

CALL TO ORDER AND ROLL CALL

Chair Taylor called the Planning Commission special teleconference meeting to order at 7:00 p.m. Planning & Building Director Russell called the roll.

Present: Planning Commissioners: Goulden, Hasko, and Targ; Vice Chair Kopf-Sill; Chair Taylor
Absent: None.
Town Staff: Laura Russell, Planning & Building Director; Dylan Parker, Assistant Planner; Cara Silver, Town Attorney
Town Council: Craig Hughes

ORAL COMMUNICATIONS

Caroline Vertongen disclosed that she had sent an email to the Commission. She said it is very concerning that there is no communication between the Town's Boards and Commissions. She mentioned that there are several public safety issues and the public will continue to comment on them until something is done.

Rusty Day thanked the Commission for conducting constructive and open meetings. He said he was pleased that the Commission providing pertinent questions which facilitated a robust discussion of policies. He noted that the deadline of the Regional Housing Needs Allocation (RHNA) is approaching and he encouraged the Commission to schedule a meeting to discuss whether the Town should appeal the RHNA allocation or not.

Vice Mayor Hughes said that Town Council will be discussing whether to appeal the RHNA allocation or not at the June 23rd, 2021 Town Council Meeting.

Bob Turcott thanked the Commission for addressing all the questions raised by the residents regarding the Accessory Dwelling Unit (ADU) Policy during the meeting. He also thanked the Commission for considering safety issues related to the ADU amendments. He indicated that he has submitted a letter to the Commission and asked if the Commission had received it.

Chair Taylor answered that the Commission did receive his letter.

Commissioner Targ joined the meeting at 7:03 p.m.

PUBLIC HEARING

(1) Accessory Dwelling Units (ADU) Municipal Code Amendment for Compliance with State Law

Town Attorney Silver announced that this is the third hearing that the Commission has had on the Accessory Dwelling Unit (ADU) Ordinance. She said in the staff report is a detail description of the background regarding the State law. She said there are several challenges to implementing State law. The first challenge was that State law is complicated, internally inconsistent, and contains large gaps. The second challenge was if the Town does not adopt a conforming ordinance, the Town will lose local control. The third challenge was that State law required updating the ADU Ordinance in advance of the 2022 updates to the Housing and Safety Element. The fourth challenge was that State law is not clear on how to address wildfire risk.

Town Attorney Silver summarized the Commission's feedback that was collected at the May 19, 2021, Planning Commission meeting, as detailed in the staff report.

Town Attorney Silver said that the primary goal is to address the construction of new ADUs and to encourage them to be built in a way that minimized potential wildfire risks, minimized the impacts to emergency vehicle access, and minimized blockages of evacuation routes. To implement the Fire Safety Exception, all ADUs must comply with local parcel setbacks relating to health and safety, ADUs are prohibited on parcels less than 1-acre in restricted areas, ADUs located on parcels greater than 1-acre in a restricted zone must comply with local setbacks and the Town will use the "carrot and stick" approach to encourage all ADUs to comply with local setbacks.

Town Attorney Silver said that the subcommittee recommended adding a provision that ADUs secure a letter from the Fire Marshal stating that the ADU is "fire safe". After consultation with the Fire Marshal, they expressed that they were uncomfortable with the subjective nature of the review, that the Fire District has limited authority to review projects, and that they would prefer the Town supply a checklist for the Fire Marshal to use when reviewing applications. Staff revised the subcommittee's recommendation to state that any ADU that does not comply with local setbacks shall complete a Portola Valley Fire Safety Checklist, which will be developed by the Planning & Building Director in consultation with the Fire Marshal. The checklist will be published on the Town's website. She said that the checklist will contain home hardening best practices, facilitate a dialog regarding fire safety during the application process, will meet all objective standards, will apply town-wide, and takes into account particular circumstances for each parcel. She reported one disadvantage of a checklist was that it is not enforceable until the Town adopts a Home Hardening Ordinance.

Town Attorney Silver said that all the subcommittee's recommendations are listed in the staff report. She highlighted the substantive changes to the ordinance that the subcommittee recommended. These recommendations included how to measure a setback, a definition for "multi-family structure", additional incentives and disincentives for setbacks, additional clarifying language regarding the Multi-Family ADU State Exemption, architectural style compatibility, eliminated the Planning & Building Director's interpretive authority, and that the ADU Ordinance shall sunset in 3-years. She said that staff did not support the subcommittee's sunset provision and the reasons were listed in the staff report.

