

FAIRFAX PLANNING COMMISSION MEETING MINUTES
FAIRFAX WOMENS CLUB
THURSDAY, SEPTEMBER 20, 2018

Call to Order/Roll Call:

Chair Newton called the meeting to order at 7:00 p.m.

Commissioners Present: Norma Fragoso
Esther Gonzalez-Parber
Philip Green
Mimi Newton (Chair)
Michele Rodriguez
Cindy Swift

Commissioners Absent: Laura Kehrlein

Staff Present: Ben Berto, Planning Director
Linda Neal, Principal Planner
Town Manager Garrett Toy
Chip Decker, Planning Intern

APPROVAL OF AGENDA

M/s, Swift/Green, motion to approve the agenda as submitted.

AYES: Fragoso, Gonzalez-Parber, Green, Rodriguez, Swift, Chair Newton

ABSENT: Kehrlein

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Ms. Roberta Anthes, Snowden Lane, stated one of the sticking points about the roll out of 5G is the fear of a lawsuit by the FCC if the Town does not comply. She discussed how the law goes in the other direction- cities are suing the FCC over public rights-of-way. Fairfax residents might sue the Town if the Council allows the rollout.

Mr. Steven Keese, Cypress Drive, stated he has been looking at 5G for several years.

Ms. Jess Lerner, Canyon Road, stated she is electrically sensitive. The law states that health issues could not be cited in relation to the 5G issue. She agreed with the comments made by Ms. Anthes and reiterated that fiber optics was an alternative.

Mr. Mark Bartholomew, Sonoma, stated these cell towers were dangerous and a health hazard. He displayed some photographs. He urged the Commission to protect the community from potentially devastating results including a negative effect on property values.

Ms. Diana Purdue, Scenic Road, stated the garage at 216 Scenic Road has a significant wall that will redirect rainfall down the street and into her yard. The rainfall used to run through a trough into a swale.

Ms. Lynchen Bell, Dominga Avenue, stated the new light bulbs recently installed were too bright. They were unpleasant and ugly,

Ms. Lea Wildflower, Fairfax, stated she was opposed to the installation of microwave radiation antennas- they do not belong in Fairfax.

Mr. Frank Egger, Meadow Way, stated he was concerned that the Fairfax administration was rolling back four decades of environmental protection. Residents left the recent Council meeting thinking that the Commission would be reviewing an ordinance controlling 5G tonight.

Mr. Mark Bell, Dominga Avenue, stated there are "Private property- do not enter" signs at the two footbridges off of Dominga Avenue. He thought the bridges were built with public money. Residents have gone across those bridges for decades. The concrete steps at School Street Plaza are similarly blocked off.

Ms. Mallory Geithheim, Willow Avenue, stated she was against 5G. It is an environmental issue. She asked the Town to prepare an urgency ordinance before September 26th to protect Fairfax.

Ms. Liz Deitrich, San Anselmo, read a statement made in 2016 at the 5G National Press Conference from former FCC Chair Tom Wheeler, supporting its prompt inception. She is opposed to 5G.

Mr. Arthur Safless, Larkspur, gave an overview of the situation- it is ridiculous. The FCC and big tech companies want to get 5G implemented quickly. He does not care about the laws- the FCC will not sue.

Mr. Jacob Barnett, Woodacre, stated Woodacre does not have any public lighting. It is a pleasant experience. He asked the Town to invoke the "precautionary principle" with respect to G.

Mr. Jim Rice, Laurel Drive, asked the Commission to make the right decision that will protect Fairfax residents.

Commissioner Rodriguez discussed the Title 19 Telecommunications Ordinance and asked what would be asked of the Commission. Town Manager Toy stated the issue will come before the Commission on October. He discussed the documents submitted by the Town to oppose the FCC ruling.

Commissioner Rodriguez asked if the Commission could ask the Director of Public Works to do something about the bright street lights. Town Manager Toy stated staff will be reporting to the Council about the status of the LED lights in October. No shields are currently available. Commissioner Swift had a question about installation of the shields and whether all the new lights were going to get new shields or would new shields only going to be installed based on citizen concerns about a particular light. Town Manager Toy stated that no shields are currently available.

