

REGULAR PLANNING COMMISSION MEETING, TOWN OF PORTOLA VALLEY, JULY 19, 2006, TOWN CENTER, HISTORIC SCHOOLHOUSE, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chairman McIntosh called the meeting to order at 8:00 p.m. Ms. Lambert called the roll:

Present: Commissioners Elkind and McKitterick and Chairman McIntosh
Absent: Commissioners Wengert and Zaffaroni
Staff Present: George Mader, Town Planner
Tom Vlastic, Dep. Town Planner
Leslie Lambert, Planning Manager
Maryann Derwin, Council Liaison

ORAL COMMUNICATIONS

Commissioner McKitterick suggested the Commission explore mandating the use of solar for residential construction of a certain size. There were efforts at the State level to compel home builders to require solar. The Town routinely approved projects over \$1 million, and there were areas in Town that were completely exposed with an opportunity to use solar. Responding, Chairman McIntosh said the green aspects of construction to date had been voluntary, and the Town had a fairly extensive checklist that people were asked to fill out. Mr. Vlastic added that there was a lot of interest and 20-30% of the projects were doing photovoltaics at this point. At the ASCC level, it was part of the standard review. There was also some tracking in terms of what people had committed to voluntarily and what they actually ended up doing at the close of the project. It was a voluntary process, but the Town might want to take the next step. Commissioner Elkind said she would also like to look at what could be done with passive solar design and use of materials. Staff and Commissioners discussed the availability/cost of products and materials and the responsiveness to green building. Ms Lambert said staff was looking into incentives and working with the County on guidelines so that all homeowners, builders and architects were aware of the incentive programs. She said staff would be putting together a summary of green building practices in Town for the Council which would be shared with the Commission.

REGULAR AGENDA

(1) Compliance with Annual Reporting Conditions, CUP X7D-30, Woodside Priory

Mr. Vlastic reviewed the staff report of 7/13/06 on the Priory's compliance with annual report requirements. He noted that the Priory was becoming the model for use permit compliance, interaction with the Town, and communication with the neighbors.

Commissioner McKitterick asked that carpooling figures and the percentage of Portola Valley students be included in the next report. Mr. Vlastic noted that over the summer and at the start of the school year, carpooling programs would be in place; the results would be included in the report at the end of the school year.

Commissioner Elkind said it appeared that there were 11 large events that had 200 people or more last year, and another one was proposed. She was concerned about parking along the track and encouraged staff to ask more questions. In the past, hard feelings arose because there had been quiet, incremental changes in what was allowed. Mr. Vlastic said staff interacted with the Priory and kept track of the scheduled events and parking. Responding to Commissioner Elkind, he said the main parking issues related to the previous athletic use and Georgia Lane. Kalman Field had experienced low use because of the construction; it would pick up in the fall. The neighbors came to the ASCC meeting and asked that the sign previously discussed be installed at the intersection of Georgia Lane and Portola Road to prevent any parking problems. With the fencing, other signage, and trees installed, he felt the problem would be eliminated. Staff and the Priory would ensure there were no conflicts. Commissioner Elkind said she appreciated the Priory's response to concerns expressed by the neighbors.

Mr. Vlasic said he would share the Commissioners' comments with the Priory for update in the fall report. By motion and second, the report was accepted by a vote of 3-0.

(2) Discussion of Revisions to the Portola Valley General Plan

Town Planner Mader reviewed the staff report of 7/12/06 on revisions to the General Plan. As set forth in the report, he reviewed the proposed revision schedule for the seven mandated elements (p. 1). Responding to Chairman McIntosh, he said the remaining eight elements added by the Town did not have to be updated every 10 years; the Town generally looked at the General Plan when some revisions were needed. Responding to Chairman McIntosh, he said the work done on the Housing Element had been sent to the State. Comments were received, but then the State changed the deadline. New housing needs numbers would have to be addressed.

