

**COUNTY OF SANTA CRUZ PLANNING COMMISSION
MINUTES**

DATE: February 14, 2001
PLACE: Board of Supervisors Chambers, Room 525
County Government Center, 701 Ocean Street, Santa Cruz, CA

COMMISSIONERS PRESENT: ROBERT BREMNER, DENISE HOLBERT (CHAIRPERSON),
DENNIS OSMER, TED DURKEE, RENEE SHEPHERD.

STAFF MEMBERS PRESENT: CATHY GRAVES, SEAN PURCIEL, KIM TSCHANTZ,
JOAN VANDERHOEVEN, DAVE JOHNSTON

COUNTY COUNSEL PRESENT: JIM LEWIS

All legal requirements for items set for public hearing on the Santa Cruz County Planning Commission agenda for this meeting have been fulfilled before the hearing including publication, mailing and posting as applicable.

- A. ROLL CALL:**
Commissioners Bremner, Holbert, Osmer, Durkee, and Johnston present at 9:00 a.m
- B. PLANNING DIRECTOR'S REPORT:** None.
- C. COUNTY COUNSEL'S REPORT:** None.
- D. ADDITIONS AND CORRECTIONS
TO THE AGENDA:** None.
- E. ORAL COMMUNICATIONS:** None.
- F. CONSENT ITEMS:**
- F-1.** Approval of 12- 13-2000 minutes

COMMISSIONER BREMNER: Not sure if we are going to be able to correct these or not here, on page 3 though, I'd like to try at least, on page 3, at the bottom, right above the motion, I am noted as voting "No" on Items F-7 & F-8 and that is not reflected in the votes on those items, and the motion I

do believe the votes there for Items F-7 & F-8 should be 4-1 in approval.

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COMMISSIONER HOLBERT: That you can correct I believe.

COMMISSIONER BREMNER: And then on page 9 on the motion of, I'm not sure how that motion actually who made it, if that's correct or not, but I believe the motion was to deny the appeal, this was the Melanie Place, a large home with landscape problems and I know that I would not have voted to approve that, so I'm not sure what the motion was and what the vote was

COMMISSIONER BREMNER: I think you better go listen to the tape, because.. .

COMMISSIONER BREMNER: No, I think didn't we deny that appeal on Melanie Place, that big home at the end? And that says we approved the appeal.

COMMISSIONER HOLBERT: Yow, OK.

COMMISSIONER BREMNER: Did we?

COMMISSIONER HOLBERT: I think we

COMMISSIONER BREMNER: OK, whatever, I voted against approving it, I know that, so maybe we should just continue this item.

COMMISSIONER HOLBERT: We'll just continue.

COMMISSIONER BREMNER: And then Item F-2, which I believe is in the 3rd District Madam Chair, is for a fence and new landscaping plan and a fence that steps down, and though I don't have a problem with the landscape plan or the fence, it's never reflected anywhere in the conditions of approval that we're actually changing those conditions of approval. It's still, the conditions of approval still reference an old landscape plan so I think we should change, just add a condition that reflects what's in this landscape plan.

COMMISSIONER HOLBERT: Well, maybe Ms. Graves can come back with the language at the next meeting, later today?

CATHY GRAVES: Yes we could.

COMMISSIONER BREMNER: And also there is a sign there that says what the name of the subdivision is and after spending a couple of weekends in Palm Desert, where everything's identified by subdivisions nobody seems to know the names of roads, they just know the names of subdivisions, I'm not sure we need to be signing all our subdivisions, that's not a practice we've been doing normally in this county, so I'm not sure we need these brass letters that are a gonna get peeled off anyway.

COMMISSIONER HOLBERT: Well

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COMMISSIONER BREMNER: But that, maybe I'll defer to you on that.

COMMISSIONER HOLBERT: I don't have a problem with that really, so. Why don't you come back with the language at the end of the day and we'll take it up then. Thank you. OK now we'll move on to Item G-1 which is a continued item.

Is there a problem?

CATHY GRAVES: He said that some of the voices aren't being amplified, people may need to speak into their microphones a little closer.

CATHY GRAVES: This is continued Item G-1 and I do not have the description.

CONTINUED ITEMS

G-1 Proposal to update the Mount Hermon Conference Center Master Plan to include: 1. A Specific Plan that establishes a Rural Services Line and a General Plan amendment for 161 parcels to change the land use designation from "Suburban Residential" to "Existing Park and Recreation" and to rezone 93 parcels from the "SU" (Special Use) zone and the "R-1-15" (Single-family Residential with a 15,000 square foot minimum parcel size) zoning district to the "PR" (Parks, Recreation and Open Space) zoning district; and 2. A Master Plan to guide development in three development phases. The Master Plan would include new and reconstructed facilities as specified below in three phases. Phase 1 is a 1-3 year facility plan, Phase 2 is a 3-7 year facility plan and Phase 3 is a 7-15 facility plan. This project requires the adoption of a Specific Plan, a General Plan Amendment, a rezoning a Commercial Development Permit to amend Permit 47887-U and a Preliminary Grading Approval.

Master Plan Phase I: Replace the existing Newton Memorial Center with a new Ministry Center. Replace the existing auditorium with a new auditorium. Relocate the Central Lounge Meeting Room building to a new location near the Azalea Lodge. Renovate the existing parking lot near the Ministry Center to include 28 more spaces and additional improvements. Renovate the existing recreation field to recrown the field. Construct a new 11 space "Conference Drive" parking lot.

Master Plan Phase II: Construct a walking path around the existing recreation field. Replace the existing tennis and basketball courts at the recreation field with a new sports pavilion amphitheatre. Construct a new miniature golf course. Replace the existing cabins at Redwood Camp with 8 new larger cabins. Replace the existing tennis and basketball courts at

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Redwood Camp with a new sports pavilion. Expand the existing dining hall at Redwood Camp. Construct a new 6 bed lodge named New Black Cabin. Construct a new 36 space "Upper Parkway" parking lot to replace Tamrack and Mullberry cabins and one dwelling.

Master Plan Phase III: Construct a new activity center to replace an existing dwelling and garages near the recreation field. Construct a new Village Center to house the post office, registration center, store and arts & crafts facility to replace the existing post office and Forest Hall. Replace the existing Toyon cabin with a new 8 bed Toyon cabin. Construct a new 6 bed Heather cabin to replace the old Heather cabin that was destroyed in the earthquake. Construct a new 60 bed Lakeside Lodge to replace an existing dwelling. Construct a new 90 bed Forest Lodge to replace 6 dwellings. Construct a new 29 space Forest Lodge parking lot. Construct a new "Lower Parkway" 31 space parking lot to replace 3 dwellings.

OWNER: MOUNT HERMON ASSOCIATION

APPLICANT: MOUNT HERMON ASSOCIATION

SUPERVISORIAL DIST: 5

PROJECT PLANNER: KIM TSCHANTZ, 454-3 170

CATHY GRAVES: This is a proposal to update the Mount Hermon Conference Center and Camp Master Plan by implementing a specific plan to include a 2 phase new facilities plan and associated rezoning and general plan amendment to rezone 33 parcels from the R- 115 zone district to the PR zone district and to change the general land use designation on 90 parcels from suburban residential to existing parks and recreation. The update of the master plan would include new and reconstructed facilities as described in more detail in the staff report in 2 phases. Phase I is a 3-7 year facilities plan and Phase 2 is a 7-15 year facilities plan, The property is located on both sides of Conference Drive, just east of the intersection of Conference Drive and Ground Hill Road and the community of Mount Hermon. The assessor's parcel number is 066-021-01 and others the application number is 98-0046, the applicant is the Mount Hermon Association, the owner is the Mount Hermon Association, and the project planner is Kim Tschantz.

KIM TSCHANTZ: Good morning commission and Happy Valentines Day.

COMMISSIONER HOLBERT: Thank you. Same to you.

KIM TSCHANTZ: On January 10th, your commission held the 2nd public hearing on this project and continued it to today. You didn't ask staff to report back on any items, but staff did take a proactive approach to at least one of these items and that was the issue of water supply, because it was pretty apparent at the last hearing that that issue is something that needed to be resolved and also the concerns of the San Lorenzo Valley water district needed to be resolved before this project could be moved forward so I'd like to talk about that today; I'd also like to talk about 2 other issues that are in the staff

report and that is the issue of the General Plan amendment and the zoning and then lastly a new location for the conference drive parking lot. What I propose to do is talk about the water issue. Mr. McClure from the Planning Dept. is here as he has been in the other 2 hearings to speak to that issue and I believe yes there is representatives, 2 representatives from the San Lorenzo Valley Water District, also here. I propose I would stop my presentation on the water until everyone has an opportunity to speak on that issue before I continue on to the other 2 issues, if that's acceptable to the commission.

COMMISSIONER HOLBERT: I think that's a good idea.