CONSENT CALENDAR

There were no Consent Calendar items.

PUBLIC HEARING ITEMS

1. 192 Scenic Road; Application #18-15

Request for a Conditional Use Permit to construct a 16 square-foot shower expansion onto an existing 1,591 square-foot, 3 bedroom, 1 ½ bathroom single-family residence increasing it to a 1,607 square foot, 3 bedroom, 2 bathroom, single-family residence; Assessor's Parcel Numbers 001-024-07 and 08 and 001-025-05 and 20; Residential Single family RS-6 Zone; Gary Millar, applicant/architect; Rita Swenson, owner; CEQA categorically exempt per Section 15301(a).

Principal Planner Neal presented a staff report.

Chair Newton opened the Public Hearing.

Mr. Gary Millar, applicant, made the following comments:

- The water heater would remain in the same location and the furnace would get relocated.
- The owner wanted to abide by the rules and make sure everything was done correctly.
- He asked if some latitude could be given to the Planning Department staff on minor projects.

Chair Newton closed the Public Hearing.

Commissioner Gonzalez-Parber provided the following comment:

- She appreciated the work done by the applicant- this is a 16 square foot addition.

Commissioner Green provided the following comments:

- He referred to the resolution and would like to add a condition under Ross Valley Fire Department that states: "Construction materials are to be maintained away from the residence during construction".
- The project looks great.
- The Commission, and staff, are working on ways to streamline some of these minor applications.

Commissioner Rodriguez provided the following comment:

- She referred to the resolution and suggested the following amendment to Condition #1: "The Planning Director shall have the authority to make minor amendments consistent with the intent design as long as there is no greater impact".

M/s, Green/Rodriguez, motion to approve Resolution #2018-14 with the addition of Condition #16: "Construction materials are to be maintained away from the residence during construction"; and the suggested amendment to Condition #1: "The Planning Director shall have the authority to make minor amendments consistent with the intent of the design as long as there is no greater impact".

AYES: Fragoso, Gonzalez-Parber, Green, Rodriguez, Swift, Chair Newton

ABSENT: Kehrlein

Chair Newton stated there was a 10-day appeal period.

Commissioner Green commented that owners who submit applications to the Town go through a plan review and inspection process. This helps in assuring that a property is developed with building safety regulations put in place to ensure the safety of residents.

2. 216 Scenic Road; Application #18-16

Request for a Use Permit and a parking variance to construct a 251 square foot, bedroom and bathroom addition onto an existing 537 square-foot studio cabin, increasing it to a 788 square-foot, 1 bedroom, 2 bathroom, single-family residence; Assessor's Parcel No. 001-025-22; Residential Single-family RS-6 Zone; Hossein Asghari, applicant/owner; CEQA categorically exempt per Section 15301(e)(1).

Principal Planner Neal presented the staff report. She pointed out some corrections to the staff report and the following change to the resolution: Condition #21: "Prior to ...or shall apply to *the Planning Commission and get approval for a Use Permit to have it legalized*".

Commissioner Fragoso asked staff why the applicant would have to come back to the Planning Commission- could it be handled tonight? Principal Planner Neal stated it was not shown on the

plans and the project was not noticed to include that structure. Commissioner Fragoso asked if it could be handled administratively if recommended by the Commission. Principal Planner Neal stated she did not think so. The Commission could continue the application. Commissioner Green asked if staff could look into the issue brought up by Ms. Purdue during Open Time. Principal Planner Neal stated the Building Inspector was of the opinion that the wall was built properly. The original swale continues to take the water from the waterfall, underneath the road, and across the street- nothing is blocked.

Commissioner Rodriguez had a question about one of the letters received asserting that another parking space behind the new building could not be added because of some steps. Principal Planner Neal stated residents do park in that location and there is 12' clearance for emergency vehicles. The space does not meet the specific size requirements.

