

**Marin County Planning Commission
Regular Meeting
Monday, November 13, 1:00 P.M.**

ROLL CALL The meeting was called to order by Chair John Eller at 01:04 p.m.

Present at Roll Call: Margot Biehle; Don Dickenson; John Eller; David Paoli; Peter Theran.

Absent at Roll Call: Margaret Curran; Christina L. Desser.

CDA staff present: Assistant Director Tom Lai, Environmental Health Services Deputy Director Rebecca Ng, Acting Principal Planner Curtis Havel, Planner Megan Alton, and Planning Commission Secretary Ana Hilda Mosher.

County Counsel staff present: County Counsel Brian Case.

1. INITIAL TRANSACTIONS

a. Minutes

M/s Peter Theran - Don Dickenson to approve the minutes of the meeting of October 30, 2017 as submitted.

Vote: Motion carried 5-0

AYES: Margot Biehle; Don Dickenson; John Eller; David Paoli; Peter Theran.

ABSENT: Margaret Curran; Christina L. Desser.

b. Communications

Commissioner Paoli said he had a communication regarding a past residential Design Review project, but it will be more appropriate to talk about it at the time the item comes back to the Commission.

2. DIRECTOR'S REPORT

a. Preliminary Agenda Discussion Items

Acting Principal Planner Curtis Havel provided an update on future Planning Commission agenda items.

3. OPEN TIME FOR PUBLIC EXPRESSION (LIMITED TO THREE MINUTES PER SPEAKER)

No one addressed the Commission.

4. RATIFICATION OF RESOLUTION APPROVING THE GALLAGHER FAMILY LLC COASTAL PERMIT AND USE PERMIT

Planner Megan Alton presented a revised resolution consistent with the action taken by the Planning Commission on October 23, 2017 to sustain the Deixler Appeal and grant approval of the Gallagher Family LLC Coastal Permit and Use Permit.

Ms. Alton noted that the revised Resolution contains findings and recommended conditions of approval from the Marin County Building and Safety Division and the Environmental Health Services Division.

Commissioner Theran inquired whether the items listed in the memorandum from Environmental Health Services (EHS) Deputy Director Rebecca Ng, to the CDA staff are included in the Resolution.

Assistant Director Tom Lai responded by stating that those items are not included in the Resolution because they are for informational purposes related to the requirements to obtain a Building Permit. Mr. Lai noted that while the Commission may have bases to grant a Coastal Permit and a Use Permit, it may be very difficult for the applicant to obtain a Building Permit due to California Building Code requirements as identified by the Community Development Agency's Chief Building Official.

In response to questions from the Commission, Mr. Lai explained that this item was agendaized to provide the applicant an opportunity to hear the discussion, and to understand that there are major obstacles to be addressed before the use can commence at the site.

Public testimony was opened and the following people spoke:

Representing the appellant: Avram Deixler.

Mr. Deixler answered questions from the Commission.

Public testimony was closed.

Commissioner Dickenson asked for clarification regarding the State-wide bulk hauled water policy.

EHS Deputy Director Rebecca Ng clarified that the State-wide policy indicated that hauled water is not considered an approved permanent source of water and has only been allowed in emergency situations. Ms. Ng further indicated that hauled water is not an approved potable and sustainable water source according to the policies of the Department of Health Services' Drinking Water Program and the California Conference of Directors of Environmental Health.

Ms. Ng informed the Commission of amended State Water Codes effective in January 2017 which state: "A city, including a charter city, or county shall not issue a building permit for the construction of a new residential development where a source of water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility."

Finally, Ms. Ng stated that she could not approve this project based on a hauled water source or hauled out waste water. If the Commission approves the Use Permit for this project on hauled water and hauled out waste water, the conditions listed in her email will be enacted in order to meet public health and safety requirements pursuant to State law.

M/s Margot Biehle - Peter Theran to ratify the Resolution sustaining the Deixler Appeal and approving Gallagher Family LLC Coastal Permit and Use Permit.

Vote: Motion carried 5-1
AYES: Margot Biehle; Margaret Curran; John Eller; David Paoli; Peter Theran.
NOES: Don Dickenson.
ABSENT: Christina L. Desser.

Commissioner Eller and Commissioner Theran provided edits to the Resolution.