KIM TSCHANTZ: OK, then let me just begin with the issue of water supply as you remember, the environmental impact report had selected as the environmentally preferable alternative well water supply was a combination of what they call alternative 4 & alternative 6; alternative 4 was water conversation, and alternative 6 was diversion of two of the springs during high flows in the winter time, and conveying that to an aquifer injection and recovery well to replenish the Lompico aquifer. As you remember from last time it was the injection into the aquifer that the San Lorenzo Valley Water District did have concerns with because they were concerned that a long term monitoring of appropriate treatment prior to injection might be problematic. Planning staff spoke with both the applicant and the water district on several occasions since our last meeting with you here, and we also had a meeting on January 22nd with various representatives of the applicant, the water district, county staff including supervisor Holmquist. The results of that meeting was that everyone agreed that while injection into the aquifer is acceptable method it may not be the best method for this particular project, and instead it would be good to look at something different and we call it in the staff report, alternative 7. What alternative 7 is, is basically a modification of alternative 2 and alternative 6, that were presented in the EIR, alternative 7 would divert water from 2 streams as suggested before, but instead of conveying it to an aquifer injection recovery well, it would be conveyed to the 3 water storage tanks that now exist on the Mount Hermon property for direct use. The applicant's engineer was also at the meeting on January 22nd, agreed to put together a report that discussed alternative 7, and that report is copied and in your packet for today as Exhibit F. On February 1st the San Lorenzo Valley Water District Board met in their public hearing. They considered the report on Alternative 7 that you have and also looked at the proposed conditions for this permit which you also have as Exhibit B. The result of that February 1st meeting was that the water district board concurs with the use of alternative 7 as the water supply alternative for this project. As I said it's a modification of alternatives 2 & 6 in the EIR, alternative 2 was direct use from diverted spring water all throughout the year. How this is a modification is that the diversion would not happen year round but only happen during the winter time during high flows so as to protect instream habitat for fisheries, such as salmon and steelhead. It's a modification of alternative 6 in the EIR because of instead of injecting it, it being diverted water, into the aquifer, it would be conveyed directly into water storage tanks, after appropriate treatment of course and then used. This concept is called in lieu recharge in the alternative 7 report in your Exhibit F and the concept of in lieu recharge is really more as an indirect recharge, in that there is an amount of water that's being saved, not being used, not being procured from the Lompico aquifer because it is water that is being diverted from the springs during the winter time and conveyed into the water storage tanks, which is not the situation now.

COMMISSIONER HOLBERT: Well then, how do you get to recharge?

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KIM TSCHANTZ: Well it's a term.

COMMISSIONER HOLBERT: It is not a recharge. It just isn't.

KIM TSCHANTZ: OK

COMMISSIONER HOLBERT: Maybe you can tell me why it is, but you know..

KIM TSCHANTZ: It's a water savings is what it is; it's a water savings of the Lompico aquifer. Let me just sum up and I'll turn it over to Bruce. I do want to say that this alternative 7 would include a third well just like alternative 6, however the use of this 3rd well would be different than that in alternative 6. While alternative 6 was going to be an aquifer injection and recovery well, as the primary use, the primary use of the 3rd well in alternative 7 would be a backup well to be used only when one of the two existing Mt. Hermon wells was not in use because of repairs or other reasons that it would be shut down, but this 3rd well would also have a 2nd use, and that would be designed for aquifer injection and recovery, would be used as a test well or pilot well to test aquifer injection for not just Mt. Hermon but any other water purveyor in the area, such as the San Lorenzo Valley water district. Condition, or recommended condition, Roman numeral 5E, requires that this 3rd well be designed for injection as well as recovery and condition Roman numeral 8H requires that the Mt. Hermon Association allow this well to be used by San Lorenzo Valley Water District and other water purveyors on a reasonable basis to test injection for regional needs as part of a pilot project for a possible subsequent project for regional aquifer injection and recovery. So with that, unless you have any questions I could turn the presentation over to Mr. McClure and he can supplement some of my comments.

COMMISSIONER HOLBERT: I have a question about the process, in terms of this alternative 7, which I understand it's a hybrid of a couple of other alternatives that correct; so you looked at a couple of other alternatives and then just put this together. And so, just in terms of process I want to know how this works. I mean this is a report that is done, or is prepared for Mt. Hermon and so it's outside of the EIR process or how or who's; is this person working for the county or are they working for Mt. Hermon; what kind of review does it get, does it require review because it wasn't, there was, I guess this is a question for counsel. So we have alternative 7 which has never really gone through the process, I mean there's, I guess we're saying here well we're just taking the part from this alternative and this alternative and we're putting it together but you know sometimes we do that, it doesn't necessarily have anything that much to do with the two other alternatives so, has this really had proper environmental review?

BRUCE LACLERQUE: Staff is proposing that it be considered along with the staff report as an addendum to the EIR. That determination is a determination to be made by the commission. So your determination would depend on whether or not you felt that an actual supplement to the EIR was required to consider this alternative or an addendum was sufficient.

COMMISSIONER HOLBERT: Well, in terms of public review on something like this, what is the public review on, OK all of a sudden there's a whole new alternative with the 3rd well, and so what kind of chance does the public have to review this, it seems like we've had an extensive EIR; people had a chance to comment on it, then all of a sudden at the kind of last minute we have a new alternative which I'm not sure the public has really had any chance to comment on it before we start making a decision on it that sort of bothers me.

BRUCE LACLERQUE: I believe the 3rd well has always been a portion of the EIR and what was subject to public review and comment. The main difference in what's being proposed at this point is that instead of diversion of spring water being injected into the aquifer, diversion is being used directly. That was not viewed by staff to be a substantial enough modification to require a supplement to the EIR but it's certainly within the planning commission's discretion to have that change proposed as a supplement which would require recirculation of the EIR and provide additional public review and comment.

COMMISSIONER HOLBERT: I'm just not sure whether people are concerned about this or not, I'm not, so I just, it just made me a little bit nervous when I'm seeing this as something new to a lot of people

BRUCE LACLERQUE: Sure, I could review if you wish, the sequel guideline that would refer to this particular issue.

COMMISSIONER HOLBERT: OK, for instance Fish & Game's signed off on this?

KIM TSCHANTZ: Well, it would really be the National Marine Fisheries service and the issues with alternative 7 are exactly the same as alternative 6 in that agency's view.

COMMISSIONER HOLBERT: Uh huh

KIM TSCHANTZ: And as you remember from last

COMMISSIONER HOLBERT: Because they told us they're exactly the same or are we just

KIM TSCHANTZ: No, because the diversion would be the same for both alternatives. In other words, the only diversion that would happen from the 2 streams would be that of a certain base flow of, I believe it's 58 gallons per minute, on one stream and 38 on the other, and these, and anytime that this flow drop below that, there could be no diversion, regardless of what winter months we're talking about. As you remember from last time, I reported that we did have a discussions with the National Marine Fisheries Service and they concurred in our phone conference that that would be acceptable but that they still wanted the applicant to get with them with a comprehensive plan before they were going to issue a permit or decide that no permit was needed. And it is for that reason that that's one of the first things that the applicant must do in this list of permit conditions, as a matter of fact that must be done before any grading or building permit could be issued by the county for phase I development.

COMMISSIONER HOLBERT: So, this alternative 7 which was prepared like it is for the EIR

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document, the consultant went out and even though Mount Hermon is paying them, who they're consulting with is the county, is that correct?

KIM TSCHANTZ: In this case, alternative 7 was prepared by the applicants engineer. It was prepared in a, the same format as was done for the EIR alternatives, but the EIR consultant is no longer on contract any more. That report which you have in your packet was reviewed by county staff and also reviewed by the San Lorenzo Valley Water District Board, excuse me, staff, prior to the report being finalized, submitted by the Water District Board and your commission.

COMMISSIONER HOLBERT: Well, what I really like about our process here, is that there's no question of conflict of interest in EIR process because the county contracts with the EIR consultant. The consultant goes out and does the work and works for the county, and the applicant pays for it, so this is a little bit troublesome this is an independent report, ya know, I'm sorry to see that it's kind of outside of that process which I think is really excellent process. So maybe a fine report, but I think urn, it really works better when you're just, when the county is actually in charge. So, urn, I think Mr. Lewis did you have something to tell us about the CQUA?

BRUCE LACLERQUE: I can discuss the CQUA guideline on the supplement with you if you wish.

COMMISSIONER HOLBERT: OK

BRUCE LACLERQUE: And specifically it's guideline 15 162 which describes the circumstances under which a supplement to an EIR should be prepared and that is in the circumstances where there are, what are referred to as substantial changes in the project which require major revisions of the EIR or substantial changes occur with respect to the circumstances under which the project is undertaken or there's new information of substantial importance which was not known or could not have been known at the time the EIR was prepared. So if the commission concludes that this alternative constitutes such a substantial change in the project it would be appropriate for the commission to require the preparation of a supplement to the EIR which procedurally would probably involve the renewal of the contract with the EIR consultant, preparation of a formal supplement which would then be recirculated.

COMMISSIONER HOLBERT: OK, I really don't know, I'd like to hear from the public and San Lorenzo Valley Water, Mr. LaClerque and so forth, I'm really not sure what it entails we've had so many different recommendations that I'm a little bit unclear so Mr. LaClerque, maybe you could clear this up.

COMMISSIONER SHEPHERD: I just want to add, we're being asked to vote in favor of over riding considerations, now there's a very significant step, so I also need to be assured that I would right now err on the side of thinking a supplemental to the EIR was necessary and appropriate. I'm willing to be convinced that it's not.