Chair Newton asked about the lot coverage. Principal Planner Neal stated it was .06. Chair Newton asked how many bedrooms the unit currently has. Principal Planner Neal stated it is a studio. A studio requires one parking space and a one-bedroom unit requires two parking spaces. Both require one guest parking space.

Chair Newton opened the Public Hearing.

Mr. Hossein Asghari, applicant, made the following comments:

- He would like to keep the patio cover- it is for protection.
- He would support a continuance so he could address the patio cover.
- He used previously approved plans to build the garage.
- He will work with Ms. Purdue and try to address her concerns.

Chair Newton closed the Public Hearing.

Commissioner Swift provided the following comments:

- She has concerns about the parking.
- There are fire hazards, evacuations, and there is not a lot of space.

Commissioner Fragoso provided the following comment:

- She agreed with the staff findings on the Parking Variance. There are special circumstances, it is an existing property, and the additional bedroom does not significantly expand the total square footage.
- She could make the Parking Variance Findings.

Commissioner Gonzalez-Parber provided the following comments:

- She agreed with the comments made by Commissioner Fragoso.
- They are not asking for a special privilege.
- Requiring the same number of parking spaces for a 1 bedroom home as for a 3 bedroom home seems a bit lopsided and stringent.
- She could make the Parking Variance Findings.

Commissioner Green provided the following comments:

- He agreed with Commissioners Fragoso and Gonzalez-Parber.
- He does not like to grant Parking Variances in general but this property is unique and limited.
- He could probably approve the Parking Variance.

Chair Newton asked if there was a problem with respect to the Permit Streamlining Act. Principal Planner Neal stated "no"- a continuance would not be a problem.

M/s, Fragoso/Green, motion to continue the application for 216 Scenic Road, Use Permit and Parking Variance, to the next meeting. The plans shall be amended to incorporate the patio cover.
AYES: Fragoso, Gonzalez-Parber, Green, Rodriguez, Swift, Chair Newton
ABSENT: Kehrlein

The Commission took a 10-minute break at 8:45 p.m.

PLANNING DIRECTOR'S REPORT

3. Discuss/consider local cannabis regulatory policy options and provide direction to staff.

Town Manager Toy presented the staff report and gave a PowerPoint presentation.

Commissioner Fragoso asked about the timeframe in terms of the moratorium and if they could put any recommendations off until November. Town Manager Toy stated the Council will consider an extension of the moratorium in October. Staff wants to get something from the Commission to the Council early next year.

Commissioner Swift stated she would like more information on the following at the next meeting: 1) State standards for delivery; 2) Current delivery standards for a dispensary; 3) What are the differences between a medical dispensary and a recreational storefront from a regulatory and product point of view?; 4) Can any of the products out there be sold in either store?; 5) What is the difference between a medical cannabis dispensing collective vs. medical cannabis patient collective? Which is the Marin Alliance for Medical Marijuana? 6) How are dispensary permits regulated? Can ownership be transferred?

Chair Newton referred to the map indicating the Central Commercial (CC), Highway Commercial (CH), and Limited Commercial (CL) Zones and asked where the Anti-Franchise Ordinance would apply. Town Manager Toy stated it applies to the CH and CC Zones. The CL Zone does not allow retail.

Chair Newton referred to personal cultivation and asked what the current State law allows in terms of the number of plants allowed. Town Manager Toy stated it allows six plants indoors. Chair Newton asked about the limit for outdoor cultivation. Town Manager Toy stated State law allows the municipality to make that decision.

Chair Newton asked how a marijuana dispensary permit would work- would it function like a Use Permit, which could be transferred from one owner to another, as opposed to a Business Permit. Town Manager stated the current medical marijuana permit runs with the property. Every two years it is subject to review. Commissioner Swift asked staff to check on that since the code states that a "permittee shall not transfer ownership or control of a dispensary or a dispensary permit to another person unless that person obtains a Use Permit". Town Manager Toy agreed there were some inconsistencies.

Commissioner Green asked if staff has considered what these regulations might look like in terms of practical considerations (i.e. verifying ages of drivers, security guards, sealed rooms, etc.). Town Manager Toy stated the current dispensary operates under a Use Permit that has Conditions of Approval. The Council is looking to the Commission to establish those standards for retail dispensaries with respect to the State operational permits and local building permits.