Town Attorney Silver said that for the next steps, the Planning Commission will conduct a public hearing and receive public comment. If approved, the ordinance will move to Town Council for a first reading, then a second reading of the ordinance, and then the ordinance will go into effect 30-days after the second reading. After adoption, the ADU Ordinance will be sent to the California Department of Housing and Community (HCD) who will approve or not approve the ordinance.

Chair Taylor invited questions from the Commissioners.

Vice Chair Kopf-Sill said that a lot of parcels in town have a 50-foot setback in the front yard. She asked if that 50-feet is measured from the property line or the trail easement. Planning & Building Director Russell said that in general, it is measured from the property line unless there is a shared driveway in which it is measured from the shared driveway.

Vice Chair Kopf-Sill said she thought there was an existing natural color palette that homes and ADUs have to comply with. Planning & Building Director Russell clarified that the Town has color reflectivity requirements.

Commissioner Hasko asked if there is anything in the Town's Code that gives direction on what the fire checklist has to incorporate. Town Attorney Silver indicated that new language is being proposed to be incorporated into the Town's Code which will suggest that the checklist include home hardening practices regarding construction methods and materials, defensible space, and vegetation management.

Commissioner Hasko asked if there is a planned date for implementing the Home Hardening Ordinance. Planning & Building Director Russell said that the ordinance is tentatively scheduled to come to the Planning Commission in the next month, then go to Town Council and then amendments to the Building Code have to be sent to the State for approval.

Commissioner Hasko mentioned that on red page 14 it says multi-family structure and she asked if that should be multi-family dwelling. Town Attorney Silver said that because State law calls it a multi-family structure, staff used that terminology.

Commissioner Hasko said that on red page 20 the language should read "a setback of 4-feet for an external ADU of up to 850-square feet" and suggested making that same change to the top of red page 25.

Commissioner Targ said he was surprised by the Fire Marshal's reaction to the subcommittee's proposed language. He asked if the Fire Marshal reviews structures for compliance to Chapter 7a of the Building Code. Planning & Building Director Russell said that Chapter 7a is implemented through the plan check process and the Fire Marshal does not review those building materials.

Commissioner Targ said that Town Attorney Silver mentioned that the fire checklist is not as enforceable as a Home Hardening Ordinance and he asked for further clarification. Town Attorney Silver restated that the Town is working on a comprehensive Home Hardening Ordinance that will go through the State process to modify specific sections of the Building Code. She said components adopted outside of that process may not be enforceable. She indicated that it is not a major concern because the Town is in the process of updating the Building Code to reflect home hardening practices.

Commissioner Targ inquired if the checklist is considered to be an objectable enforceable standard. Town Attorney Silver answered that it depends on how the checklist criteria are written. She indicated that most likely the checklist will be written objectively.

Commissioner Targ said that the checklist is not an ordinance and is not adopted pursuant to an ordinance by resolution. Town Attorney Silver agreed that the checklist is not an ordinance, but the checklist could be adopted as a resolution. She said by allowing the Planning & Building Director to create the checklist, that process provides a leave of enforceability.

Commissioner Targ said he understands the checklist as an opportunity for soft compliance rather than having any kind of mandated requirements. He asked if the three prongs of the checklist will be listed in the draft ADU Ordinance. Town Attorney Silver answered that construction methods and materials, defensible space, and vegetation management are the three prongs that will be called out in the ordinance.

Commissioner Hasko asked where are those categories for the checklist located in the ordinance. Town Attorney Silver clarified that the meeting with the Fire Marshal happened on this date and so staff did not have time to input the language in the ordinance. She assured the Commission that those three categories will be listed in the ADU Ordinance.

Commissioner Targ summarized that the Home Hardening Ordinance will be in front of the Town Council for possible adoption in 6- to 8-weeks. Planning & Building Director Russell confirmed that is correct.

Commissioner Targ remarked that the Home Hardening Ordinance would cover one prong listed in the checklist. Planning & Building Director Russell concurred that the construction materials and methods will be included in the Home Hardening Ordinance.