COMMISSIONER HOLBERT: Mr. LaClerque

BRUCE LACLERQUE: Good morning Madame Chair, members of the commission. I'm Bruce

LaClerque, I wanted to be very brief this morning cause I assume there will be a lot of questions. I would reiterate what Mr. Tshantz said that the San Lorenzo Valley Water District, Mount Hermon, and county staff have arrived at a working consensus, you know, on the benefits of treatment and direct use of the spring water. That's what's in front of you in the proposal today, it also looks in front of you is the proposal retains the 3rd well, there are a number of reasons in my mind from the perspective of water management why that's a favorable thing to do. It gives them a backup well. It gives them the opportunity to redistribute their pumpage if they use that well instead of the two that are very close together and very close in proximity also to San Lorenzo Valley's well fields at probation. Redistribute the pumping away from the concentrations and that's more favorable setting to the aquifer and it also retains and is mitigated to having the design of that well capability for injections so that when the parties are ready to collaborate on a pilot injection project, we have a well and we have water sources that we could work with to move forward along that front. So, that in essence is what's different with the 7th alternative than previously what you had heard from the board. Ms. Holbert you had a question about in lieu recharge, what in lieu recharge is, it is in fact actual savings to ground water storage and it is a savings in lieu of pumping to be effects, so in this case, in lieu of diverted stream spring flow so the volume of spring water that is used directly is not pumped out of the ground water basin so the volume that is used directly from the springs is built up in storage in the ground water basin by not being pumped out. So, it's as Mr. Tschantz indicated it's an indirect method of recharge but it is an incremental and quantifiable addition to ground water storage. It's a common planning technique throughout the water resources profession.

COMMISSIONER HOLBERT: Well, we can just disagree about these if that were, it kind of connotes that something is really happening, and my opinion is not. You're maybe not, pumping it, we're not going to have meters or anything on these.

BRUCE LACLERQUE: Yes we are.

COMMISSIONER HOLBERT: Oh we're going to have meters? So, urn, we're not really recharging anything we're saving some water hopefully. But, we are not creating any new water I mean what water is there is there, it has been there, it's the same amount of water is going to be there that was there before, right?

BRUCE LACLERQUE: No, that's not exactly right, because before when they were 100% dependent on the extraction of well water; a volume of well water would come out of the aquifer every year, it would fluctuate a little bit that total that fluctuates a little bit annually. But now direct use of the springs you will have far less water coming out of the aquifer and so over time you build up the level of saturation and storage water in the aquifer.

COMMISSIONER HOLBERT: Well, let me ask you this? At this point and time right now, is there an overdraft at this aquifer?

BRUCE LACLERQUE: I would say yes. I don't know that, personally I would say yes based on, urn, water levels throughout the Lompico formation have shown a pretty substantial decline over 10- 12 year

period, a, everywhere from where it's being pumped.

COMMISSIONER HOLBERT: So, right now with the usage, with the population, with everything else there is an overdraft, and so, urn, what in your opinion, and maybe this is going outside your area of expertise, but Mt. Hermon is coming in and they're wanting to increase the densities in many significant ways in my opinion what is the density that this new sort of system is going to provide for or is this really just going to solve the problem of the overdraft for what it is that exists right now. I mean is this really going to provide for an increase or is this really just going to make up for what, how they've sort of lived beyond their means so to speak.

BRUCE LACLERQUE: I have a couple of responses to that, the first is that the density question is probably beyond the realm of my expertise. I couldn't tell you what the proper density is, a, the Lompico formation itself you know extends to the San Lorenzo River and to the west it extends in the east towards Soquel Creek water district jurisdiction and extends quite extensively to the north so, it's use as an aquifer is a much larger geographic area than what we are talking about in the proposal that's in front of you. I should say, at a second level response, that the water use which is being questioned by your commission is a new demand which has been estimated to be about 10.7 or 10.8 acre feet of water use a year. I can say that forthrightly that level of new demand is very adequately being mitigated in the total package of water management package that is being presented to you and beyond the mitigation at that level, there are significant benefits to the water resource management proposal which is coming from you in that we are now increasing ground water storage through in lieu recharge in this proposal and that we have an opportunity to have pumping redistributed away from existing well fields of San Lorenzo Valley Water District by 2-3,000 feet further distance, we also have the opportunity to have this well by incorporating the design into the well of features that can be used for injection. The possibility for multiple stake holders to come together in a collaborative effort to look at a pilot injection project in this area where there is concern that water levels have down historically and have not, have not seem to come back to what historic levels were even in the wet period.

COMMISSIONER HOLBERT: Could we just talk for a minute about what happens in a drought year and we have had drought years around here and we have had dry years that maybe last for a couple of years and so maybe you could step us through this scenario of what actually happens when we don't have any rain all winter and then we don't have any storage and then what is there, what would Mount Hermon's right be dipping into the ground water again or when we don't have any or do we have a cutoff there or what?

BRUCE LACLERQUE: Let me attempt to answer that question for you and if you're unsatisfied with my response please probe further. A ground water system is much like a banking account, you put in deposits, you take them out. The deposits that get put in are really rainfall recharge in your average years and above average recharge in your wet years, so it's a cyclical phenomenon, we do have cycles of dryness, we do have cycles of wetness, that's true probably of everywhere. So, as that pertains to this proposal there are thresholds in the springs that need to be maintained for diversion so, when the spring flow is at or above these thresholds, Mount Hermon has the ability to use that water, treat it, and use it directly rather than pumping ground water. So, that happens probably in your average wet cycles, when

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we move into a dry cycle it probably will still be a production of springflow above and beyond the thresholds that are established, certainly in the first year of a drought. If it's a prolonged drought and the spring production drops below those thresholds, then in it's proposal, Mount Hermon has the well capability to extract ground water.

COMMISSIONER HOLBERT: Can you just explain when it is right in the middle of a drought where it's winter time, it is the time that we would generally be pumping, but it's not, we're in a drought, so they can't be doing it. Even if there is water in the spring, right? Or am I wrong about that?

BRUCE LACLERQUE: Let me give one theoretical response and then will give specific numbers that I may have to ask Mount Hermon to back up. But the theoretical response is in the average years and in the wet years you have this spring source as a source of water supply. You treat it and you use it and you're not pumping from the ground water basin as much in that time so you're building up ground water storage, so, when you get into a dry sequence, assume maybe after a couple of years spring production drops down that requires some ground water pumping or maybe even the same level of ground water pumping out of _____ historically you have had a cyclical situation where ground water has been built up in storage in the ground because it hadn't been pumped out while they're using spring water. So, you still have reserves in your ground water basin, in fact you're augmenting those reserves in the ground water basin as long as you're using the spring water. Now,

COMMISSIONER SHEPHERD: Can I ask a question? Then what you're saying is, I want to understand what you're saying, so, what you're saying is the new storage tanks will supply water that will not therefore need to come from the wells from the wet years, is that what you're saying?

BRUCE LACLERQUE: Pardon me, no, that was not what I attempted to explain. The new storage is in the aquifer itself, the water that's not being pumped out remains in the aquifer so the storage, the change in storage, it's a hydrogeological term, where you're having favorable incrementable additions to the amount of saturation itself in the aquifer.

COMMISSIONER HOLBERT: Well, you're hoping that it, that people, other places in the aquifer have been overused you know that you have some control over Mount Hermon, they're not using more, how much do they get, are they capped?

BRUCE LACLERQUE: They are capped on their production and that's been in place probably since 1992.

COMMISSIONER HOLBERT: So, they just can't take any more then?

BRUCE LACLERQUE: That's correct, according to previous

COMMISSIONER HOLBERT: But we have no ability, we're not really recapping other users of the aquifer of San Lorenzo Valley Water

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BRUCE LACLERQUE : The county

COMMISSIONER HOLBERT: I mean it's hard to just say that it's always going to be there because we can't see it, we don't really know, it's this kind of guess isn't it?

BRUCE LACLERQUE: No, I would say it's more than guess. I would say you know there's a whole profession that's built up, a whole industry that's built up in ground water around these concepts it's Well, there's some science to it, there's math, there's algebra, there's algorithms, there's ways to make this determination. I wanted to give you a direct response and you indicated that you were concerned about the drought and it's my understanding that even though we are in a very dry year the flow in the springs at this point and time is probably well above the thresholds of diversion. Even though we are in a dry, maybe even a critically dry year, so far this year.

COMMISSIONER HOLBERT: Mr. Durkee wants to ask a question, Mr. LaClerque.

COMMISSIONER DURKEE: If this system you're talking about had been in place this year can you tell us how much water would have gone from the springs into the storage tanks up through Valentines Day?

BRUCE LACLERQUE: I don't have those numbers at my fingertips, maybe I should let Mt. Hermon address those numbers, but let me say that..

COMMISSIONER HOLBERT: I really want somebody other than Mt. Hermon to address those numbers cause I think it's important that our, ya know that, that, they are advocating, and I want...

COMMISSIONER BREMNER: Madam Chair, if I could overly simplify something, cause we've been sitting here for about half an hour dwelling on this. What we're talking about is taking a unit of water that we were going to inject into the ground, pump that unit out into the system that was going to go to Mount Hermon's residents and the complex, or whatever you want to call it. Instead of doing that we're going to take that unit of water, run it into their storage tanks and through their system. So actually, as you said, we're going to build up water, any excess water from what I can read in here, there's already an injection plan available that they can eject that water in excess during the wet times of the year, so you know they are going to be adding even more. Is that a nice oversimplification?

BRUCE LACLERQUE: It is a nice oversimplification, I would

COMMISSIONER BREMNER: We're spending huge amounts of time wondering whether EIR should be looking at this. We're going to take this water and put it in and pull it out. We're just not putting it in and pulling it out, it's never going in.

BRUCE LACLERQUE: We're using it directly.

COMMISSIONER BREMNER: Right and I don't know what the big deal is about all of this.

Public applauds

BRUCE LACLERQUE: That's not applause, believe me there should be no applause for that, I'm just talking specifically on EIR impact.