Responding to Commissioner Elkind, Town Planner Mader said the Town's sphere of influence ran up to I-280 and included Ladera and part of the Stanford lands up to 280. In the past, the Army Corps of Engineers proposed a dam on Webb ranch, and Stanford might at some time indicate that they wanted to develop Webb ranch for some purpose. The Town extended its sphere of influence to that area. If that area was ever to be annexed to a city, under this sphere of influence, it could only be annexed to Portola Valley. It was a policy of the Town to show the uses that were on Webb ranch. It was developable land and had good access, and Stanford might want to do something at some time. Responding to Commissioner Elkind, he said updating the Northern Sphere of Influence Element might not entail much more than re-affirming what had been done; he did not think that conditions had changed that much that would affect it.

Responding to Commissioner Elkind, Town Planner Mader said staff had spoken with a biologic survey consultant, but there was no proposal yet. They would be using the Town's GIS system for mapping purposes. When that was available, some of the Elements might need to be changed.

Commissioner Elkind moved to accept the report of 7/12/06 on revisions to the mandated Elements of the General Plan and look into updating/re-affirming the Northern Sphere of Influence Element. Commissioner McKitterick seconded, and the motion carried 3-0.

(3) Update and Discussion of Riparian Corridor Regulations

Town Planner Mader reviewed the staff report of 7/5/06 on the background and history of the riparian corridor regulations.

Ms. Lambert noted that the "Preliminary Guidelines for Development in Riparian Corridors" adopted by the Planning Commission in October of 2003 were shared with applicants and architects. She said there were not a lot of creekside projects at this point. Most of the questions were from new creekside property owners who wanted to put in a fence. Town Planner Mader noted that the fencing ordinance provided some guidelines.

Town Planner Mader discussed the report prepared by Philip Williams and Associates entitled "Maintaining Corte Madera Creek: A Citizen's Guide to Creek-side Property Protection" published in 2005, which he said was very user friendly and educational. As indicated in the report, he described the width of the riparian corridor and percent canopy cover along three reaches of Corte Madera Creek. He said "riparian corridor" needed to be defined so that it was equitable between properties. Additionally, the report talked about setbacks relative to the angle of slope from the creek. Some of the suggestions for ways to treat the creek banks might be included in a more comprehensive document covering more topics for property owners. One comprehensive document might be easier for people to find their way through.

As set forth in the staff report (p. 3), Town Planner Mader reviewed the list of objectives to which most property owners along creeks might subscribe, noting that they were not necessarily consistent. By

approaching the objectives individually, the Commission might be able to come up with a modified position that addressed property owners' concerns. The intent was to foster the concept of preserving the riparian corridor.

Responding to Commissioner Elkind, Town Planner Mader said the Santa Clara Valley Water District covered the entire county. They had tried to develop regulations for lands that they didn't own, which had not worked well. New regulations would be heard by their board on August 8 and would address only the lands that they owned. They had also developed a "Water Resources Infrastructure Protection Manual." There were some things in that that would be helpful. Unfortunately, he had not found the guidance the Town wanted in terms of a riparian corridor definition or distances for setbacks. It was his understanding that the cities were to take the manual and develop their own regulations that would fit their local jurisdiction.

Town Planner Mader said one of the problems was where to measure the corridor from. Top of the bank was pretty clear when there was one bank. But, it was more difficult if the bank went up in steps. The Town had decided to go with the definition used by the Army Corps of Engineers, which was the ordinary high water mark. By and large, that was 3-4 feet above the base level of most creeks in Town. You could determine where that intercepted the slope and take your measurement from that. That was a little harder for a property owner to look at and understand. The Town spent a lot of time wrestling with this issue and ended up recommending using the ordinary high water mark as the point of measurement. He said the Commission needed to discuss how it wanted to proceed, how it wanted to involve people, whether to hold study sessions, how to interchange with property owners, how to address those who were on the creekside committee, etc.

