

REGULAR PLANNING COMMISSION MEETING. TOWN OF PORTOLA VALLEY, AUGUST 2, 2006.  
TOWN CENTER, HISTORIC SCHOOLHOUSE, 765 PORTOLA ROAD, PORTOLA VALLEY, CA 94028

Chairman McIntosh called the meeting to order at 8:02 p.m. Ms. Lambert called the roll:

Present: Commissioners Elkind, McKitterick, Wengert, Zaffaroni and Chairman McIntosh  
Absent: None  
Staff Present: George Mader, Town Planner  
Leslie Lambert, Planning Manager  
Sandy Sloan, Town Attorney  
Ted Sayre, Town Geologist Representative  
Maryann Derwin, Council Liaison

ORAL COMMUNICATIONS

None

REGULAR AGENDA

(1) Draft Revision of Resolution 500-1974 as Amended

*The tapes for this meeting did not function properly and discussions were not recorded. These summary minutes have been based on notes taken at the meeting by Leslie Lambert.*

Town Planner Mader reviewed the staff memo of 7/24/06 on the revised version of the proposed resolution. He reviewed the Commission's comments made at the May 3<sup>rd</sup> meeting and had made a number of changes in response to the comments. He also referred the draft to Sandy Sloan for her review, she proposed a few additional changes and is now satisfied with the draft and is present tonight for further input on comments and questions that the Commission may have. Ted Sayre is also present to provide further clarification on any technical aspects of the draft.

Since drafting the report, Mader provided a memo dated 8/2/06 on several recommendations that were generated earlier in the day, based upon a telephone call from Commissioner Elkind to Sandy Sloan and a subsequent conversation between the Town Planner and Commissioner Elkind.

Commissioner McKitterick distributed his redlined version of the 7/24/06 proposed version of the resolution.

Commissioners reviewed the proposed additions/changes as provided and began with questions for the Town Attorney.

Commissioner McKitterick questioned if the proposal was legally enforceable? Ms. Sloan responded, yes it is defensible; the policy reasons are included in the resolution, noting health and safety issues. Ms. Sloan provided an analogy with respect legal non-conforming uses, noting that how these are handled regarding repairs/rebuild/additions, etc. varies from city to city.

In response to a question regarding the town's liability in the event of allowing construction on unstable ground that subsequently fails, Ms. Sloan responded that the town is not liable for issuing permits, the town is in the business of making the best decisions it can based upon town ordinances, codes, etc. Owners are responsible to hire the best consultants. The Town is liable for public works and infrastructures.

Commissioners reviewed the proposed draft revision of Resolution 500-1974 per the Town Planner's staff memorandum of 7/24/06. Commissioners provided input and comments on policy.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

None

APPROVAL OF MINUTES

By motion and second, the minutes of the June 7, 2006, meeting were approved as submitted.  
By motion and second, the minutes of June 19, 2006, meeting were approved as submitted.

ADJOURNMENT: 10:27 p.m.

---

Chip McIntosh, Chairman  
Planning Commission

---

Leslie Lambert  
Planning Manager