COMMISSIONER HOLBERT: I'm not just talking about EIR impacts, I'm trying to understand what actually the whole mechanics of what happens in . .

COMMISSIONER BREMNER: On top of that they have a weak detection program, they have a water reduction program

COMMISSIONER HOLBERT: OK, well that's fine.. .

COMMISSIONER BREMNER: We're going to actually use less water than they are now is my understanding is that conditions of approval.

COMMISSIONER HOLBERT: I'm glad that you understand it, I just don't quite understand it yet.

BRUCE LACLERQUE: Let me just respond to one _____ to Commissioner Bremner's statements and that relates to injection. The injection would not proceed until there's probably a collaborative, a willingness for a collaborative effort with other parties. And that there's oversighting involved with other parties as well so that everybody is comfortable there.

COMMISSIONER BREMNER: It is allowed and well, we were going to force injection in the last set of

BRUCE LACLERQUE: That was the issue, yes.

COMMISSIONER HOLBERT: But this is

BRUCE LACLERQUE: But I do want to tell Commissioner Holbert that today, at this level, even in a critically dry, what appears to be a critically dry year, that production in water from the 2 springs in question is about 200 gallons per minute. So, it's well in excess of the threshold for diversion.

KIM TSCHANTZ: If I could interject something, we have a visual aid that might be useful here, it's on your page 75. It shows the production of Prunedale spring and you can see, since 1975 to 1992.

COMMISSIONER HOLBERT: What are you looking at?

KIM TSCHANTZ: Page 75 in your staff report. It's stamped Exhibit F and it's a graph that shows the production rates from Prunedale spring from 1975 to 1992. There's a horizontal bar across there that represents the threshold level that would be used for that particular spring in the diversion scenario that

we're presenting to you today. That threshold level is 34 gallons a minute. You can see that the production rate of that spring almost always exceeded the threshold level of 34 gallons a minute, meaning that in various years from 1975 to 1992 there was sufficient water way above the threshold level to continue diverting all throughout the winter months.

BRUCE LACLERQUE: I would add that the Mount Hermon community has relied solely on spring water as their source from I believe 1906 up to 1991 or 92 and that there have been ample cycles of wet periods and dry periods during that long time frame. And their springs have been there in sufficient volumes. The production of spring flow has been there in sufficient volumes during that long period which include wet periods and dry periods, to make it a reliable source of water supply from a quantitative point of view.

COMMISSIONER DURKEE: Madam Chair

COMMISSIONER HOLBERT: Mr. Durkee

COMMISSIONER DURKEE: It seems to me that Mount Hermon had simply continued to use their springs and treat it in the first place then we wouldn't have to have this discussion now. And 10 years later we're going to have to treat it anyway, so I don't get all this.

COMMISSIONER HOLBERT: Well, yes that's what's confusing Mr. Durkee. I agree. That's what's been confusing me because as this process we've come through with different staff recommendations so now we're at the final staff recommendation, right?

BRUCE LACLERQUE: Well, there have been appearances of different staff recommendations.

COMMISSIONER HOLBERT: Well, there have been different staff recommendations.

BRUCE LACLERQUE: I'll take some responsibility for that. The discussions that were had on the outside about direct use were deemed to be outside of the realm of the EIR and needed to be brought into the process by addendum or what was looked that they could be brought into the process by addendum which is what is in front of you today and which is what appears to be a working consensus of the SLVWD and Mt. Hermon.

KIM TSCHANTZ: If I could interject. The staff recommendation up until today has always been alternative 6. The only change in staff recommendation in terms of water supply is now modifying alternative 6 to this alternative 7 and it has been done only because of the concerns of the SLVWD. Staff believes that either alternative 6 as recommended to you last time, or Alternative 7 as recommended to you today, will equally be an environmentally superior alternative if done in combination with alternative 4, the water conservation plan. There's no problem with aquifer injection and recovery from our standpoint but the SLVWD does have some concerns which we'll respect. And what we've done is attempted to work out a solution where we still have an environmentally superior water supply alternative that not only meets our view but meets the view of the major water purveyor in

the area.

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COMMISSIONER HOLBERT: Well, Mr. Tschantz, in terms of this permit, and what's before us today, if it should be approved, no injection can take place unless we're not approving the injection, right?

KIM TSCHANTZ: Not under alternative 7.

COMMISSIONER HOLBERT: Not under alternative 7, so if in the future they should decide to do injection what process has to take place?

KIM TSCHANTZ: In terms of permit process or in terms of technical process?

COMMISSIONER HOLBERT: Permit.

KIM TSCHANTZ: This is it, because the 3rd well that I mentioned will be required to have that capability and that would be a good thing. That would only benefit the aquifer. If they not only divert spring water into the storage tanks but they also have additional water that they could inject into the aquifer, however, that well is going to be open to be used, to be monitored by other water purveyors, including SLVW, that's required as one of the conditions of this permit.

COMMISSIONER HOLBERT: So there's no way that injection can take place without SLVWD agreeing to it. Is that correct? I want to be clear about what it is we are doing here.

KIM TSCHANTZ: That's my view of it, we can look at that permit condition and you as a commission can decide if the wording of that is strong enough or whether the wording of that condition should be modified in any way.

COMMISSIONER HOLBERT: Maybe Counsel could be looking at that so..

COMMISSIONER DURKEE: Madam Chair

COMMISSIONER BREMNER: That's also my view of this.

COMMISSIONER HOLBERT: Mr. Bremner

COMMISSIONER BREMNER: Well, I have a question, it isn't spelled out in here that they would have to go to SLVWD, but they would have to go get a permit for the well and I assume that there would be conditions put on that permit, correct?

KIM TSCHANTZ: They get a permit from Environmental Health Services for that, but we would be reviewing that.

COMMISSIONER BREMNER: So if we want SLVWD to sign off on injection well we need to put that condition in if it's pertinent.

COMMISSIONER HOLBERT: So it looks like we need to work on that condition if that's the way we're going.

COMMISSIONER BREMNER: Cause right now, on page 53, 8H, which was new wording you put in, says the new well described in 5E above shall be used for backup water supply and as a pilot well to test aquifer injection, so it's, we're signing off on that and 5E does not go talk about that other than that they need to get a permit for a new well.

COMMISSIONER BREMNER: Oh it says it should be design, excuse me, it also addresses that.

COMMISSIONER SHEPHERD: I'm sorry, I still don't quite understand this and the more it gets explained to me the less I understand. Could we please explain it again, if you wouldn't mind? So we're going to achieve the additional water needed by conservation measures which everybody agrees on and we don't discuss anymore and hopefully they will produce more of a savings than we, cause we're estimating that very conservatively. They'll continue to use their 2 wells, they'll pump the excess spring flow into the tanks and they'll use the water that they have banked in the tanks to provide the additional water they need?

BRUCE LACLERQUE: Well, I think you may be contrary to what's proposed, is that they will not be using the 2 wells in the manner in which they've been used in the past. They will be using the spring flow as long as it's above this threshold of flow 34 gallons per minute at one site and 17 or 18 at the other site. As long as production of water from the springs is above that threshold the other will be treating that water and using it directly, so when they're using spring water directly, that amount of spring water that they're using, it's not going to come out of the wells, if this day, if there's 200 gallons per minute coming out of the springs, the 2 springs, and the diversion threshold of the 2 springs is somewhere near 50 gallons per minute they could use 150 gallons per minute of spring flow and that's 150 gallons per minute of ground water that's not being pumped out. They don't even have the ability to pump out 150 gallons of permitted ground water right now.

COMMISSIONER SHEPHERD: OK, I understand that now and I've got 2 questions; under any conditions could the 3rd well be used as a backup well or not?

BRUCE LACLERQUE: Yes, for production, yes. If.. there are a number of ways to look at this, and I probably would look at it differently than you or a layperson, if the spring production drops down, say you're in an extended drought, like the production dropped down in the early 90's when they moved into ground water that's this point on your graph here. In that 15 year period it was well above, from 75 to 90, it was well above the thresholds for diversion. After the drought that affected us in 1990, probably started in around '85, 86 was wet, and 87 again throughout 92 was extremely dry. When there is an extended dry period, they have the capability to use that well, for ground water, extraction of ground water. There are benefits to

be considered I think, if they use that well as a backup well, rather than the 2 wells that in close proximity, much closer proximity to SLVWD's well field at the juvenile hall. Their 700 to 1000 feet apart there or if not greater, at the proposed location of this new 3rd well. So the impact, or the interference of pumping one person's well on another person's well that causes that other person's water level to draw down. The potential for interference between this proposed well and SLVWD's existing wells is far less in the existing conditions.

COMMISSIONER SHEPHERD: Will it still have the capacity to produce so much water from wells, they'll be able to use any of the 3 wells?

BRUCE LACLERQUE: That would be the preferred way I mean I don't think they would ever need to use 3 at one time. Or you would use 2 in an extended drought and in my mind, the preferred way is to redistribute their pumping away from the other pumps.

COMMISSIONER SHEPHERD: Finally one more question is if they want to get the amount of water they can divert from the spring, how is that monitored, by who, because 10 years ago there were some problems with neighbors when they were using stream sources. I don't want to bring that up here, but I've got several calls to remind me that there were some problems in the past, different management, different bureacracy, and I'm not saying it's going to happen again, but I'd just like to know the mechanism.

BRUCE LACLERQUE: It would be my understanding that there are meters at the spring box is where the flow occurs. By Mount Hermon.