Commissioner Hasko said that on red page 21 regarding setbacks, number 6 says “external ADUs that do not comply with the local or applicable parcel setbacks”, and that language is different than similar phrasing on red page 17 that talked about “setbacks of the base zoning district and special setbacks applicable to the parcel”. Town Attorney Silver commented that staff will make the correction so that the language is consistent.

Commissioner Hasko said in terms of setbacks measured from the easement or the edge of a trail, there was a presumption that the trail runs parallel to and directly adjacent to the property boundary, but that is not the case on several parcels around town. She said she is concerned that the language “directly adjacent to” was too limiting for trails that serpentine a property boundary. Town Attorney Silver explained that the reason behind the proposed language was to address scenarios where if an easement ran along the boundary of a property. Then the 4-foot setback would be measured from the edge of the easement. She said if the easement runs through the middle of the property, then there is no setback issue. Commissioner Hasko said it is very important to preserve the trails and not have folks building up to them. She requested that Town Attorney Silver see if any wordsmithing can be done to the language to provide more flexibility.

Vice Chair Kopf-Sill said that if there are a set of townhouses in town and they are owned by different people. Can only one of those townhomes build an ADU? Town Attorney Silver answered the first townhome to apply would be allocated the right to build an ADU, but the allocation only applies to currently unlivable space. She foresaw there not being many incidents where a townhome would have unlivable space.

Vice Chair Kopf-Sill said that the ordinance has an allowance that there be no owner-occupancy requirements for ADUs that are approved in a certain time window, but a JADU or the main building must be owner-occupied. She asked if there is an exception that the Town can implement that there not be an owner-occupancy requirement for a JADU. Town Attorney Silver clarified that there is no owner-occupancy allowed for an ADU and it is true that with JADUs, the State encourages the property owner to live there.

Chair Taylor said he is confused with the placeholder for greater fire setbacks and he requested further clarification. Town Attorney Silver explained that the ordinance says that an ADU must comply with all public safety-related setbacks. The Town has been discussing what setbacks should be required for fire safety. She said if the setbacks change over time to larger setbacks, then the Town can make those changes in the ordinance.

Chair Taylor asked if an appeal process can be included in the ordinance regarding the color palette of an ADU. He asked if all ADUs will have to follow the prescribed color palette or does it only apply to ADUs in the 4-foot setback. Planning & Building Director Russell noted that if the ADU complied with the prescribed color palette, that approval would be ministerial and any other colors would require discretionary review.

Chair Taylor asked if there are any alternatives to a sunset provision. Town Attorney Silver said the Commission could recommend that the ordinance be reviewed in a set period of time, or recommend

that the Planning & Building Director provide a progress report on implementation of the ADU Ordinance to the Commission at prescribed intervals.

With no further questions, Chair Taylor invited public comment.

Betsy Morganthaler appreciated the Commission's "carrot and stick" approach. She said that State law incentives folks to convert their garages into an ADU and that will have lasting impacts on traffic. She said that it is very important that the Town do everything possible to keep parking on site on parcels smaller than 1-acre. She encouraged the Commission to discuss that concern and she looked forward to that conversation.

Rita Comes said that Senate Bill 12 partially passed and it will impact the future of ADUs. She hoped that the Town will take into consideration the adjacent neighbors to a property that is proposing to build an ADU that is not compatible with the main house or the neighborhood. She was concerned that the residents will not be able to provide comments.

Chair Taylor clarified that the "carrot and stick" approach is to help mitigate what is built and how close it is built to neighbors. He said many of the ADU approvals are ministerial and that is required by State law.

Caroline Vertongen repeated that State law is very ambiguous and very controversial. She was concerned that the Town has not exhausted all avenues to protect the community. She said that some of the larger projects in a town, like the Stanford Wedge, Priory, the Sequoias, and the school district, may qualify as multi-family units. She asked if the Town's ADU Ordinance is allowing those projects to build more housing.

Chair Taylor mentioned that staff will answer all questions raised during public comment after all public comment has been received.