Jerry Hearn said the Santa Clara Valley Water District report was done by a collaborative that struggled with the same problems the Town was having. Not being able to come to an agreement, they included more information in the report than was practical for a single agency. The approach was more from a performance aspect than a regulatory approach. They offered guidelines but were not trying to impose a common structure over all the cities in the county—all of which had different situations. Each city was supposed to pull out what worked for its particular situation. Definitions and measurements were done differently by different agencies, and they didn't agree. None were particularly better or worse than the others. He supported the JPA report which offered more treatment approaches for specific stretches of the creek rather than a blanket approach. That had been very effective with Menlo Park and Palo Alto. The collaborative had struggled with all the issues and had come up with something that was somewhat useful. These two pieces of information were fairly accessible and were not available 6 years ago. A lot of education was required. The approach of the Watershed Council was to broaden the information output and get people to understand that a systematic approach was necessary. You wanted people upstream to be doing something that didn't erode your land, and you might need to be doing something that would cost a little more. You might have to give up something for the betterment of the whole. It behooved everyone to work together and find common solutions.

Ms. Lambert said she had attended several meetings of the collaborative. There were a lot of people who came from all over. Craig Breon had been a member of the collaborative and had a lot of background information that might be helpful to the Commission. Additionally, she said the Watershed Council was interested in having the Town pursue this issue. San Mateo County was also taking this up again and trying to decide how to approach it. It might be helpful to see how they were proceeding. Another key was that the NPDES and STOPP programs mandated more things every day; that would impact Town creeks in terms of how sediment and silt were handled—especially in the western hillsides.

Commissioner Elkind said Town Planner Mader's list of concerns/wishes of property owners was very revealing as well as alarming. Unless those points were put in the context that creeks were systems, none of them could be achieved. Additionally, she said the issue was regional. Using maps of the San Francisco Bay, she said the non-point source pollution people were concerned about water quality in the Bay. The Town was part of that whole creek system. She said she had reread her notes and looked at the minutes and a lot of the material. Consistently, the lightning rod was the idea of a buffer. The technique that people

kept coming back to was defining a buffer as: 1) an area where you did not do certain things; or 2) a danger zone in which performance standards were used to look at what you were trying to achieve in the creek. In terms of process and dealing with the Creekside Corridor Committee members, she felt they must be included in some way. The Commission needed to have some conversation to establish what the priorities were such as flood control, structures, erosion control, etc. There needed to be some recognition of what the intent was in terms of maintaining riparian/creek health. Once the Commission had more clarity, there should be meetings with the people who had been previous participants and who wanted to continue as well as some additional members of the community who better represented the perspective of maintaining the value of the creek and understanding the creek as a functioning system. A series of workshops could explore how that could be done. The list of eleven points in the staff report reflected so much ignorance in terms of how creeks worked. In spite of all the education that had been done, a lot more had to be done.

Town Planner Mader said the list represented questions property owners might ask. They wanted to protect their bank, have a riparian corridor where you didn't have to see your neighbors, etc. These were things that people wanted and were legitimate concerns. The issue was to draw a balance between these to achieve reasonable objectives. That was difficult. On one hand, you wanted to preserve the riparian environment; on the other, you wanted to put an addition down by the creek. Bringing these together and trying to come up with some rational compromise was the real trick. When it came down to individual properties and how someone could use their property, it was the tough issue.

Mr. Vlasic said another problem was consistency rather than a knee-jerk reaction to a particular problem along a creek. The Town told people what they could do to properly fix their bank. At the same time, the neighbor said if they did that, it would compromise their property. The Town was trying to put together the best package of information to deal with a particular problem, but it was difficult to be consistent in the approach. There needed to be some kind of creek ordinance that set forth how you would approach problems and consistently deal with them. One of the problems in trying to do that on a regional basis was that the land use patterns were different in the various jurisdictions. Size of the property, normal setbacks as well as creek setbacks put a lot more of a squeeze on people in most jurisdictions than in most of the neighborhoods in Portola Valley. It was a system-wide condition, but it had to reflect local conditions and land use patterns.