KIM TSCHANTZ: We would require that they install the type of flow meter that only allows diversion at a certain threshold level. And when the flow goes below that threshold level the valve stops and it does not allow that diversion to occur anymore.

COMMISSIONER SHEPHERD: Thank you.

COMMISSIONER HOLBERT: OK, and then it is, I'm sure we're going to be hearing from SLVWD, that is what they prefer, they prefer to have that 3rd well and that their preference is that they pump from that.

BRUCE LACLERQUE: It'd probably be better if you heard it from them.

COMMISSIONER BREMNER: It's my understanding that the way the conditions are worded is that they you can only use 2 wells at a time that the 3rd well was if the another well went down and it was used as a backup, so, if this project is recommended for approval to the board, you wouldn't want to use that 3rd well, I think the wording might need to be changed.

BRUCE LACLERQUE: There is a cap on their ground water production that is in place and has been in place since 1992.

COMMISSIONER DURKEE: Please clarify for me, did Mt. Hermon stop using the springs in 1992 because they weren't getting enough water out of the springs or because the state said if you keep using the water out of the springs you've got to treat it.

BRUCE LACLERQUE: Both of those responses are true.

COMMISSIONER DURKEE: And yet according to Mr. Tschantz's chart here, for the last 10 years, they have enough water coming out of those springs that they could've made out alright. Is that right Mr. Tschantz?

KIM TSCHANTZ: The diversion bar on that graph has to do with protecting with mainstream habitat. It's like 34 gallons a minute.

COMMISSIONER DURKEE: But there was enough water over that bar to provide their needs if they'd have been using it.
Is that right?

KIM TSCHANTZ: It appears that's true but maybe it'd be better to ask question of their hydraulic engineer for that specific.

BRUCE LACLERQUE: I was not present for that 76/ 77 drought in this location, but they had to have used their springs in 76/77 drought which was major drought and really very, very critically short rainfall years, 2 in a row. It's my understanding that by default they did not have wells at that time that they got through that drought totally on spring production. IN the 6 or 7 year drought, 5, 6 however you want to characterize it from 85 thru 92, the production of their springs dropped down to a point where the production would not meet the demand the Mt. Hermon community for water. It was at the same time that they were being told that they had to upgrade the treatment systems for that springs if they wanted to continue to use it. So, as a combination of economic decision for treatment cost and a decline in spring flow production, Mt. Hermon in the early 90's decided to development their ground water capabilities.

COMMISSIONER OSMER: The spring water they would be using, where is it going now?

BRUCE LACLERQUE: It's flowing over ground and to the streams.

COMMISSIONER OSMER: To the ocean?

BRUCE LACLERQUE: Ultimately,

COMMISSIONER OSMER: so it's not going down the stream, it's going to be used. That's where the makeup is?

BRUCE LACLERQUE: Well there's a certain volume developed by the threshold number that will

always be leaving the springs and going towards the stream, is that accommodates the concern about the base flow to the streams, but what happens to that water once it hits the stream either there's riparian vegetation demand, there's stream channel losses or other gains whatever that we need, I would hesitate, hopefully it makes it to the ocean.

COMMISSIONER OSMER: One last thing, is the word production isn't quite accurate right, it's just supply, nobody's producing water here? It's just supply.

BRUCE LACLERQUE: Pardon me then.

COMMISSIONER HOLBERT: Are there any other questions of Mr. LaClerque? Is there any thing else you want to say Mr. LaClerque?

BRUCE LACLERQUE: No I think I've probably said enough. Thank you very much.

COMMISSIONER HOLBERT: OK, are there representatives here from SLVWD?

GENERAL POSA?: Morning, I'm one of the water district directors. I have no official direction from the board to appear today, I just wanted to come down to see how things are going, but I can report a little bit on our meeting of February 1st. The most important part of this project is the water conservation part, without that we don't believe the project should be allowed to move through the various stages they've proposed. If they can't meet their goals they should be held up until they meet those goals, Secondly, the board prefers the stream diversion, the spring diversion treatment and direct use alternative to the injection process at this point. We're reserving actual comments on the actual well and it's operation, limits of extraction, etc. to the well permitting process, we believe that's the appropriate place to take those comments. We've agreed to continue to work with Mt. Hermon Association on water issues in that area. If indeed that leads to a cooperative effort on an injection well then that's where it will lead. But we're not tied into that yet.

COMMISSIONER HOLBERT: So you have no position on the 3rd well?

MR. POSA: At this point, we're going to comment as part of the well permit process, it's our understanding that that 3rd well as currently proposed, would be a backup well. We're certain that we would oppose any increase in the taking from the aquifer. They currently have the 200 gallon per minute average over 30 days. There was a comment from one board member as to whether the stream diversion should count as part of that taking. That's a discussion probably at the well permitting process, that we'll comment on.

COMMISSIONER HOLBLERT: OK are there any questions of Mr. Posa? Thank you. Is there anyone else that would like to address this water issue before we move on?

ALLEN LILLY, Attorney for applicant: I would like to address the water issue, I can do it either now or later depending on what you think is appropriate.

COMMISSIONER HOLBERT: It's up to you. But I see we have, how many other people want to talk about the water issue? We have 2 other people, you might want to hold your comments, OK?

LITA BETH GRAY: I'm here on behalf of the S.C. county group of the Sierra Club Ventana Chapter Chapter and I'll be reading a letter that I believe that you've already received. She read the letter. Feels strongly that the goals the water conservation and leak detection plan should be met before Mt. Hermon obtains a permit for the 3rd well. If goals are not met, then the 3rd well may become more than just a backup well and it will add to the overdraft in the aquifer. Concerned about effects on fisheries and would like to see a report by a fishery biologist on the most desirable bypass flow and that flow should be required. Thank you for your considerations of these requests.

GORDON KYLE: More he reads the less he understands. Infrastructure would require attention. Pipes leaking and are inadequate. In 1968 water was wasted because of leaking pipes. Cleanup the plate they already have.

ALLEN LILLY, Water Rights Attorney for Mount Hermon:CEQA requires an EIR and to look at different alternatives. Also encourages a mixture that makes something environmentally superior. The best analogy is, suppose I have a paycheck for \$50. And I want to go to the grocery store well, I can do 2 things, I can deposit the paycheck in my checking account and then write the grocery store a check for \$50. And that's analogous to injecting water into the aquifer and then pumping the water back out. Or I could just take that paycheck over to the grocery store and endorse it over to the grocery store and say here take this paycheck and I'll just use that to pay for the groceries and that's really what's being proposed in alternative 7 the water just goes straight from the springs to the tanks rather than down into the aquifer and back out. He just wants to support what staff has proposed here. It is entirely consistent with CEQA and there is no violation of either the spirit or the law of CEQA and frankly, this is good. As I said the CEQA asks the decision maker to look at a lot of alternatives and then development the environmentally superior alternative and that's exactly what's happened here. And frankly the EIR caused the concerns for SLVWD and they were addressed that this is exactly what we're suppose to do under CEQA and that's what's happened.

COMMISSIONER HOLBERT: Are there any questions of Mr. Lilly? Can I ask staff a question about the water treatment, this treatment of the spring water and how exactly that takes place?

KIM TSCHANTZ: Well, they would need the type of treatment facility that would be required by the dept. Of Health Services and that operation, the technical plans would be reviewed and approved by DHS in Sacramento and we would have to get written documentation that has been approved by that state agency before the particular condition,

COMMISSIONER HOLBERT: I think it is, let me look it up.

COMMISSIONER HOLBERT: It probably is, is that.. . . are they going to have to construct something of any large structure? What is it that this is going to entail?

KIM TSCHANTZ: Well, you know Mr. LaClerque might have more information on that than I, but I could tell you what I know is that if, compared to like Davenport for example, I'm familiar with that one, that's pretty small, I mean we're talking about a building that is about the size of these two tables here, if we were to put a perimeter around these tables.

COMMISSIONER HOLBERT: The population of Davenport is 200 so

KIM TSCHANTZ: On the sign it's 200 but it's more than that, it's about 400 or 500, but anyhow it could be located near one of the water storage tanks or it could be located someplace else, but most realistically it would be near the first water storage tank.

COMMISSIONER HOLBERT: So, we're not talking about some large structure and what is just out of curiosity, what kind of cost is that going to add to the project. I mean they didn't do it because it was so expensive before.

COMMISSIONER DURKEE: Is this the same treatment they would've been required to do in 1992?

KIM TSCHANTZ: Yes.

COMMISSIONER HOLBERT: And they didn't want to do it in 1992 because it was too expensive so I just want to make sure that they are...we're not having something coming back because it's too expensive.

COMMISSIONER OSMER: You know I think there is some other circumstances and Mr. Scalmanini answered that question again cause I had the same impression the last meeting and he addressed it I was wondering if we could ask him that question again as how that the spring and the moving off of the spring.