Commissioner Gonzales-Parber asked if staff has considered checks and balances with respect to State law, permitting, etc. Town Manager Toy stated the State contacts the municipality and asks questions without providing a copy of application.

Commissioner Green noted they were dealing with a moving target since the State continues to amend the regulations.

Chair Newton opened the meeting to public comments.

Mr. Larry Bragman, on behalf of the Marin Alliance, made the following comments:

- The market has become much more competitive.
- He laid out a modest proposal that would help the Marin Alliance survive and expedite the business towards an adult use permit and be fair to other applicants.
- He recommended amending the Marin Alliance Use Permit to allow adult use. This would require amending the existing medical marijuana chapter to allow a licensed dispensary to apply for a modification of its Use Permit to allow adult use sales.

Ms. Lynette Shaw, representing the Marin Alliance, made the following comments:

- Twenty one years ago she invented the first licensed dispensary in the world.
- The “playing field” has changed.
- They are currently functioning with 10% of the prior clientele.
- Town requirements are killing her delivery business.
- She is asking the Commission to modify her Use Permit to allow adult sales and be consistent with State requirements.
- There are medical-only cannabis supplies that are not available to the recreational users such as patches and suppositories that have high concentrations of medicinal cannabis, higher than is allowed for recreational use.

Mr. Lew Tremaine, Sir Francis Drake Boulevard, made the following comments:

- One of the things that the Council “took off the table” was the concept of a microbusiness.
- The Town is better off having a dispensary that is a microbusiness.
- Marin Alliance wants distribution, manufacturing, and sales.
- Proposition 64 provides the opportunity to legitimize and tax the long-standing cannabis industry that exists in the community.

Mr. Michael Dunn, Wood Lane, made the following comments:

- They can operate on fear or love.
- They should just legalize it for every retail organization in Town- just like alcohol vendors.

Ms. Patrice Bryan made the following comments:

- She has been a cannabis activist for a while.
- Adult use business combats the black market, of which there is plenty in Fairfax.
- There has been a drop in youth consumption since the passage of Proposition 64.

Mr. Mark Bell, Dominga Avenue, made the following comments:

- Dispensaries know how to regulate and gauge strength, dosages, etc. better than black market dealers.
- These products should be taxed.

Ms. Brigit Clark made the following comments:

- She is the parent of a Drake High School student and sat on the Wellness Design Team for Drake High School.
- Marijuana use by teens has not decreased.
- She has concerns about rushing into things- they need to be cautious.

Chair Newton closed the meeting to public comments.

Commissioner Fragoso provided the following comments:

- The original requirements and conditions placed upon the Marin Alliance were incredibly stringent.
- It took a while to get a good understanding of what was going on.
- She is supportive of tweaking the conditions that would allow the alliance to move forward with recreational uses. She was not sure this should occur with a zoning change for one business.
- There are many ways this accommodation could be accomplished.
- There should be a period of 6 months to a year to review any new businesses before allowing them to expand to adult delivery.
- She would prefer continuing with a Use Permit, as opposed to a license, since it gives the Town more control. It should not be transferable without a local process.

Chair Newton asked for comments regarding issue #1- Eliminating categories of uses.

Commissioner Gonzales-Parber provided the following comment:

- She asked what was the Council's logic in eliminating microbusinesses.

Commissioner Fragoso, Swift provided the following comments:

- They agreed with the Council.

Commissioner Green, Rodriguez, and Chair Newton provided the following comments:

- They would like to have another look at microbusinesses.
- Microbusinesses could be more closely regulated.

Chair Newton asked for comments regarding issue #2- Eliminating temporary cannabis events.

Commissioner Gonzales-Parber, Fragoso, Green, Swift provided the following comments:

- They agreed with the Council.

Commissioner Rodriguez and Chair Newton provided the following comments:

- There should not be cannabis-specific temporary events.
- Cannabis folks should be able to have a table at other community events.