Town Planner Mader said performance standard approaches had been discussed at some length which would involve a study of each property relative to certain criteria. Setbacks, etc., would be developed relative to that. That demanded data and someone would have to do that kind of analysis. That had been discussed, and the Town came back to trying to simplify it. He noted that San Mateo County ran into problems when they tried to cover areas with widely varying characteristics. Portola Valley did not have that problem, and there was a much better chance of drafting something.

Referring to the Corte Madera Creek study, Chairman McIntosh suggested having a game plan for each creek. The Town could help coordinate the property owners, obtain grant funds, etc. The property owners could adopt a plan for that section of the creek and help pay for it. In the meetings, most of the people had listened to the Philip Williams consultants. It would be tough to implement, but a game plan with priorities might be a way to approach it. Responding to Town Planner Mader, he said the private property owners would need to make a commitment to adhere to a plan that would indicate how the banks would be handled for the various sections.

Town Planner Mader said the Town Geologist and engineer did not look at these properties in isolation. He felt it would need to be an incremental approach as people wanted to do things or needed to repair something. The Town needed to have a framework for that to be done. To get all the private property owners to come together on a voluntary plan would be extremely difficult.

Commissioner Elkind said that approach was being used for work on Adobe Creek in Los Altos. Chairman McIntosh said that area had degraded to such a bad level that everyone had finally gotten together. Ms. Lambert noted that an assessment district with the Santa Clara Valley Water District had been formed; the

District did a complete turnaround on how they would approach doing the work.

Responding to Town Planner Mader, Chairman McIntosh said he felt a plan could be adopted for each section of the creek that would serve as a guideline for anyone who wanted to do something. It could be agreed to by everybody and implemented incrementally. Town Planner Mader felt that would be hard to do if it was voluntary.

Town Planner Mader said the Phil Williams report discussed the habitat, nature of creeks, biotechnical approaches to preservation, etc. Those all made a lot of sense. The Town could indicate the types of fixes it would approve on the banks, be available to advise people, and go out and look at creeks and warn people. But, the Phil Williams report also pointed out that some of these corridors were 200' wide. Following their recommendations was tough because it would require treating people differently along the creek. It made sense because the creek was different. The Town had tried to articulate the setbacks based on the size of parcels. If you had a small parcel, it was less of a hit than on a large parcel. The Phil Williams report was splendid, but it didn't tell you how to implement it. That was left to the Planning Commission.

Commissioner Elkind said she thought the Planning Commission had to decide what it wanted to take on first. If the Town adopted some standards for biotechnical repair and procedures, that could lead to a better acceptance of the idea of a buffer. One of the public safety benefits of having a buffer was that there was enough room to create a more creek-friendly stabilization than if there was no room.

Town Planner Mader said he did not think it would be a problem to come up with acceptable bank fixes. They were available, and the Town could adopt them indicating that was what would be allowed. It was a good thing to do especially in terms of dealing with emergencies. The tough thing was regulating what people could do from the channel back onto the private property.

Commissioner McKitterick said he had been involved in the San Mateo effort. There were so many different types of properties and areas, and there had been an immediate negative reaction to regulations. In terms of the procedural issue, he felt the Planning Commission needed to give some very specific direction. Otherwise, people would be fearful or misunderstand what was going on.

Chairman McIntosh said you needed to start with some basic concepts--like the list of concerns in the staff report. People's gut concerns needed to be addressed. He suggested reforming the creekside committee, having study sessions, and focusing on basic regulations for protecting property and the bank. Those people who had expressed opposition before needed to have input.

Commissioner McKitterick said public acceptance of solutions would take care of a large part of the problems. He questioned whether comprehensive regulations would happen. Something could be drafted about what went on in the creek itself. Beyond that, the big question was how specific should it get. The Planning Commission needed to figure out what the priorities were. The biggest issue/problem should be identified and then figure out what could be done to address that--taking into account the public comments that came in last time and the hot button issues. He wanted to see something passed that fixed some percent of the problem. Before getting the committee involved, the Planning Commission needed to prioritize the problems.

