

**DRAFT**

REGULAR MEETING OF THE MARIN COUNTY BOARD OF SUPERVISORS HELD TUESDAY, MARCH 13, 2007, AT 9:30 A.M.

Roll Call Present: Supervisor Arnold; Supervisor Brown; Supervisor McGlashan; Supervisor Adams; Supervisor Kinsey

The Board met as the Marin County Housing Authority Board of Commissioners at 9:07 a.m. and convened as the Board of Supervisors at 9:38 a.m.

2. PRESENTATION OF "EMPLOYEE OF THE MONTH" AWARD

Supervisor Brown announced that Freddy Dubon-Romero of the Public Defender's Office was the "Employee of the Month" for February 2007. Supervisor Brown read a list of Mr. Dubon-Romero's accomplishments and presented him with a cash award, a family pass to the Marin County Fair, a framed photograph of the Marin County Civic Center, an assigned parking space for the month or free parking pass to Marin County parks, and an engraved plaque commemorating the occasion.

Mr. Dubon-Romero expressed appreciation to the Board and to his colleagues for their support.

Public Defender Joseph Spaeth congratulated Mr. Dubon-Romero and acknowledged his contributions to the County of Marin.

3. APPROVAL OF MINUTES

M/s Supervisor Adams - Supervisor Arnold to approve the minutes of the meetings of February 13 and 20, 2007.

AYES: ALL

4a. BOARD OF SUPERVISORS' MATTERS

Affordable Homes Program

Supervisor Arnold reported that a flyer, from Affordable Homes Program Coordinator Leelee Thomas, will be distributed to Marin employees regarding affordable homeownership in Marin County.

In-Home Supportive Services ("IHSS")

Supervisor Brown acknowledged receipt of letters and phone calls from In-Home Supportive Services ("IHSS") workers regarding the recently amended Living Wage Ordinance ("LWO") and noted this as a top priority of the Board of Supervisors.

County Administrator Matthew Hymel advised that the IHSS issue will be addressed at the upcoming Budget Workshop meetings during the last week in March.

In Memoriam

Supervisor McGlashan requested an urgency finding to adjourn the meeting in memory of Robert L. Kleinert, Tiburon Town Manager for 27 years.

M/s Supervisor McGlashan - Supervisor Adams to determine that the need to take action arose subsequent to the agenda being posted and to adjourn the meeting in memory of Robert L. Kleinert.

AYES: ALL

In Memoriam

Supervisor Adams briefly commented on Consent Calendar Item CA-2a regarding the death of two long time community activists Coleman Parsily of San Rafael and Howard Council of Marinwood.

National Association of Counties ("NACo") Annual Legislative Meeting

Supervisor Adams reported that she attended the National Association of Counties ("NACo") Annual Legislative meeting in Washington D.C. last week. Supervisor Adams briefly commented on several issues she addressed at the NACo meeting including Medicaid budget cuts, reductions in Childrens' Health programs, climate change in relation to watershed programs and flood zones, and cuts to the Marin Housing Authority.

In Memoriam

Supervisor Arnold requested an urgency finding to adjourn the meeting in memory of Annette Klang Smail, community activist and member of the Marin Women's Hall of Fame.

M/s Supervisor Arnold - Supervisor Adams to determine that the need to take action arose subsequent to the agenda being posted and to adjourn the meeting in memory of Annette Klang Smail.

AYES: ALL

4b. REQUEST FROM SUPERVISORS KINSEY AND ARNOLD TO DISCUSS RECENT ENFORCEMENT ACTIONS BY THE IMMIGRATION AND CUSTOMS ENFORCEMENT BRANCH OF THE U.S. DEPARTMENT OF HOMELAND SECURITY

By letter dated March 13, 2007, Supervisors Kinsey and Arnold submitted their report and recommendations regarding the above-captioned matter. Supervisors Kinsey and Arnold briefly commented on the Immigration and Customs Enforcement ("ICE") officers recent enforcement actions in Marin County. Supervisors Kinsey and Arnold expressed concern regarding the lack of information about enforcement procedures and reported that no information has been made available to the public or to the families of detained individuals.