Bob Turcott was concerned that the Commission's consideration of fire safety neglects issues that extend beyond the boundaries of a parcel. He encouraged each Commissioner to drive around town and think about if a residents will be able to survive a burn over if stuck on their property. He said many residents would not be able to survive a burn over due to windy roads and steep terrain. He said the California Department of Forestry and Fire Protection (Calfire) has designated several areas as a high fire hazard severity zone and the Associated of Bay Area Governments (ABAG) has excluded high fire hazard severity zones in its methodology. He said if residents have 24-hour notice, that is ample time to evacuate but anything less than 24-hours will result in catastrophic loss of life. He said that State law recognizes the need for, and provides mechanisms for excluding areas from ADU development based on public safety. He addressed the comment that "previous Town Council's have found Calfire designations as problematic". He asked what was the reasoning behind questioning Calfire's determination? He added that a neighbor's desire to build a structure does not supersede the adjacent neighbor's right to a fire-safe community, or a successful evacuation. He suggested that the Town pause all development in high and very high fire hazard severity zones until the Town can clarify its evacuation capacity and formulate safe building ordinances. He said if the Town is not pushing back on State law due to lack of resources, he volunteered to coordinate a Portola Valley legal defense fund to cover the legal work to defend the safety exemption. He concluded that the Commission is poised to approve unsprinkled structures with no requirements for building separations in a high fire hazard severity zone.

Rusty Day summarized that the Town has several options. The Town could do nothing, and he wanted to understand at what point does State law resume control. He said the Town could adopt a moratorium pending completion of the hazard and risk assessment that State law required, and the

revisions to the Town's Safety Element. He said the third alternative was to adopt State law, but exclude State law from high and very high fire hazard severity zones. He said the fourth alternative was to adopt the proposed ordinance made by staff. He emphasized that the greatest hazard and risk in the staff proposed ordinance had to do with parcels less than 1-acre and the spacing between structures. He mentioned that the fire checklist has no component that addresses structural separation distances. He did not support adopting an ADU Ordinance that would need to be changed in 4- to 5-years due to legislative changes. He encouraged the Commission to not approve the ordinance and invite the Fire Marshal to the next Commission meeting for further discussion.

Mary Hufty appreciated all the thoughtful changes that the Commission made to the ordinance over the last two meetings. She said she agreed with all of Mr. Turcott and Mr. Day's comments. She said that if the Town had a safety officer, that officer could address several concerns raised by the residents without having to have a checklist and several ordinances.

With no additional public comment, Chair Taylor invited staff to broadly address the questions that were raised during public comment.

Planning & Building Director Russell confirmed that staff is aware of Senate Bill 12 and continues to monitor its progress through the House and the Senate.

Chair Taylor said that the impacts of Senate Bill 12 on the Town are very small considering that the Town has restricted ADUs in very high fire hazard severity zones.

Planning & Building Director Russell agreed that it is accurate to say that if there is existing or proposed multi-family structure in the town, those projects will be subject to the State's Exemption for Multi-family. She said projects included would be the future Stanford facility housing, the Priory, and at the Sequoias. She said she was not aware of any school district residential projects. In terms of the structural separation in very high and high fire hazard severity zones, she said the very high severity zone overlaps very closely with the Town's existing Fire Safety Exclusion area. She explained that if there is an area in town where there is a single point of access for a road, and the road is less than 18-foot wide. Then all of the properties along that road are subject to the Fire Safety Exclusion. She said if a property is less than 1-acre, that property is not allowed to have an ADU. She added that if a property is over 1-acre, then the property would be required to have the setbacks of the base underlying zoning district. She said there is a separation distance requirement for structures located in the very high fire hazard severity zone.

Chair Taylor said the one difference was that Senate Bill 12 addressed only the very high severity fire hazardous zone and Mr. Turcott addressed both the very high and high fire hazard zone.

Planning & Building Director Russell answered that State law is in effect right now and State law will continue to control until the Town can adopt an ordinance.

Chair Taylor asked Planning & Building Director Russell to explain what it means when she says State law is in control. Planning & Building Director Russell explained that applicants have a legal right to apply and construct an ADU. But if the Town denied the application, the applicant would have grounds to legally challenge the Town.

Chair Taylor brought the item back to the Commission for comment.