Chair Newton asked for comments regarding issue #3- Continue to allow commercial medical dispensaries/retailers.

There was unanimous Commission support for continuing to allow.

Commissioner Green provided the following comment:

- Dispensaries should be a combination medical and retail.

Commissioner Rodriguez, Chair Newton provided the following comments:

- They should protect the Marin Alliance and encourage their continued operation.

Chair Newton asked for comments regarding issue #4- Allow up to 6 plants to be cultivated, whether indoor or outdoor.

Commissioner Gonzalez-Parber provided the following comments:

- She changed her position to support allowing outdoor cultivation.

Commissioner Fragoso provided the following comments:

- There were health and safety concerns surrounding indoor cultivation.
- Fairfax is the perfect place for outdoor cultivation.
- She asked if this applied only to a stand alone housing unit or also to multiple housing units and apartments. What is meant by property and parcel?

Commissioner Green provided the following comments:

- He supported 6 plants per State law.

Commissioner Swift provided the following comments:

- She supported 6 plants indoor or outdoor.

Commissioner Rodriguez provided the following comments:

- She supported 6 plants, indoor only.

Chair Newton provided the following comments:

- She supported 6 plants, indoor or outdoor. Multi-family should be per family.
- Outdoor should be left at 18 plants, unlimited for medical.

Chair Newton asked for comments regarding issue #5- Allow deliveries in Town, including from retailers outside Town limits.

Commissioner Gonzales-Parber, Fragoso, Green, Swift, provided the following comments:

- Yes.

Commissioner Rodriguez provided the following comment:

- She supports the existing user- delivery should be only that user.

Chair Newton provided the following comment:

- They should move quickly to allow recreational delivery before anything else.
- They should “grandfather” in the medical marijuana business to open up for recreational delivery.

Chair Newton asked for comments regarding issue #6- Allow some form of non-medical retail and limit the number of retail uses.

Commissioner Gonzalez-Parber provided the following comments:

- The number of retailers should be limited to two to three.

Commissioner Fragoso provided the following comments:

- She is not sure about storefronts.
- She is concerned about maintaining the downtown business character.
- There should be a limit.

Commissioner Green provided the following comments:

- They should allow two retail combination medical and/or recreational.
- They should be treated similar to professional offices and should be upstairs.

Commissioner Swift provided the following comments:

- She could support retail but was not sure about the number.
- They could combine retail with delivery within Town.

Commissioner Rodriguez provided the following comment:

- She supported one to two- but preferred one given the size of the community.

Chair Newton provided the following comments:

- She supported retail and would support as many as the rest of the Commission will go for.

Chair Newton asked for comments regarding issue #7- Where to allow cannabis uses, including buffer zones?

Commissioner Gonzalez-Parber provided the following comment:

- They need to start with the State buffer zones and take each one on a case-by-case basis when making exceptions.

Commissioner Fragoso provided the following comments:

- She wants to maintain the buffer zones.
- There are ways to allow the existing facility to be “grandfathered in” (amend the conditions of operation).

Commissioner Green provided the following comments:

- Buffer zones should follow the State rules (600 feet) but they need to be able to carve out exceptions.
- These exceptions should not just be “grandfathered in” but rather created with careful reasoning.

Commissioner Swift provided the following comments:

- She wants to look at the buffer zones to see where it might make sense to locate retail cannabis businesses.
- They could keep the State zones but have the local ability to make adjustments depending on the type of business.

Commissioner Rodriguez provided the following comments:

- She would apply the buffer except for the “grandfathered” business.
- She liked the criteria idea for security and operations.

Chair Newton provided the following comments:

- She does not feel strongly about the buffer zones.
- She does not like the idea of limiting it to second story.
- She wants to focus on the Marin Alliance, “grandfather” them in, and try to accommodate their requests to expand and allow adult retail sales and a microbusiness.

Chair Newton asked for comments regarding issue #8- Modify the existing standards for medical dispensaries to apply to non-medical uses and to require a pre-application process.

Commissioners Gonzales-Parber, Fragoso, Swift, Rodriguez, and Chair Newton provided the following comments:

- They are in agreement.