JOE SCALMANINI, Consulting engineer: I guess we're responsible for some of the thinking that went into this alternative 7. As regards to the treatment, in 1991, shortly after the so-called surface water treatment rule was adapted, the springs which if you looked at them today look slightly more delapidated than they looked 10 years ago, but they're open to the ground surface and surface waters can influence those. And the surface water treatment rule says that if a water source for domestic use is under the influence of or directly affected by surface water has to be treated for removal of bacterial and other microbiological constituents. It was fairly obvious that just on inspection, that the springs were subject to that. That fact combined with the reduced flow in the springs, if you look at the chart, I can take you through the chart if you want, but the flows that you say were available, that you think you see on that chart being available, were substantially depleted at the end of 4 or 5 years of consecutive dry years and so those two factors resulted in what you might call a business and technical decision to put wells in where A. you have a dependable water supply, quantity wise and B. The surface water treatment rule issue goes away. The springs have returned under to wet years since like they are depicted in the chart for decades before that. Today the surface water treatment rules are still in place and so the task is A. and our technical report goes into this detail, into this in some detail, A. Physically

closeup the springs, get rid of the obvious influence surface water and then test them to see whether or not they are quote unquote under the direct influence of surface water, which is a common thing that's brought to bare by the department of Health Services, when any water source that it considers to be potentially influenced by surface water. So a shallow well frequently is subjected to tests by them to see whether or not it's under the influence of surface water. Anticipating that this could be approved we've had extensive conversations with DHS and we know that if the springs are improved physically improved, closed up, as are depicted in our report, that DHS has already said then we'll put them through a test that will probably run at least through one winter cycle, but what they're looking for is so-called episodic impacts. When it rains, there's rainfall and runoff influence the water quality, does it add geardia or other microbiological constituents to the water that need to be filtered out with certain treatment systems. If the answer to that is no, then the springs will be used tomorrow, assuming this is approved, just like they were used yesterday, meaning before 10 years ago, which is that they'll be disinfected and pumped into the distribution system and life goes on as it use to be. If the answer to the question is yes, that the springs are under the direct influence of surface water, then some combination of disinfection to kill microbiological constituents and filtration to physically remove them will go into place. There will most likely be some form of so-called microfilter, the filter part of it and disinfection as least as we've depicted it this far, we'll probably be chlorination as is commonly practiced by people who pump ground water in this county. I think that's the best answer I can sum up say.

COMMISSIONER DURKEE: It's dejaveu all over again.

COMMISSIONER HOLBERT: And so is that, if you have to go for option number 2 and you have to actually be treating it more heavily is

JOE SCALMANINI: Well heavily, basically what would get added to what was there historically would be some form of filter. The water would go through small pores or some other filter media that would, I'll call it screen out, filter out, large size, but now we're talking about microbiological size, but relatively large size particles so they can't get into the water system and there are very specific criteria in the surface treatment rule, as to how you will reduce those by 3 or 4 orders of magnitude from whatever is in the raw water supply.

COMMISSIONER HOLBERT: So does this add a great deal of expense or is this relatively... .

JOE SCALMANINI: The cost will be measured in tens of thousands of dollars and not hundreds of thousands of dollars, is the best way I can summarize it right now. And the reason I'm that gross is to get more fine tuned, well, I'd have to know exactly what the flow rate was. The units are modular, what Mr. Tschantz described is right on target. Whether it's for Davenport where there are a few hundred people or for this with a few hundred more. The units, I don't have any pictures with me. But they come on skids and they stand as tall as I am and they're not, it's not a great big water treatment plant you might see, for example it's not like the city's water treatment plant up on Graham Hill Road or wherever it is up there.

COMMISSIONER HOLBERT: Thank you. It's getting near our break. Look's like we've kind of

come to the end of our water discussion here. I think we should take a 15 minute break, but I do want⁰³⁶⁴ to, there's one little item of housekeeping and that is after Mt. Hermon we have another public hearing that I predict will be lengthy and so Item #H2 which is the Daniel and Patricia Wester, it's my prediction that we're not going to get to that until after lunch so if there's anybody here is for that item, I just want to allow them to leave and come back after 1:30 instead of just sitting here. I mean is that the consensus of the commission. I just don't see any way we're going to get through this next item before.

COMMISSIONER DURKEE: I think you're right, I was interested in knowing. We're going to, after our break we're going to accept testimony from whoever who wants to speak.

COMMISSIONER HOLBERT: And we have had 2 public hearings and this is not going to be a lengthy public, too much more public hearing on the rest of this and we will be able to deliberate. So, we're going to take a 15 minute break, we'll be back at 20 to.

COMMISSIONER HOLBERT: Mr. Tschantz, please go over the other items that were addressed in the new staff report.

KIM TSCHANTZ: The other items. OK if you're ready, I am. We'll talk about 2 items: general plan amendment and rezoning as one item; 2nd item is a proposed location for the new parking lot on Conference drive.

COMMISSIONER HOLBERT: Mr. Tschantz, could I ask you when you're doing this I want to understand the Phasing, so I might ask you to just briefly go over Phase I, Phase II, Phase III.

KIM TSCHANTZ: Could we have that as the 3rd item that I'll speak to.

COMMISSIONER HOLBERT: Go over the phasing, how that actually works, what the condition says and what that triggers.

KIM TSCHANTZ: OK, so then in the beginning with the 1st item that I'll talk about, general plan amendment and rezoning, when this project was originally brought to you, in October, the recommendation was for a general plan amendment for 161 parcels in a rezoning to 93 parcels. When we returned to you last time we reduced that rezoning somewhat, now that we're returning to you again, we are modifying that again and the question you may ask is why so I'd like to go up to the wall using the maps here to explain that. I'm going to use this other mic, hopefully it's going to reach. OK, this is a problem with our new mic system. To get an understanding, this is the whole Mt. Hermon community not just the Master Plan specific plan area. The specific plan area is here, the yellow denotes parcels that are owned by Mt. Hermon Association, as you can see there are several that are not owned by them. If we look just within the specific plan area we can see Mount Hermon owns everything in green and everything in yellow. Anything that is in this magenta color or in white are privately owned. The idea originally was that since this is an organized camp and conference center and there are many parcels already zoned park and recreation, even some residential ones here, that we would provide in the specific plan a recommendation to simplify the zoning and the general plan. And what we brought to

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you last time was, here's everything that is now park and recreation on the general plan in green and we would change everything in yellow to have that same general plan designation. Similarly with the zoning here's everything that is zoned park and recreation now, notice it includes this area here, which is not designated by the general plan as park and rec. And we would zone everything shown in yellow to the PR zone district we'd have a nice package. Everything would be consistent. Left out of that package were parcels here in the expansion area which are residentially zoned including this parcel and by the Wilsons and then these 2 kind of island parcels, one of which owned by Frank Williams of Fresno. I mentioned those 2 people's names because they spoke at the last hearing is not being excited about being zoned park and recreation. To accommodate that we provided a resolution to you that would not change the zoning of those residential parcels but still have zoning and general plan amendments for other properties in the area. Looking at this further pretty much extending the idea of the Williams and the Wilsons to other properties, we saw that in this area here where I have red dots on the parcels that even though most of this area is zoned park and recreation, these are single family dwellings. They've been used as residential dwellings, there's no intention by this project to change that use in any way. Also up here this is 36 parcels right here in this area. Here we have 8 parcels here that are vacant. They are not owned by Mt. Hermon Association and again there's no desire by this project to change there use in any way, although they're vacant now they are zoned for similar family residential use. Therefore what we are proposing to you we feel is an alternative to the resolutions that were provided to you last time. Now the resolutions that were provided to you last time are in Exhibit D and that's something you can consider, but we think Exhibit B is a better solution and that is what we have here. The general plan would look as we have it here in the top map. The green again signifies that which is existing park and recreation on the general plan. The yellow signifies those parcels that would be changed to park and recreation on the general plan and now what we're doing is we're focusing on parcels that are owned by Mt. Hermon Association. Notice this group here. There's 36/37 parcels here that are no longer included in that general plan amendment. They would still as they are now, no excuse me, they would not, they general plan designation would stay as it is now which is suburban residential. Likewise for these 8 parcels here, suburban residential would stay. But in familiar terms here's the rezoning. The green signifies PR, park and recreation zoning, and again you would have some of these parcels that are owned by Mt. Hermon that are not so zoned, be changed to PR zoned district, that's part of the project, part of the Mt. Hermon Association properties. But those properties that are not, that are privately owned, if they are already zoned single family residential, they would be retained as such. There's one group this group of 36 parcels that I previously mentioned is zoned park and recreation. We don't believe it's appropriate for these 36 residential parcels to be zoned park and recreation and so they would be rezoned to R-1-15, single family residential, with site standard based on the 15000 sq. Ft. minimum lot size. That would have 2 types of general plan designations and 2 types of zonings within the specific plan area. You'd have a general plan designation of park and recreation and a zoning of PR, park and recreation for Mt. Hermon properties that are owned and operated by Mt. Hermon. For conference center or organized camp purposes. Other properties that are single family uses, some of which happen to be owned by Mt. Hermon but most of which are privately owned are would be zoned residential single family. And they will be designated on the general plan as suburban residential. This type of combination of suburban residential and single family zoning has been used in the other town plans in the SLV, used in the Felton town plan, Boulder creek town plan. So that's the presentation on that particular issue. I'll go to the parking lot unless

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COMMISSIONER BREMNER: You have not reduced the size of the rural services lined in some of those parcels that have been deleted?

KIM TSCHANTZ: No, the rural services line would remain as you have seen it since this project first came to you in October. Well, actually no we increased it. We increased it. When it first came to you in October it was a little bit smaller and then we increased it for the second hearing at your request and that's what we have here. We have here the larger size that you saw at our last hearing on January 10th.

COMMISSIONER BREMNER: I don't remember requesting that it be large but

KIM TSCHANTZ: Well, what you did was you asked staff to look at adding more parcels that may be owned by Mt. Hermon as a way to reduce the density of the project and so that's what we did. I believe this map here will help us with that. The yellow shows the original master plan area as designated in 1973. The green area is the expansion area that was proposed as part of this project and that was brought to you and included as the master plan area in October. And then when you directed staff to look at adding properties to reduce the density of the project, that is the pink area here. So it's this area here, in this area here, where one of those springs is located and then these three areas here. So that results in the master plan specific plan well services line all being coterminous? as you see here on all of these maps here and then to my right.