Commissioner Goulden said he likes some of the changes that were made to the ordinance based on the Commission's feedback from the last meeting. He said that all of the pieces that folks are objecting to are already part of the Code and the new pieces are to help mitigate the impacts by State law. He

acknowledged that the ordinance will be changed in the future, but he said he did not want to delay the ordinance any longer. He said he is very supportive of moving forward with the ordinance.

Vice Chair Kopf-Sill said she is happy with the changes that were made and she likes the “carrot and stick” approach that the Town is taking. She said that the ordinance has already addressed restricting ADUs in the very high and high severity fire hazard zones. She said that the very high severity fire hazard zone does map closely to the limitations the Town has put in its own Fire Safety Exception. She supported having a checklist that applicants, the Fire Marshal, and the Town to go through. She said she did not support the sunset clause and she requested further discussion from the other Commissioners on that concept.

Commissioner Targ said he is very uncomfortable with the checklist concept. He said there is no opportunity to review the checklist and that the language has not been disseminated to residents. He was surprised that the Fire Marshal provided they respond on the day of the meeting, when the subcommittee had made the recommendation several days ago. He said he wanted the Commission to review the checklist, vote on it, and that the checklist be enforceable. He said that the Town is in the process of updating its Safety Element and he saw the ADU Ordinance as a “stop-gap” measure. He emphasized that it is very important that the ordinance be brought back to the Commission in the near future. So, that the Commission can review it to see if it is consistent with the General Plan and the Safety Element. He said he would much rather see the Commission make decisions on findings based on fire safety when an ADU is located in a very high or high fire hazard severity zone, or outside of the Town’s ordinary setbacks.

Commissioner Hasko said that the Town is in a position that something has to move forward, in parallel with very important fire safety efforts, that are going on within other Town Committees. She said having the State law govern what happens in the town leaves the Town at some risk. For that reason, she felt that it is better to implement checks and balances where appropriate, and move forward with the ordinance. She said that the fire and safety analysis must continue in haste and upon completion, it should trigger a reevaluation of the ADU Ordinance. She supported having a sunset provision because the issues are too important and she could not foresee a guarantee that the Town would be comfortable with the ordinance in 10-years. In terms of the checklist, she said she is disappointed to hear the Fire Marshal’s response and she disclosed that she is not comfortable with the checklist. She was concerned that if the fire hardening statute becomes adopted, the Town will not be following it. She said that one of the issues is the 4-foot setback may require special home hardening because the structure is in the 4-foot zone, and close to the adjacent property. If the ADU Ordinance cannot address that concern, she requested that the Home Hardening Ordinance consider should there be a special rule for ADUs that are in close proximity and may require special hardening requirements. She stated that relying on a future ordinance will result in a safety approach she does not support. She supported a more formal checklist development process. She noted that her suggestion regarding consultations with the Trails Committee was not included in the updated ordinance. She recommended again that the Trails Committee language be included in the ordinance.

Chair Taylor foresaw the Town as being both flexible and proactive. For that reason, he was not as worried about the Town never revisiting the ordinance in the future. He suggested that there be an annual report, instead of a sunset provision, that the Planning & Development Director can present to the Commission. He said he was less comfortable with hard deadlines and they felt unnecessary, but he did agree that the Town needs to revisit the ordinance in the future. In terms of the checklist, he said that the Fire Marshal contacted him and stated that they were extremely uncomfortable with the subjective nature of signing lettering that says a structure is fire safe. Chair Taylor was in favor of a checklist, but would like to see a more formal process take place first to draft the checklist. In conclusion, he agreed with the changes that were made and thanked the subcommittee for their work.

Commissioner Goulden summarized that the Commission has not reached consensus on the sunset provision and the checklist. He mentioned that he did not like having a definitive deadline and felt more comfortable leaving that determination of when the ordinance should be revisited up to staff and the Town Council. He asked if the ordinance can move forward, but bring the checklist back to the Commission at a future meeting for discussion and recommendations? Town Attorney Silver said the language as proposed could be incorporated into the Commission's motion that allowed the Planning & Development Director to develop a checklist. The Commission could also include in the motion that the checklist then be brought back to the Planning Commission for approval. She said that process would move forward the ordinance to the Town Council and would address the concerns around the checklist.

Vice Chair Kopf-Sill said that another issue had to do with trail easements and what triggers a review from the Trail Committee.