Commissioner Green provided the following comment:

- Yes, It could be done quickly, and should be a license so it doesn’t run with the land.

Chair Newton asked for comments regarding issue #9- Require a Use Permit for all commercial cannabis uses.

Commissioner Gonzalez-Parber provided the following comments:

- Yes.
- The pre-application process will benefit the applicant and the Town by indicating who has his or her “ducks in a row”.

Commissioner Fragoso provided the following comments:

- She is not sure about the pre-application process and was not sure about the intent. It seems unfair. What will be required?
- There should be standards, a checklist. People need to get vetted.

Commissioner Green provided the following comments:

- The process does not need to be as extensive as the CUP process.
- A license process could be less time consuming and less expensive.
- Who will future people be? They need to be vetted- it should not automatically run with the land.

Commissioner Swift provided the following comments:

- She wants to require a marijuana business permit for individual businesses.
- She supported the pre-application process- it would help to weed out applications.
- Local ownership should be favored, but not a monopoly.

Commissioner Rodriguez provided the following comments:

- She did not support the pre-application process- it should be “first come, first served”.
- She supported a Conditional Use Permit (or amendment) that would run with the operator not the land.

Chair Newton provided the following comments:

- No pre-application process.
- She was inclined to have it on a “first come, first served” basis.
- She liked the idea of a quasi Business License/Use Permit that limits it to an entity and a location.

Chair Newton asked for comments regarding issue #10- Allow existing medical marijuana dispensaries to have a non-medical retail component.

Commissioner Gonzalez-Parber provided the following comments:

- Yes, although she would like clarification that there isn't a group of businesses.
- She would support whatever uses they are up to as long as it complies with State Law.

Commissioner Fragoso provided the following comments:

- She is in favor of assisting the existing dispensary but not by changing the Zoning Ordinance.
- There should be an expedited way of modifying their existing permit and conditions.
- She supported dispensary sales and adult-use deliveries.

Commissioner Green provided the following comments:

- Yes, including delivery.
- He supported modifying the existing permit rather than having the existing dispensaries have to jump in at the beginning of a permit process.
- There should be mitigations and requirements for going in the buffer. Marin Alliance should be consulted on this.

Commissioner Swift provided the following comment:

- Yes, and they would have to work through how to get there.

Commissioner Rodriguez provided the following comments:

- She can't answer this question without more information about the existing business, compliance, etc.
- They need to provide a write-up of what they are proposing.
- She likes the idea of an amendment process as opposed to starting from scratch.
- The answer in general is "yes", with additional security and operations requirements.

Chair Newton provided the following comments:

- Yes.
- She agreed with the comments made by Commissioner Green regarding additional conditions because it is in the buffer.

Chair Newton asked for comments regarding issue #11- Tax revenues.

Commissioner Green provided the following comments:

- They need the tax revenues. It should be done reasonably. Legal businesses are already paying a 30% tax.
- Avoid kids endangering themselves. Tax revenues can help regulate.

Chair Newton stated she would like staff to schedule a cannabis-only meeting.

The Commission took a 5-minute break at 11:00 p.m.

4. Discuss/consider the process of developing objective standards in response to State mandates

Planning Director Berto presented the staff report.

Commissioner Swift had questions about the Housing Accountability Act (HAA), the definition of a "development project", the focus on walkability and bikeability, and others. Hillside areas have their own circumstances.

Commissioner Green asked how we are going to come up with our own standards so we are not vulnerable. Step up the Historic Resource Identification Process, where we would get a lot of exemptions. Planning Director Berto stated that depends on whether they plan to go with the historic designation route for individual properties or just include commercial properties.

Chair Newton asked about the steps that staff plans to take in terms of the historic inventory, etc. Planning Director Berto stated that process will tie into the objective standards work program process. He will come back at the next meeting with a more detailed analysis.

Commissioner Fragoso stated she liked the staff outline- it is thorough and covers all the basics. She is concerned that it is too focused on the requirements. A better way to start would be to move with the historic analysis instead of coming up with the codes, regulations, and standards. They could walk the Town with the consultant. She would like to do it more graphically with photographs, etc.