Supervisors Kinsey and Arnold requested endorsement of a letter to be sent to the ICE Director expressing the Board's and the community's concerns and requesting clarification of ICE enforcement practices; and endorsement of a letter to be sent to Senators Dianne Feinstein and Barbara Boxer and Congresswoman Lynn Woolsey regarding immigration reform and assistance with securing a written description of ICE enforcement practices.

San Rafael Mayor Al Boro, Congresswoman Lynn Woolsey Aide Wendy Friefield, State Senator Carole Migden Field Representative Suzanne Dunwell, and San Rafael City Schools Superintendent Laura Alvarenga addressed the Board with concerns regarding the recent ICE actions in the San Rafael Canal area and the impact of these actions on the children.

Mayor Boro commented on a meeting that he, Supervisor Steve Kinsey, and the San Rafael Police Chief Matthew Odetto had with several ICE officials regarding a few issues including community fear and the immigration agents identifying themselves as police officers.

Ms. Friefield summarized a statement from Congresswoman Woolsey and Ms. Dunwell read a statement into the record from Senator Migden and Assemblymember Jared Huffman that was sent to the Assistant Secretary of the United States Immigration and Customs Enforcement in Washington D.C.

Canal Alliance representative Tom Wilson, two members of the Grassroots Leadership Network, Legal Aide of Marin representative Paul Cohen, Sheila Andrus on behalf of the Bishop of the California Episcopal Church, Reverend Anna Lange-Soto, Human Rights Commission representative Kerry Peirson, Reverend Carol Hovis, several members of the San Rafael Canal area, and numerous members of the public expressed concern regarding ICE tactics, related personal stories, expressed support for diverse communities, suggested Marin become a sanctuary for immigrants, and thanked everyone for their support.

Californians for Population Stabilization representative Rick Oltman and two members of the public expressed support for ICE enforcement activities and stated that ICE's "Operation Return to Sender" is a nationwide effort to track down undocumented immigrants who had already received deportation orders.

M/s Supervisor Arnold - Supervisor Adams to authorize the President to send a letter: (a) to the Director of Immigration and Customs Enforcement Branch requesting a written statement articulating ICE enforcement practices in relation to deportation enforcement activities; and (b) to Senators Dianne Feinstein and Barbara Boxer and Congresswoman Lynn Woolsey requesting assistance in securing the written description of ICE enforcement practices and work towards immigration reform.

Board members briefly commented on the ICE raid in Marin, thanked the community for petitioning the Marin County government for help, thanked the interfaith community for their support, and individually thanked Supervisors Kinsey and Arnold for bringing this forward.

Thereafter, the vote on the pending motion was

AYES: ALL

The Board of Supervisors recessed at 11:29 a.m. and reconvened at 11:42 a.m.

## 5. ADMINISTRATOR'S REPORT

### Agenda Modification

County Administrator Matthew Hymel requested that the following items be removed from the agenda: Consent Calendar Item CA-6, regarding the purchase of equipment for Marin Emergency Radio Authority ("MERA"); Consent Calendar Item CB-1, regarding acceptance of an Office of Traffic Safety ("OTS") grant; and Closed Session Item 17d, regarding a Conference with legal counsel for anticipated litigation.

## 6. OPEN TIME

(Supervisor Brown present at 11:43 a.m.)

### Zero Waste

Two Marin Zero Waste Citizens Advisory Committee representatives briefly commented on Zero Waste and presented a draft package of Zero Waste recommendations and a DVD titled "Tale of Two Dumps" to the Board.

(Supervisor Adams present at 11:44 a.m.)

### Marin Aids Emergency Day

A member of the public addressed the Board regarding HIV emergency needs grants and requested that April 7, 2007, be designated as "Marin Aids Emergency Day."

Homeward Bound of Marin

Two members of the public commented on Consent Item CA-4c, an agreement with Homeward Bound of Marin, and thanked the Board for their commitment to the homeless and to future affordable housing projects.