Commissioner Hasko added that she had provided in earlier comments some drafting comments. Town Attorney Silver said she agreed with all of Commissioner Hasko's editorial comments and that she will incorporate those comments into the draft that will go to Town Council.

Vice Chair Kopf-Sill asked if Town Attorney Silver could incorporate language into the ordinance regarding the Trails Committee before the ordinance goes to the Town Council. Town Attorney Silver clarified that was a policy issue for the Commission. Planning & Building Director Russell said she was not sure if the Trails Committee had a process in which they can provide feedback. She said that there would have to be a set expectation around the fact that any comments made by the Trails Committee was feedback only. She said their feedback could not be something that the Town could legally implement.

Commissioner Hasko clarified that the trails are a huge benefit to the town and the 4-foot setback is a direct challenge to the enjoyment of folks using the trails. She acknowledged that there are legal restrictions, but she thought the Trails Committee should be informed when there is an ADU being proposed to be in the 4-foot setback. She emphasized she is trying to preserve the importance of the trails and allow the Trails Committee to have a discussion.

Chair Taylor supported Commissioner Hasko's suggestion regarding the Trails Committee.

Commissioner Targ said that there is a provision in the ordinance already that projects must notify the neighbors. He said notice in consultation with the Trails Committee is a reasonable approach, but that the addition felt like jawboning.

Chair Taylor remarked that the value of having a meeting with the Trails Committee is to educate folks on the area and provide feedback that they may not be aware of.

Town Attorney Silver requested that the Commission discuss compatibility for ADUs.

Vice Chair Kopf-Sill supported the concept of removing the compatibility requirement and just saying that the ADU has to be a natural color. If the ADU is not using a natural color, then staff should review the applications and provide comments.

Chair Taylor supported the ASCC Chair's recommendation of if an ADU is located within 4-feet of a setback, the ADU must use a natural color palette. Anything outside of the 4-foot setback would go through the regular process.

The other Commissioners agreed with Chair Taylor's suggestion.

Chair Taylor summarized that Town Attorney Silver will correct the language regarding how to measure a setback and that the Trails Committee will be consulted on any applications when an ADU is proposed to be in the 4-foot setback near a trail.

Commissioner Goulden asked if the language regarding the Trails Committee could be incorporated into the notice to the neighbor's provision as Commissioner Targ had mentioned. Chair Taylor understood that the notice to the neighbors would take place before the application is submitted. He said the Trails Committee review will take place after the application has been submitted to the Town. Commissioner Targ agreed with Chair Taylor's explanation.

Commissioner Goulden asked if the Trails Committee provision has to be done in order for the application to be deemed complete or does staff make that determination. Chair Taylor said he was uncomfortable asking the applicant to figure out if their application has to go to the Trails Committee or not. Commissioner Hasko said that the goal is to have a consultation with the Trails Committee at some point and she did not want the provision to be a burdensome. She said if the Trails Committee appoints a Committee Member who reviews applications, having staff make the determination would be workable.

Chair Taylor asked the Commissioners to weigh in on the idea of having an annual review instead of a sunset clause. He said he felt more comfortable taking that approach than having a sunset clause. Commissioner Targ did not support the concept of an annual report. He said there are a number of troublesome matters happening on an ongoing basis within the Town and he was concerned that the annual report would get lost. Vice Chair Kopf-Sill did not support having a sunset clause and she said it is arrogant of the Commission to think that the Commission knows what the priorities are going to be in 3-years.

Chair Taylor suggested extending the sunset clause to 4-years. He agreed with Commissioner Targ that there are major ordinances, General Plan updates, and element updates coming up. Vice Chair Kopf-Sill did not support that suggestion.

Commissioner Targ mentioned that the Town Council can change any of the approaches that the Planning Commission is recommending.

Commissioner Hasko viewed the sunset clause as good practice. She said she would be uncomfortable if the ordinance were not on the agenda in 2- to 3-years.

Chair Taylor agreed that the ordinance is very important and he supported a sunset provision of 3- to 4-years.

Vice Chair Kopf-Sill asked how will the Town Council know that there were oppositional views to having a sunset provision. Chair Taylor suggested there be two motions and Vice Chair Kopf-Sill said she felt comfortable with that approach.