COMMISSIONER HOLBERT: You didn't come to us til December with this whole idea of the rural.

KIM TSCHANTZ: The 2nd hearing, that's correct.

COMMISSIONER HOLBERT: We didn't come to us in October with

KIM TSCHANTZ: October's your first hearing

COMMISSIONER HOLBERT: It was our first hearing but..

KIM TSCHANTZ: The 2nd hearing was January 10th. The staff report was dated December 28th I believe.

COMMISSIONER HOLBERT: Well, we didn't even have this whole idea of this rural

KIM TSCHANTZ: That was at the 2nd hearing that we discussed that

COMMISSIONER HOLBERT: OK, I just

COMMISSIONER BREMNER: But we're not concerned with density with the rezonings right?

KIM TSCHANTZ: The rezonings would not change the density, especially with the suburban residential general plan designation and that's the use of using the suburban residential designation with

that type of single family zoning as it would not increase residential density.

COMMISSIONER BREMNER: So did you look at the need for the expanded RSL then?

KIM TSCHANTZ: The expanded RSL, the only

COMMISSIONER BREMNER: The original reason was to increase the density that it would make sense probably to take in the well and springs into it.

KIM TSCHANTZ: Well, what we also did is we took in the vacant parcels that were owned by Mt. Hermon. That's what we did here, here, here, and here, and so that was a way to reduce the density of the project.

COMMISSIONER HOLBERT: Well, just following up on that, on the rural services line and what exactly does it mean in terms of growth inducement or anything like that? What are the effects, actual effects of approving this rural services line?

KIM TSCHANTZ: There are no effects other than what has been discussed in the EIR

COMMISSIONER HOLBERT: Tell me again what they are, cause I don't remember what was discussed in the EIR.

KIM TSCHANTZ: OK, I might as well as sit down and use the other mic.

COMMISSIONER HOLBERT: Because that wasn't proposed when this project first came out. We didn't even have the proposal for the rural services line until January.

KIM TSCHANTZ: That's correct.

COMMISSIONER HOLBERT: I really just want to understand and what it is we're actually allowing to happen here with the introduction of the rural services line other than some sort of technicality.

KIM TSCHANTZ: The establishment of the rural services line basically is the general plan's acknowledgment that there are urban densities within this area that already exist. It's nothing more than that. The EIR looked at the impacts of this project on water supply, on biotics, on traffic and all the other issues. By designating a line around the project area, the master plan area, and calling it a rural services line does not change any of those impacts that were identified in the EIR. The establishment of the rural services line does not change anything that was identified in the EIR, at this point it's an acknowledgment that there are already urban services.

COMMISSIONER BREMNER: Then why do it?

KIM TSCHANTZ: The reason we do it is because otherwise you would have to rely on policies in the

general plan that are applicable to really rural situations, such as the matrix. We struggled with this as you remember in October. We struggled with it because the rural density matrix is in my words before a very good system for establishing density in conventional situations with conventional rural services in very rural areas and we don't have that here, we had what I referred to as a very unique situation and these unique situations have been acknowledged by the general plan in the past with the rural services line. We had one in Felton, one in Boulder Creek, and one in Ben Lomond. There are some others in other parts of the county but, but speaking of the SLValley, those are the three. Felton happens to be right beside this particular project area. It's the same situation, is heres areas outside of the urban services line. There not areas where the general plan expects growth to be planned for in the future, but there's already existing density.

COMMISSIONER HOLBERT: Well, let me just, just following up on that, cause it seems to me like, you're making my point and that is as a matter of fact it has quite a large impact because unless we do that, we actually can't do this project. So there is a rather significant impact by doing the rural services line. It allows this project to go forward and not use the matrix which if we use the matrix, it causes a whole lot of problems for this project, it doesn't exactly, we can't get there without doing this rural matrix.

KIM TSCHANTZ: But the growth that would be accommodated let's say, as you put it, by the rural services line, is exactly issues that are dealt with in the EIR.

COMMISSIONER HOLBERT: But we're looking at an increase in density and what I want to know is given that there's a certain density that does exist, we have some vacant parcels so is this in any way allow more than it would be allowed if no rural service line were put around them, I mean,

KIM TSCHANTZ: For the vacant parcels, no, because the master plan that you had before you is the master plan that billed out, in other words, that's it. The vacant parcels that you see inside the specific plan area they've shown to stay vacant. And that's what would be allowed there, is vacant use.

COMMISSIONER HOLBERT: So maybe you can tell me, Kim, in the EIR, did it address the issue of the rural services line like that or just those issues? Did it talk about the rural services line?

KIM TSCHANTZ: Absolutely not.

COMMISSIONER HOLBERT: Ok, you gave the impression that there was some discussion in the EIR about the rural services line.

KIM TSCHANTZ: Oh I didn't mean to give that impression. What I did say is that any issue in terms of environmental impact, that would be created, by the establishment of the rural services line around the project area, has already been an issue that's already been identified and discussed in the EIR. In other words saying it a different way putting a rural services line around the project area does not change any of the discussion in the EIR.

0369

COMMISSIONER HOLBERT: Well, right, OK it's just you can see where I'm getting about in terms of the matrix so rural services line. I mean, there is, I feel a very significant impact, I'm not sure that it's worth any more discussion.

KIM TSCHANTZ: We're going to talk about parking lot, and again I'm going to go up to the board. So, as you remember there are 3 new parking lots and the renovation and an expansion of an existing parking lot that's part of this project, but the new parking lot that is required in phase I is the Conference Drive parking lot, which would be located right here or right here on this particular site plan. Now, Mt. Hermon Association is requesting we change the location of that parking lot, They don't own the property where this 11 car parking lot will be located and they thought that might purchase it by the time it was necessary to construct the parking lot but some staff is now recommending that that parking lot be constructed in Phase I, they don't believe that they'll be able to purchase that land in the beginning of the Master Plan Development. I guess I could say coincidentally, at least that's how it appears, the county last year abandoned the right of ways in Mt. Hermon and turned them over to the Mt. Hermon Association, to own and maintain. Part of that included an area across the street from the Conference Drive parking lot which was a very wide area that's never been used for right of way and that happens to be adjacent to Mt. Hermon property, much of which is vacant, and so Mt. Hermon is saying that if we use these areas together we can construct a parking lot that's even larger than the 11 car parking lot previously proposed on the east side of Conference Drive. The new parking lot location would be on the west side of Conference Drive. Here is an enlargement that you see here behind me. I can't get any farther with this microphone. You have a schematic of the parking lot design as the last page in your staff report. Basically it shows about 27 spaces staff believes that even if some of the spaces might be removed to better preserve the root zone of the redwood trees. You'd still get substantially greater than the 11 spaces in the Conference Drive parking lot. So, that's good in terms of providing off street parking. So then what are the environmental issues with this. I've investigated the site on the environmental issues with this parking lot are the same as the environmental issues that the EIR discussed with the other parking lot. There basically are 3, one: preservation of trees, two: geotechnical concerns, stability of nearby slopes and then three: appropriate drainage and erosion control. There isn't anything significantly or substantially different about this site than the other parking lot sites that would make mediation of any of these impacts any different than what's called for in the EIR. In other words these are impacts that are true to all the parking lots including this new location and they would be mitigated by the same. I did ask the applicant to have a geotechnical report, at least an initial investigation done regarding the nearby slope and that was done, or that is an Exhibit in your staff report, That is called Exhibit H in your staff report beginning on page 77, the letter is on page 78 from the geotechnical engineer, Ross and Associates and basically that initial geotechnical investigation is saying as long as they set the parking lot paving back 10 feet from the top of the slope that geotechnical concerns should be alleviated. Because there are no environmental impacts associated with this, and because it would provide additional parking, staff does support this recommended change to the Master Plan.

COMMISSIONER SHEPHERD: Wait, I didn't quite understand, a few seconds ago you said something about there are more spaces maybe there should be a few less to preserve the trees or are you saying that would be part of what would be looked at?

KIM TSCHANTZ: OK. The parking lot plan that we have for this new location is actually more detailed than the parking lot plans we have for any other parking lots. I think that's appropriate cause we really want to make sure that this is a site that works. The applicants show us that they can get 27 spaces, with the plans we now have. But we also know that this is a Master Plan and that grading and building permits will be needed down the line and when we receive applications for those grading and building permits designs will be refined, including the designs for parking lots. It may in the more refined design of grading plans for this particular site they may find they really only get 25 spaces or 24 spaces especially after staff reviews it and says, "You know you really need to delete this one space here to preserve the root zone of the redwood tree."

COMMISSIONER SHEPHERD: Well proving the parking lot, not the number of spaces in it is final is what you're saying?

KIM TSCHANTZ: That's right but what I am saying is that regardless of staff review of the more refined plans there will be substantially more than the 11 spaces that's proposed for the Conference Drive parking lot on the east side of the road. Should I go to the last item. Commissioner Holbert wanted me to look at Phasing.

COMMISSIONER HOLBERT: And Mr. Tschantz, because our December 28th staff report, it had the phases, on page 50, but then,

KIM TSCHANTZ: They've been changed.