In-Home Supportive Services ("IHSS")

Supervisor Kinsey acknowledged that several In-Home Supportive Services ("IHSS") members had intended to address the Board but were no longer present.

7. CONSENT CALENDAR A (ITEMS CA-1 THROUGH CA-11)  
("CONSENT CALENDAR A" REFLECTS THOSE AGENDA ITEMS THAT HAVE PRIOR POLICY APPROVAL FROM THE BOARD AND DO NOT EXCEED \$500,000 IN COST)

M/s Supervisor Adams - Supervisor Arnold to approve Consent Calendar A, with Item CA-6 removed and a revised staff letter for Item CA-2c.

County Administrator Matthew Hymel responded to a question from Supervisor Arnold regarding Item CA-8 concerning the use of consultants by County Departments.

CA-1. Auditor-Controller

Request from Auditor-Controller to adopt Resolution No. 2007-28 determining the FY 2006-07 appropriations of tax proceeds pertaining to the County of Marin's Special Districts not included in previous actions, in accordance with Article XIII-B of the State Constitution (Proposition 4 Gann Initiative).

CA-2. Board of Supervisors

- a. Supervisor Adams requesting the Board adjourn in memory of Howard Council and Coleman Persily.
- b. Supervisors Kinsey and McGlashan requesting resolution commending Dr. Daniel Collins, D.D.S. for his extraordinary contributions in the arenas of public health, civil rights, education and business.
- c. Supervisor Kinsey requesting resolution supporting the "Earn It! Keep It! Save It!" to increase access to the Earned Income Tax Credit.
- d. Supervisors Adams and Arnold requesting resolutions commending this year's inductees into the Marin Women's Hall of Fame: Beverly Wright Bastian, Francoise O. Lepage PhD., Deborah Santana, Lesly Schisgall Currier, and Daisy Maria Saez de Lbarra.

CA-3. Community Development Agency

Authorize President to execute First Amendment to the agreement with EDAW, Inc., in an amount not to exceed \$79,088 for a total amount of \$411,923, for preparation of an Environmental Impact Report ("EIR") for the Lawson's Landing Project.

CA-4. County Administrator

- a. Request to adopt Resolution No. 2007-29 continuing the local emergency declarations for the County of Marin, related to severe storm damage, in conformance with Government Code Section 8630.
- b. Authorize President to execute agreement with Red Hill Community Park Joint Powers Authority, in the amount of \$200,000, to provide support for the construction of the sports field element of Red Hill Field Park in Ross Valley.

- c. Authorize President to execute agreement with Homeward Bound of Marin, in the amount of \$100,000, to partially offset construction costs for the Homeward Bound Next Key project.

CA-5. District Attorney

- a. Adopt Resolution No. 2007-30 authorizing the District Attorney to submit a Grant application to the State Office of Emergency Services ("OES") for continued funding for the Vertical Prosecution Block Grant Program.
- b. Request to (i) adopt Resolution No. 2007-31 authorizing submission of a grant proposal to the California Department of Insurance ("CDI") for the continuation of the Workers' Compensation Insurance Fraud Investigation and Prosecution Program, and authorizing the District Attorney to execute the grant award agreement, including any extensions or amendments thereof; and (ii) adopt Resolution No. 2007-32 authorizing submission of a grant proposal to the CDI for the continuation of the Automobile Insurance Fraud Investigation and Prosecution Program, and authorizing the District Attorney to execute the grant award agreement, including any extensions or amendments thereof.

CA-6. Fire

This item was removed from Consent Calendar A.

CA-7. Health and Human Services

NOTE: Agreements in items CA-7g - CA-7h are renewals of existing agreements that were included in and funded in the FY 2006-07 budget.