Chair Taylor moved to the checklist. He summarized that the majority of the Commission is supportive of having a more public discussion regarding the checklist. He said he supported Town Attorney Silver's suggestion that the ordinance moves forward, but the checklist return to the Commission for formal adoption. Commissioner Hasko supported that approach. Commissioner Targ appreciated Chair Taylor's earlier comments that the Fire Marshal was uncomfortable signing a letter that a structure is fire safe. He said he understood why the Fire Marshal would not want to sign an unbounded qualification and he stated that was not the intention of the subcommittee or the Commission. Having said that, he felt uncomfortable having the checklist stop at the Commission level. He emphasized that he wanted the checklist to be an enforceable objective standard.

Commissioner Goulden predicted that the checklist will become obsolete in the next couple of years. Commissioner Targ agreed. Chair Taylor said that ADUs may have a higher home hardening standard than the main residence. Commissioner Targ agreed.

Commissioner Targ suggested that in 45-day after enactment of the ordinance, staff will provide a resolution embodying the three elements called out in the ADU Ordinance for the checklist. The Planning Commission will review that resolution and then forwarded it to Town Council for adoption. Chair Taylor, Commissioner Golden, and Commissioner Hasko supported that.

Commissioner Goulden moved that the Commission approve the Resolution with the four changed items discussed with the exception of the sunset clause. Seconded by Vice Chair Kopf-Sill, the motion carried 5-0 with a roll call vote.

There was discussion about the form of a motion related to the sunset clause. Commissioner Hasko said she wanted to vote in favor of a sunset with the recognition that the Commission was not in full consensus on the topic. Commissioner Targ agreed.

Vice Mayor Hughes informed the Commission that he will be explaining the Commission's discussion to the Town Council.

Commissioner Goulden moved that there be a 3-year sunset clause included with the ordinance. Commissioner Hasko seconded. Motion carried 3-2 with Commissioner Hasko, Commission Targ, and Chair Taylor voting for the motion and Commission Goulden and Vice Chair Kopf-Sil voting against.

Commissioner Targ requested the resolution be forwarded to him before it is passed to the Town Council. The Commission supported Commissioner Targ working with Town Attorney Silver the fire checklist.

COMMISSION, STAFF, COMMITTEE REPORTS AND RECOMMENDATIONS

(5) Commission Reports

Chair Taylor invited public comment; seeing none he moved to the next item.

(6) Staff Reports

Planning & Building Director Russel reported that staff is preparing the fire station application and it will be before the Commission at the June 16th, 2021 meeting.

APPROVAL OF MINUTES

(1) Planning Commission Meeting of May 19, 2021

Commissioner Hasko proposed changes to red pages 43, 44, 47, and 48.

With no further comments, Chair Taylor invited public comment.

Bob Turcott said that both his comments in the transcript did not reflect what he said during the meeting. He asked if he could submit a verbatim transcript of his comments and have those be incorporated into the transcript.

Chair Taylor asked Planning & Building Director Russell what the policy is. He said that he is uncomfortable with the public insert corrections into the minutes, but he acknowledged that there may

be an error. Mr. Turcott recommended he submit a verbatim transcript and staff check it against the meeting audio. Planning & Building Director Russell confirmed that staff can do that. She cautioned the Commission about allowing corrections to be made to the minutes by members of the public. She mentioned that the minutes are summary, not verbatim, and she has advocated to the Town Council to keep summary minutes for both the Planning Commission and the ASCC.

Chair Taylor suggested Mr. Turcott summarize his comments and then staff can compare them to the verbal transcript. He preferred that approach. Planning & Building Director Russell stated that she is more comfortable with verbatim minutes because then there is not a judgment involved in changes to the minutes after the Commission has approved them.

Vice Chair Kopf-Sill wanted to see a verbatim transcript be included in the minutes. Commissioner Hasko agreed.

Vice Chair Kopf-Sill moved to approve the minutes of the May 19, 2021 meeting, as amended, and that Mr. Turcott will submit a verbatim transcript to Planning & Building Director Russel who will compare them to the verbal transcript. Seconded by Commissioner Targ, the motion carried 5-0.

ADJOURNMENT [9:52 p.m.]

Vice Chair Kopf-Sill moved to adjourn. Seconded by Commissioner Hasko, the motion carried 5-0.