Commissioner Swift stated there is value looking at the existing code and identifying what we already have as subjective and objective standards. She did not think staff could walk and photograph the entire community. What have other jurisdictions done?

Commissioner Gonzalez-Parber asked for an explanation of the HAA versus SB35. Planning Director explained the HAA applies to every housing development, and with SB35 a determination is made whether it applies, in which case processing is streamlined. She stated it seemed like some

of these review processes should be on a parallel track, as each can inform the other. Planning Director Berto agreed.

Planning Director Berto noted this item would come back to the Commission.

5. Consideration/recommendations on amending the maximum house size limitation (continued from prior meeting)

Planning Director Berto presented the staff report.

Commissioner Fragoso stated the staff report was very cogent and captures everything that was said. The document should be sent to the Council as is. If necessary, she would support a limit of 3,500 to 4,000 square feet. The Zoning Ordinance already works well in limiting development. She could support limiting the size by applying Green Code regulations.

Commissioner Green agreed that the Town's current regulations and policies have served them well. A small house could be less efficient than a large one under certain circumstances. The idea of improved efficiency should apply at all levels. The 10% size bonus is not needed.

Commissioner Swift stated she saw no reason to change what exists. The code's building standards, setbacks, FAR etc. works well. Leave as is and focus on things we have to work on.

Commissioner Gonzalez-Parber stated the Town's problems are being driven more by socio-economic issues and how people live and work. There are many safety mechanisms already embedded into the codes and ordinances that protect the Town from overbuilding. A 5,000 square foot limit is secondary, and is what was reached in 2002.

Regarding a shed exemption from square footage, she referred to page 3 of the staff report, under "Planning Commission Consensus", first bullet, and suggested the following change: "Up to 120 square foot....*no utilities, unconditioned or and not more than seven feet in height* should not count...". On page 3, under "Rationales for each option include" and suggested the following change to #2: "Discouraging additions... certain *gross* [not net] total square footage..". On page 9, the Town Code section (C) comparing cost of work vs existing value should be reworded.

Commissioner Swift agreed that if the code is changed, the valuation section should be also.

Commissioner Green supported the proposed wording.

Commissioner Rodriguez stated the limit should be reduced, and noted the staff report did not represent that position.

Chair Newton stated she was in favor of reducing the maximum house size. She thanked Commissioner Rodriguez for working with staff on the concept of a trade-off between the size and energy efficiency.

Commissioners briefly discussed and reached a consensus on limiting a 120-square foot accessory building to 7 feet in height and unconditioned.

6. Minutes from the August 16, 2018 Planning Commission meeting

M/s, Swift/Gonzalez-Parber, motion to approve the August 16, 2018 Planning Commission minutes as corrected.

AYES: Fragoso, Gonzalez-Parber, Rodriguez, Swift, Chair Newton

ABSENT: Kehrlein

ABSTAIN: Green

Commissioner Comments and Requests

Commissioner Swift asked staff to clarify the proposed changes to the Tree Ordinance before it goes to the Council to include 'alteration'.

Commissioner Green stated the "Slow Children Playing" sign at the beginning of Bothin Road needs to be replaced.

Commissioner Fragoso asked staff why the Coffee Roastery proposal was reviewed by the Council prior to going to the Commission. Planning Director Berto stated the idea was to get an early read. Principal Planner Neal stated the preliminary review by the Council was driven by the applicants.

Chair Newton encouraged Commissioners to visit a recreational marijuana dispensary. She would like some follow-up on the issues raised by Mr. Egger about some lots being merged and the possible loss of a public trail. She discussed the legal premise of "prescriptive use easements" and asked staff to review the areas blocked off as described by Mr. Bell. She referred to the 5G issue and asked staff to take a look at endangered species, and in particular, the Spotted Owl.

ADJOURNMENT

A motion was made, seconded and unanimously approved to adjourn the meeting at 11:55 p.m.

Respectfully submitted,

Toni DeFrancis,
Recording Secretary