- a. Authorize President to execute amendment to FY 2006-07 agreement with Catholic Charities Catholic Youth Organization ("CYO"), increasing the contract by \$33,603 for a total amount of \$427,320, to provide senior nutrition services.
- b. Authorize President to execute the following amended FY 2006-07 agreements, totaling \$544,820, to provide alcohol and drug prevention and treatment services for the Substance Abuse Offender Treatment Program: (i) Elizabeth Dandenell, in the amount of \$113,050; (ii) Elizabeth Stires, in the amount of \$42,000; (iii) Family Service Agency of Marin, in the amount of \$73,683; (iv) Marin People Care, dba The Vine, in the amount of \$29,454; (v) Marin Services for Women, in the amount of \$232,883; and (vi) Marin Treatment Center, in the amount of \$53,750.
- c. Request to (i) approve FY 2006-07 Master Fee for Service Contract, in the amount of \$370,000, to apply to fee for service contracts with child day treatment providers for seriously emotionally disturbed children; and (ii) authorize the Health and Human Services Director to execute contracts pursuant to this Master Contract.
- d. Request to approve amendment to membership composition of the Workforce Investment Board, pursuant to SB 293.
- e. Authorize President to execute FY 2006-07 County Performance Contract (including the County Use of State Hospitals Agreement) with the California Department of Mental Health, in the amount of \$268,319, for State Hospital services as mandated by Section 5650 of the Welfare and Institutions Code.
- f. Request to set hearing on March 27, 2007, at 10:30 a.m. to consider adopting a resolution revising the rate schedule for the Medical Marijuana Identification Card Program.
- g. Authorize President to execute FY 2006-07 agreement with Sausalito Networking, Inc., in an amount not to exceed \$68,156, to provide computer consultation services.
- h. Authorize President to execute agreement with First 5 Marin Children and Families Commission, in the amount of \$97,279 for the period of January 1, 2007, through June 30, 2007, to continue a children's oral health program.

CA-8. Human Resources

Authorize President to execute agreement with Hazel Payne, in the amount of \$75,000, to conduct classification, compensation and related studies.

CA-9. Information Services and Technology

Authorize President to execute amendment to agreement with Materus Consulting, in the amount of \$43,800, to provide programming services for the SAP system

CA-10. Public Works

- a. Authorize President to execute agreement with Nelson/Nygaard Consulting Associates, in the amount of \$34,405, to provide evaluation for year three operation of the Muir Woods Shuttle Demonstration Project.
- b. Authorize President to execute amendment to agreement with Shoreline Disposal, reflecting a 3.79% rate increase for refuse and recycling services in the West Marin Franchise Area No. 1.
- c. Authorize President to (i) execute Notice of Completion for the Air Conditioning Replacement and Expansion for the Computer Room Project; and (ii) approve release of retention 35 days after Board action, in the amount of \$10,932.63, to R. E. Corporation of Santa Rosa. (Project No. C476)
- d. Request to approve plans and specifications and direct Clerk to advertise for bids for the Pt. Reyes Public Facility Project (Engineer's estimate \$460,000). (Project No. CAMS-2407)
- e. Request to approve plans and specifications and direct Clerk to advertise for bids for the Marin County Garage Mechanical Improvements Project. (Project No. CAP-92533-01)
- f. Request to adopt Traffic Resolution No. 2002 amending parking and traffic regulations for the Pohono Park and Ride lot.
- g. Request to adopt Traffic Resolution No. 2003 allowing parking on portions of Gate Six Road in the Waldo Point Area.

CA-11. Treasurer

Monthly report of County, Schools, and District Investments as of January 31, 2007.

AYES: ALL

8. CONSENT CALENDAR B (ITEMS CB-1 THROUGH CB-3)  
("CONSENT CALENDAR B" REFLECTS THOSE AGENDA ITEMS REQUIRING FOUR AFFIRMATIVE VOTES RELATING TO BUDGETARY MATTERS)

M/s Supervisor Adams - Supervisor Arnold to approve Consent Calendar B, with Item CB-1 removed.

CB-1. Fire

This item was removed from Consent Calendar B.