Town Planner Mader said it might be helpful for the Commission to set forth a list of the things that the Town already did. A lot of things happened at Town Hall that not everyone knew about. That background along with information on the other levels of government that the Town had to interact with would be useful. Commissioner McKitterick thought a lot of people would be surprised to hear what was required. The perception right now was "carte blanche." He agreed more information on what the status quo was would be helpful.

Responding to Commissioner Elkind, Town Planner Mader said the new GIS maps showed some information but not a lot of detail about the properties along the creeks. Ms. Lambert noted that there was

some detailed information in the Philip Williams report about the reaches along Corte Madera. Commissioner Elkind said she was mostly interested in where the buildings were in relation to the creek. She also wanted more info about the subdivision potential along Los Trancos Creek.

Town Planner Mader discussed a project that involved building a deck that went out from the bank over the creek. He said the Town did not have a good way to stop this. Fortunately, the idea collapsed before it was built. It would have been good to have been able to say you had to stay behind the top of the bank. In terms of the top of bank issue, for a lot of properties, it was pretty obvious. For other properties it could be subject to interpretation. That might be better than using ordinary high water mark—which he liked technically, but people didn't know how to measure it. Commissioner Elkind said she preferred ordinary high water mark which was really needed on steep, sloped properties. Mr. Vlasic described properties along the creeks that had benches that worked their way up.

Mr. Hearn noted that in looking at the different ways things were defined, it was useful to look at the agency that was doing the defining. They had different objectives. Understanding that and being able to articulate that to the public was a useful thing so that people knew that many of these things weren't arbitrary but fulfilled a mission. Additionally, he suggested that the Commission review the bank stabilization plan done for Menlo Park.

Commissioner Elkind said the Planning Commission should come up with a statement of what would be accomplished with riparian protection guidelines and ordinances. Katherine O'Prey had pulled together a comprehensive list of purposes. The Commission should work with that list and come up with a statement. Chairman McIntosh said the proposed regulations went a long way towards putting all that together. Town Planner Mader agreed noting that there were a lot of objectives. He felt the objectives listed in the staff report looked much the same.

Commissioner McKitterick suggested staff put together the current restrictions on property owners in Town and what the Town did right now as well as restrictions from outside agencies. The Commission could then identify the issues that were easier to address. The more difficult issues could be put to the committee.

Chairman McIntosh said recommendations from Town Planner Mader and Ms. Lambert would be very valuable. He suggested the Commission think in terms of bank stabilization instead of calling it a setback. In addition to Commissioner McKitterick's suggestions, he thought there might be half a dozen issues that the Commission should focus on. The full Commission could decide what the key issues were.

Commissioner Elkind said she was concerned some members of the Creekside Committee might feel cut out of the process. She suggested sending a letter to the members indicating that the Planning Commission was taking the topic up again and indicate the process. They should be told about their future role. Chairman McIntosh said the people on the creeks also needed to be informed. Town Planner Mader recommended that the discussion continue for a few meetings in this vain without interchange with the audience. He suggested labeling it as a study session. Ms. Lambert noted that the Town Administrator asked that something be put on the website so that people knew discussions were going on. Commissioner Elkind said she felt very strongly that the committee should include some additional members who were more concerned about the creek as a system.

Chairman McIntosh said the committee had done their work and made their report. He felt it was up to the Planning Commission, through study sessions, to carry it forward. Town Planner Mader noted that the letter from Craig Breon indicated that the Town would follow up with the Committee. At the appropriate time, he felt members should be made aware that it was going to be discussed and invite them to participate as follow-up without reconvening the committee. Ms. Lambert said she would continue to send creekside property owners meeting agendas, which were also posted around town and on the website.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

Ms. Lambert reminded Commissioners of the required ethics training.

APPROVAL OF MINUTES

Approval of the minutes of the June 7, 2006, meeting was continued for lack of voting members present.

By motion and second, the minutes of the June 21, 2006, meeting were approved as submitted by a vote of 3-0.

ADJOURNMENT: 10:10 p.m.

Chip McIntosh, Chairman
Planning Commission

Leslie Lambert
Planning Manager