Commissioner Dickenson provided clarification that while he is voting to ratify this resolution as it is consistent with the Commission's direction to staff, he does not support the project and noted he is even more convinced that his decision to vote against this application was the correct one based on additional information received from the Building and Safety Division and the Environmental Health Services Division.

The decision is appealable to the Marin County Board of Supervisors until 4:00 P.M. on November 21, 2017.

- 5A. RATIFICATION OF RESOLUTION DENYING THE NORTH COAST LAND HOLDINGS MASTER PLAN EXTENSION
- 5B. RATIFICATION OF RESOLUTION GRANTING THE RILEY HURD APPEAL OF THE NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT FOR NORTH COAST LAND HOLDINGS COMMUNITY PLAN AMENDMENT, MASTER PLAN AMENDMENT, DESIGN REVIEW, MASTER USE PERMIT, TENTATIVE MAP, TREE REMOVAL PERMIT

Assistant Director Tom Lai indicated that the appeal fee was incorrectly listed in both resolutions and should be \$1,285.00.

Mr. Lai noted his communication with Commissioner Curran and conveyed her apologies for her lack of attendance at the November 30, 2017 and today's hearing due to a potential conflict of interest and a personal issue.

Mr. Lai presented the two proposed Resolutions intended to reflect the actions taken by the Commission at their special meeting on October 30, 2017. The first Resolution is a denial of the North Coast Land Holdings Master Plan Extension, and the second Resolution grants the Riley Hurd Appeal of the Notice of Preparation of Environmental Impact Report for North Coast Land Holdings.

CDA staff answered questions from the Commission and provided additional clarification.

Public testimony was opened and the following people spoke:

Representing the applicant: Attorney Kristina Lawson; Andres Orphanopohlos.

Applicant's representatives answered questions from the Commission.

CDA staff answered questions from the Commission and provided additional clarification.

Public testimony was closed.

M/s Don Dickenson - Peter Theran to ratify the draft Resolution as reflecting an action taken at the October 30, 2017 Planning Commission meeting denying the North Coast Land Holdings Master Plan Extension.

Vote: Motion carried 4-1

AYES: Don Dickenson; John Eller; David Paoli; Peter Theran.

NOES: Margot Biehle.

ABSENT: Margaret Curran; Christina L. Desser.

Commissioner Biehle stated all the reasons why she was still voting against the Resolution.

Commissioner Paoli reflected that he was questioning his original vote on the Resolution because he was hesitant to limit the potential on that property.

The decision is appealable to the Marin County Board of Supervisors until 4:00 P.M. today (November 13, 2017).

Commissioner Dickenson said he was not in agreement with items eight and nine on the Resolution and suggested removal.

M/s Don Dickenson - Margot Biehle to ratify the Resolution partially sustaining the Riley Hurd Appeal of the Notice of Preparation of Environmental Impact Report for North Coast Land Holdings.

Vote: Motion carried 5-0

AYES: Margot Biehle; Don Dickenson; John Eller; David Paoli; Peter Theran.

ABSENT: Margaret Curran; Christina L. Desser.

The decision is appealable to the Marin County Board of Supervisors until 4:00 P.M. today (November 13, 2017).

The meeting was adjourned at 2:24 P.M.

The next Planning Commission meeting is scheduled for December 11, 2017, at 1:00 P.M.

Webcast Timestamps

00:00:02 - Initial Transactions

00:00:44 - Director's Report

00:01:21 - Open Time for Public Expression

00:01:42 – Communications

00:02:21 - **Ratification of Resolution Approving the Gallagher Family LLC Coastal Permit and Use Permit**

00:07:50 - Commissioners' Questions

00:19:35 - Public Testimony

00:27:05 - Commissioners' Questions and Comments

00:35:08 – Motion

00:37:39 – Vote

00:38:22 - **Ratification of Resolution Denying the North Coast Land Holdings Master Plan Extension**

Ratification of Resolution Granting the Riley Hurd Appeal of the Notice of Preparation of Environmental Impact Report for North Coast Land Holdings

00:41:29 - Commissioners' Questions

00:44:41 - Public Testimony

00:57:52 - Commissioners' Questions and Comments

01:08:45 – Motion

01:13:49 – Vote

01:15:31 – Motion

01:18:05 – Vote

01:18:50 - Adjourned