CB-2. Health and Human Services

- a. Request from the Department of Health and Human Services, Division of Alcohol, Drug and Tobacco Programs to (i) authorize President to execute amended FY 2006-07 agreements with Center Point, in the amount of \$151,796 and with Teena Scovis-Weston, in the amount of \$52,687 for Adult Drug Court services; and (ii) approve related budget adjustments as detailed in staff report dated March 13, 2007.
- b. Request from the Department of Health and Human Services, Division of Public Health to (i) authorize President to execute amendment to 2006 agreement with the California Family Health Council, Inc. ("CFHC"), accepting \$15,500 in additional funding, for Title X Basic Contraceptive Services; and (ii) approve related budget adjustments as detailed in staff report dated March 13, 2007.

CB-3. Public Works

Request from the Public Works Director to take the following actions related to granting sanitary sewer easement to the Novato Sanitary District for the District's wastewater facility upgrade project: (a) authorize President to execute Property Purchase Agreement with the Novato Sanitary District; (b) adopt Resolution No. 2007-27 authorizing conveyance of easement; and (c) authorize President to execute Grant of Easement to the District.

AYES: ALL

9. REQUEST TO APPROVE FY 2006-07 MASTER FEE FOR SERVICE CONTRACT FOR COMMUNITY MENTAL HEALTH SERVICES, ADULT RESIDENTIAL PROVIDER CONTRACTS

By letter dated March 13, 2007, Health and Human Services Director Dr. Larry Meredith submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor McGlashan - Supervisor Adams to (a) authorize President to execute Master Contract, in the amount of \$2,800,000, to apply to fee for service contracts with Community Mental Health Services and adult residential mental health services providers and (b) authorize the Health and Human Services Director to execute contracts pursuant to this Master Contract

Health and Human Services Director Dr. Larry Meredith responded to questions from Supervisor Adams regarding dollar amounts of service contracts and providers meeting goals and objectives.

Thereafter, the vote on the pending motion was

AYES: ALL

10. REQUEST TO APPROVE FY 2006-07 MASTER FEE FOR SERVICE CONTRACT FOR PHYSICIANS PROVIDING SERVICES TO ADULT AND CHILD MENTAL HEALTH CLIENTS

By letter dated March 13, 2007, Health and Human Services Director Dr. Larry Meredith submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor Arnold to (a) authorize President to execute Master Contract, in the amount of \$650,000, to apply to fee for service contracts with Community Mental Health Services and physicians and (b) authorize the Health and Human Services Director to execute contracts pursuant to this Master Contract.

AYES: ALL

11. REQUEST TO AUTHORIZE PRESIDENT TO EXECUTE FY 2006-07 AGREEMENT WITH BUCKELEW PROGRAMS TO PROVIDE VARIOUS SERVICES TO ADULT MENTAL HEALTH CLIENTS

By letter dated March 13, 2007, Health and Human Services Director Dr. Larry Meredith submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor McGlashan to authorize President to execute FY 2006-07 agreement with Buckelew Programs, in an amount not to exceed \$3,567,940, to provide various services to adult mental health clients.

AYES: ALL

## 12. APPOINTMENTS

### a. Civic Center Conservancy

One vacancy for a Board of Supervisors' appointee. Applications have been received from Stephen Patterson and Deborah Vick.

Supervisor Brown made a motion to appoint Stephen Patterson. The motion died for lack of a second.

Supervisor Adams requested that both applicants be interviewed. After discussion, it was agreed to interview Stephen Patterson and Deborah Vick on March 27, 2007.

### b. County Service Area ("CSA") 18 - Las Gallinas

i. One vacancy due to the resignation of Harriot Manley. An application has been received from Kathryn Neville.

M/s Supervisor Adams - Supervisor McGlashan to appoint Kathryn Neville.

AYES: ALL

ii. One vacancy due to the resignation of Bruce Winchell.  
Scheduled appointment for March 27, 2007.

### c. Tamalpais Design Review Board ("TDRB")

Five term expirations as follows: Crystal Barriscale, Bill Cullen, Robert Freitas, John McCormick and Kathy Ryan. All incumbents have reapplied.

