device. The objectives on this new legal frontier are general welfare and environmental impact. The courts have the problem of forging progressive and essential policy within just law.

Planning City Growth

A decision that decides nothing has been made in California about a community's right to regulate its growth; but the implications for environmental control are enormous. An ordinance passed by the city of Petaluma, near San Francisco, which would have limited water and sewage facilities to a restricted number of new dwellings a year in the interest of "orderly, controlled growth, consistent with the city's capacity to provide the necessary utilities," has been overturned by the courts. The argument is that it violates people's constitutional right to travel and live where they wish.

Like so many outlying cities and towns, Petaluma has doubled its population in a little more than ten years, largely through speculative sprawl. It is a very crucial question whether uncontrolled growth, without any kind of regulation for conservation, health and welfare, is really an inviolable private privilege. It is not—as the developers' lawyers argued—like providing telephone service to all comers or refusing to do so, since water and sewage facilities and the population they support involve basic and far-reaching environmental effects.

The court left some vital questions unanswered. Is it better public policy for community expansion to be de-