M/s Supervisor McGlashan - Supervisor Arnold to appoint Crystal Barriscale, Bill Cullen, Robert Freitas, John McCormick and Kathy Ryan.

AYES: ALL

## 13. PERSONNEL ACTIONS

M/s Supervisor Brown - Supervisor Adams to approve personnel actions, as detailed in staff reports dated March 13, 2007, for items 13a - 13c.

a. Request from the Retirement Administrator to add 1.0 FTE Senior Clerk Typist position (Class #1341), effective March 18, 2007, to assist active and inactive Marin County Employees' Retirement Association ("MCERA") members.

b. Request from the Human Resources Director and the Auditor-Controller to approve 6.0% salary adjustment for the classification of Senior Accountant (Class #0373), effective April 8, 2007.

c. Request from the Directors of Parks and Open Space and Human Resources to approve actions related to realigning the management structure of the Department of Parks and Open Space to maximize and support the new strategic direction being developed by the County.

AYES: ALL



14. FIRST READING:&NBSP; ORDINANCE AMENDING CHAPTER 6.90 OF THE MARIN COUNTY CODE EXTENDING EXISTING RESTRICTIONS UPON THE USE OF BOLINAS BEACH FOR CAMPING DURING WEEKENDS

By memorandum dated March 13, 2007, Supervisor Steve Kinsey submitted his report and recommendations regarding the above-captioned matter.

M/s Supervisor Adams - Supervisor Arnold to request clerk to read ordinance by title only and schedule merit hearing for March 27, 2007, at 10:30 a.m.

AYES: ALL

The clerk read the title of the proposed ordinance and the merit hearing was set for March 27, 2007, at 10:30 a.m.

The Board recessed at 12:01 p.m. to meet as the Marin County Open Space District Board of Directors and the Marin County Flood Control and Water Conservation District Board of Supervisors and reconvened as the Board of Supervisors at 12:27 p.m.

The Board recessed at 12:28 p.m. to meet in closed session.

17. CLOSED SESSION

The Board met in closed session at 12:30 p.m. to discuss:

- a. Instructions to labor negotiator (Human Resources Director) regarding benefits for all bargaining units pursuant to Government Code Section 54957.6.
- b. Conference with legal counsel regarding existing litigation pursuant to California Government Code Section 54956.9(a). Name of case: Abernathy v. County of Marin, et al., Case No. CV 022794.
- c. Conference with real property negotiators pursuant to California Government Code Section 54956.8 on the matter as follows: Real Property Address: 3110 Kerner Boulevard, San Rafael, CA (APN 09-121-03 and 09-121-04); Agency Negotiators: David Speer, Facilities Planning & Development Manager; Real Property Lessee/Negotiators: Executive Director, Marin Community Clinic, a Non-Profit Corporation; Under Negotiation: lease terms.
- d. This item was removed from the agenda during Item #5, the Administrator's report.

The Board reconvened in open session at 1:53 p.m. Supervisor Brown was absent.

The President reported that the Board met in closed session and advised that there was no announcement at this time.

18. HEARING: HARRIMAN APPEAL OF THE PLANNING COMMISSION'S NON-ACTION ON THE OLEMA FARM HOUSE (10005 ONE LLC) COASTAL PERMIT, DESIGN REVIEW AND USE PERMIT RENEWAL

By letter dated March 13, 2007, Community Development Agency Director Alex Hinds and Acting Principal Planner Christine Gimmmler submitted their report and recommendations regarding the above-captioned matter.

Ms. Gimmmler gave a brief presentation regarding the background and basis of appeal for this project. Ms. Gimmmler summarized the changes proposed in conjunction with the Use Permit renewal, including the location of outdoor seating, changes to the restaurant's hours, a request to legalize the previous enclosure of a rear dining deck and to allow the replacement of the existing roof and the installation of new windows, a request to allow low volume outdoor music on the property, and a request to extend the Use Permit period indefinitely.

Planning Services Deputy Director Tom Lai advised that staff also recommends that language be added to allow the Use Permit to run indefinitely, subject to a one-year compliance review.

Ms. Gimmmler advised that since the project was submitted, the applicant has proposed a number of voluntary measures to enhance the Stream Conservation Area ("SCA"), including the reduction of impervious surfaces, installing additional riparian vegetation along Olema Creek, reducing site runoff from the parking lot and hitching post area, and reducing litter by keeping dumpsters closed.

(Supervisor Brown present at 1:58 p.m.)

The hearing was declared open to receive public testimony.

Jeff Harriman, the applicant and property owner, distributed photographs to the Board and spoke briefly regarding the proposal to continue operation of the Olema Farm House Restaurant and Olema Liquor and Delicatessen, with the requested modifications.

Mr. Harriman requested the following revisions to the proposed resolution: (a) that the cost to the Olema Farm House for improvements undertaken to improve the water quality of Olema Creek be capped at \$10,000, including costs for permits and consultants; (b) elimination of the word "prioritizes" in Condition #5; (c) a revision to the third sentence in Condition #6 to read, "Upon inspection and acceptance of the plantings by County staff, the riparian ecologist and contractor shall enter into a maintenance agreement to ensure survival of at least 80 percent of the plantings for three years; (d) addition of a sentence to Condition #13 regarding signage as follows: "This business shall be treated no differently than any other business in West Marin with regards to enforcement; (e) deletion of the requirement in Condition #18 for a real estate appraisal; (f) a waiver of the provision in Condition #21 for the requirement to submit confirmation from the North Marin Water District ("NMWD") that all requirements of the District have been satisfied; and (g) additional of language to allow this Use Permit to be in perpetuity.

A representative of the Environmental Action Committee of West Marin spoke in support of the SCA provisions and conditions of approval included in the proposed resolution. The speaker expressed concern regarding the applicant's request to cap expenses for SCA improvements at \$10,000, noting the importance of insuring the efficacy of the measures taken to reduce erosion and impact on water quality of Olema Creek.

A representative of the Vedanta Retreat in Olema spoke to express support for the recommended conditions regarding outdoor music.

Seeing no one else present to speak, the hearing was closed.

In response to a question from Supervisor Kinsey, Senior Civil Engineer Eric Steger advised that Condition #18, requiring property appraisal, reflects provisions of the Marin County's Floodplain Management Ordinance and Federal Emergency Management Agency ("FEMA") requirements.

In response to questions from Supervisor Adams, Mr. Lai briefly described the process for renewal of Use Permits and the proposed one-year compliance review, noting that the County has the right of revocation if the permitted use is detrimental to the public. Mr. Lai also responded to a question regarding the monitoring of the proposed low-level music.

In response to a question from Supervisor McGlashan as to whether formally recognizing structures that were originally built illegally in the SCA would set a precedent, Ms. Gimmler noted that the subject deck was legalized in 1993.

In response to questions from Supervisor Brown regarding the proposed cap of \$10,000 for SCA improvements, Ms. Gimmler advised that this is not included in staff's recommendation but has been requested by the applicant. Mr. Lai responded to Supervisor Brown's question regarding the requirement for a maintenance agreement to ensure survival of the riparian landscaping, noting that these are voluntary conditions set out to memorialize the negotiations between the applicant and interested parties and are not necessarily required to obtain approval of the project.

Supervisor Kinsey spoke in support of the proposal and made several recommendations for modifications to the conditions of approval.

Regarding Condition #6 which addresses landscaping, Supervisor Kinsey noted that it is unrealistic to hold the applicant responsible for riparian plantings if flooding occurs and suggested the addition of the following language at the end of the last sentence, "barring loss of plantings due to flooding."

Regarding Condition #13 which addresses signage, Supervisor Kinsey recommended that this condition be left in place but recommended the following sentence be added, "This condition shall be enforced consistent with enforcement activities for projects with similar conditions countywide."

Regarding Condition #18 which addresses the requirement for a real estate appraisal, Supervisor Kinsey supported the staff recommendation.

In Section 3 regarding permit duration, Supervisor Kinsey supported the staff recommendation to add language regarding a one-year permit compliance review. Mr. Lai recommended that the second sentence in this paragraph be revised to read: "This permit will be subject to compliance review in one year by Community Development Agency staff."

Supervisor Kinsey commented that he would be uncomfortable placing a cap of \$10,000 on the improvements to the SCA, but suggested that a condition be added as follows: "In the event that the owner's cost of compliance exceeds \$10,000, he may propose an implementation phasing plan to the Community Development Agency Director who shall retain the sole authority to accept or reject the plan."

In response to a question from the applicant, Supervisor Kinsey advised that the County does not have the ability to release the applicant from responsibility for meeting requirements of the NMWD, but offered to assist in negotiations.

M/s Supervisor Brown - Supervisor Arnold to adopt Resolution No. 2007-34, on behalf of Supervisor Kinsey, conditionally approving the Olema Farmhouse (10005 One LLC) Coastal Permit/Minor Design Review/Use Permit Renewal (APN 166-201-14), with the revisions as set forth above.

AYES: ALL

19. HEARING: HUGHES APPEAL OF THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE HANSEN MINOR DESIGN REVIEW APPLICATION

By letter dated March 13, 2007, Community Development Agency Director Alex Hinds and Planner Anna Camaraota submitted their report and recommendations regarding the above-captioned matter.

Ms. Camaraota gave a brief presentation regarding the background and basis of appeal for this project. Ms. Camaraota noted that during the Planning Commission's hearing, the Planning Commissioners directed staff to include an additional finding in the proposed resolution which specifically addressed the height issue, allowing for the 21.75 foot height. Ms. Camaraota advised that staff received by email a letter from the appellants dated March 3, 2007, and advised that this letter is included in the staff report. Ms. Camaraota advised that photographs which were also recently received from the appellants are included in today's visual presentation.

The hearing was declared open to receive public testimony.

Tom Hughes, the appellant, presented a photograph of the proposed project as seen from his property and cited sections of Chapters 22.16 and 22.42 of the Marin County Code regarding height limitations for accessory structures. Mr. Hughes expressed concern regarding language in Sections VIII(C), IX and X of the proposed resolution concerning the project's consistency with Countywide Plan policies and Marin County Code. Mr. Hughes disagreed with language in Section IX regarding the visual screening provided by landscaping features and expressed concern that the project will set a precedent for accessory buildings of all sizes. Mr. Hughes requested that the Board uphold his appeal and deny the construction of this accessory building.

Howard Lasseter, the architect representing the applicants, gave a brief history of the project and commented on the applicants' efforts to work with the neighbors and the Community Development Agency to resolve privacy concerns.

Tilden Hansen, applicant and property owner, thanked staff for their efforts and the Planning Commissioners who had visited the project site.

Seeing no one else present to speak, the hearing was closed.

In response to a question from Supervisor Arnold, Ms. Camaraota clarified language in the last sentence of Section X of the proposed resolution, noting that the Planning Commission discussed the fact that if the addition had been attached to the garage, and therefore to the primary residence, a 30-foot height limit would have been the standard.

In response to a question from Supervisor Adams, Ms. Camaraota advised that landscaping on the property will provide seasonal screening. Mr. Lai added that the Planning Commission took into account structures already in the primary viewshed and the proposed 21-foot, 9-inch height of the structure, which is substantially less than the zoning district's 30-foot height limit for the primary residence.

Supervisor Arnold advised that she had met with both the applicant and appellant, as well as making a site visit, which confirmed to her the recommendations made by staff and the Planning Commission.

M/s Supervisor Arnold - Supervisor Adams to adopt Resolution No. 2007-35 denying the Hughes Appeal and sustaining the Planning Commission's action by conditionally approving the Hansen Minor Design Review (06-53) application (APN 143-142-25).

AYES: ALL

The meeting was adjourned at 3:15 p.m. in memory of Howard Council, Robert Kleinert, Coleman Parsily and Annette Klang Smail.

SINE DIE

---

PRESIDENT

ATTEST:

---

CLERK