COMMISSIONER HOLBERT: I know so do we have anything that is really

KIM TSCHANTZ: Yes, your staff report of today, in the Conditions, we show the Phases beginning on page 35, Exhibit B, page 35, it's more like a box chart. I can go over those.

COMMISSIONER HOLBERT: Well, what I'm getting at is, what I want to get at is, for instance in Phase No. 1, the new auditorium to replace the existing auditorium, what is the capacity of the existing auditorium and what is the capacity of the new auditorium?

KIM TSCHANTZ: The capacity of the new auditorium will be in the area of 700 seats. The capacity of the existing auditorium, if you use the footprint that the new auditorium will use, which includes the existing covered part of the auditorium and then the overflow area which is like a patio area, we believe is comparable to that. What now, what I say we believe you notice, there's no actual seats on the patio area, but if you put chairs in the patio area which we understand happens quite frequently at major events, you should get about 700 seats.

COMMISSIONER HOLBERT: So we're replacing 700 seats with 700 seats?

KIM TSCHANTZ: Well more or less, I mean it might be a difference of 25 or something like that.

0371

COMMISSIONER SHEPHERD: Part of the water improvements equate with the phases,

KIM TSCHANTZ: Shall I go through the phases?

COMMISSIONER HOLBERT: Actually let's go through the phases and I'm interested in what it is that providing in terms of density, infrastructure here. What's there now and what this proposal really is? It's hard to understand.

KIM TSCHANTZ: Let's go through the phases, I think it might also be useful to understand what are the prerequisites that the applicant needs to complete before they can do anything in that phase. Let's begin with Phase I as you can see on page 35, Phase I does not include any lodging facilities. What it includes is an already built building, _____, we talked about that in October, the replacement auditorium, the renovation of one of the parking lots, the construction of this new Conference Drive parking lot that I was just talking about and then also the relocation and renovation of the Central Lounge.

COMMISSIONER HOLBERT: What is that? How many does that hold and how much bigger is that?

KIM TSCHANTZ: The Central Lounge, it's going to be the building that is now located near the auditorium. It's going to be picked up and moved, so I don't think the capacity is going to be changed.

COMMISSIONER HOLBERT: So there's no net?

KIM TSCHANTZ: So, what do they need to do before they can even get a grading permit or building permit for one of those things? No. 1 they need to implement the water conservation plan that we talked about earlier. Secondly they need to submit a comprehensive biotic mitigation plan for staff review and approval and that's the one that answers all the mitigations for biotic impacts. Third, they need to provide an overflow parking area basically part of the recreation field is going to be used for that, Fourth, they need to conduct additional archaeological research with the goal of recording to historic sites, and that is a mitigation measure out of the EIR, Fifth, submit a maintenance plan for the maintenance of certain road cuts that are susceptible to land sliding that's a mitigation measure. Next we name the Ministry Center, the Newt Memorial Building, which they have done and there is a picture on the wall to my left, right there that shows that. And lastly withdraw the permit application for the third conventional well, you remember this project included also a conventional water well. That would all be done before Phase I and what you get in Phase I is again the uses that I mentioned which are not lodging uses.

COMMISSIONER HOLBERT: So, but before they can go down and get any building permits they have to have implemented this water conservation and so how is that going to work, Kim? How much time do we need to know that it's really working? I mean you can say they are going to do a water conservation plan but you really don't know if it's successful until a certain amount of time has passed. Well, I think we'd want an interim report from them that shows that they are reaching certain

objectives.

KIM TSCHANTZ: Remember this, when we say implement we don't say achieve all the objectives of the water conservation plan.

COMMISSIONER HOLBERT: Well, what does it mean then? I don't know.

KIM TSCHANTZ: Well, the water conservation plan was provided to you in your October report and it has certain things, do you have your October reports? That would be on page 120. And there are certain things that they would be doing. One of them, if you look on page 122, is implement a leak detection program. Looking for leaky pipes. Well, they can do that immediately. I mean that's something they can do, they can show us what repairs they've made, they can give us information on how much water they're saving. You know one month compared to another month, if it's an interim report. And that would be one example of implementing water conservation plan. I would hope that that interim would also show us some progress on some of the other things that they would be doing. Like on page 123, landscape management, where they're going to do some water conservation practices on just the landscape irrigation and I could go on and on with other things.

COMMISSIONER HOLBERT: I mean that's very fine, I would think that's really good, I just am unclear about when they are going to feel they have the right to come in and get their permits cause I think it's not real, that part isn't really clear to me, it's really subjective though. Mr. Durkee?

TED DURKEE: I just want to insert that from my standpoint since Phase I does not include any expansion of anything, that's my understanding from what you said, I'm not concerned whether the water conservation plan in fact actually is working up to snuff yet.

COMMISSIONER HOLBERT: Well I agree. I agree. So that doesn't make a lot of sense to me cause that just keeps them from doing Phase I and it seems to me like the implementation thing when it could kick in is before they get anything on Phase II. Then you have some history. Then you have some records then you have something to actually be working with, otherwise I just think you get into trouble, but OK.

COMMISSIONER SHEPHERD: What was your thinking on making that need to be implemented before Phase I. The goal being being to see what's going on by Phase II. How will that work better?

KIM TSCHANTZ: No. I think that water conservation needs to be started now and it also gets the Mt. Hermon Association thinking about meeting the goals of the water conservation plan pretty immediately. Now the goals of the water conservation plan have to be met prior to another phase in this and we can talk about that as well.

I don't think this is going to be hard for the association to do, the gentlemen testified at our last meeting that they are already doing this stuff. They are just going to do more of it. They're going to do it better hopefully, and they're going to save more but they are already doing it and I would say hallelujah get with it, do it.

0373

COMMISSIONER HOLBERT: OK, so we can go on to Phase II, we can talk about this later.

KIM TSCHANTZ: OK, Phase II is again on page 35 of your current staff report for today. You can see it includes the walking path around the recreation field. It includes some buildings, a building near the recreation field which is that pavillion amphitheater, the miniature golf course.

COMMISSIONER HOLBERT: And what is the, OK the pavillion amphitheater, that doesn't exist now?

KIM TSCHANTZ: No it does not.

COMMISSIONER HOLBERT: And what will be the capacity there?

KIM TSCHANTZ: I don't know what the capacity is because it's a day use activity building, it's not one that has beds or set chairs or anything like that, it's not an auditorium, it's not a lodging facility.

COMMISSIONER HOLBERT: It's this amphitheater, do people sit there?

KIM TSCHANTZ: Oh, yes, the amphitheater, yes people will sit there and I'm corrected, I was thinking it was another building. But I don't know the capacity of it. I will have to look at another staff report to get square footages for some of these. So what we did in the EIR is we looked at square footages and where there were lodging facilities, that we also looked at.

COMMISSIONER HOLBERT: Well I'm interested in density so I, it gives me some idea.

COMMISSIONER BREMNER: Madam Chair there's no living units in that, you know there's no beds.

COMMISSIONER HOLBERT: There's use, there's a new use.

KIM TSCHANTZ: OK the pavillion amphitheater is 4840 square feet.

COMMISSIONER HOLBERT: OK

KIM TSCHANTZ: The new miniature golf course covers an area of 2840 sq. ft. but that's not impervious surface. Now let's go to the lodging facilities. There's the only 2 types of lodging facilities that are proposed in Phase II. One are 8 new cabins at Redwood camp to replace the 20 existing cabins but these 8 cabins are going to be larger. It's going to increase, the bed count by 28. So at Redwood Camp we have 140 beds now, they'll be 168 beds with the all the lodging facilities.

TED DURKEE: Madam Chair, cut the suspense, I'll just tell you as we go along, when you come to Phase II, where you talk about things that are net increases in beds, I'm not going to support that.

KIM TSCHANTZ: The next we have the new black cabin, which would replace the storage shed. I just wanted to keep the lodging facility together here in my discussion to facilitate things for you all. So that would be an increase of 6 beds there. From no beds to 6 beds. Then back to Redwood camp, we'd have a new sports pavillion to replace an existing paved area and that sports pavillion is the one we that we had the visual layouts this time for last time. And then we'd also have the existing dining hall at Redwood Camp would be expanded. Now the sports pavillion at Redwood Camp, the size of that would be 8960 sq.ft. And the expansion of the dining hall would be 882 sq. Ft.

COMMISSIONER HOLBERT: Ok, and how many more people would that provide for?

KIM TSCHANTZ: OK, in terms of lodging facilities under Phase II, it would be 34 new beds.

COMMISSIONER HOLBERT: How many more people were going to replace expansion of the dining hall?

KIM TSCHANTZ: That's just to serve the 28 new people that would be lodged at Redwood Camp.

COMMISSIONER HOLBERT: So that's 28 seats?

KIM TSCHANTZ: Yow, Redwood Camp has new cabins that would accommodate 28 more beds and those 28 users of those beds would be accommodated in the expansion of the dining hall.

COMMISSIONER HOLBERT: And then the new sports pavillion is 8960 square feet and the 882 sq.ft., was that the dining hall?

KIM TSCHANTZ: That's right. And then you'd have a parking lot, the upper parkway parking lot which would be a 36 space parking lot. So that would be in Phase II. Now what must they do in Phase II before they can actually get a grading or building permit for any one of those uses. First they would need engineer review and design of pump sizes for the waste water system in the sewer. This came out of the EIR making sure that it's adequate conveyance from the source of waste water to the treatment plan. Second, increase the size of the community leach field according to the regional water quality control board requirements if indeed that agency does require increase in the leach field. Third, notify both county planning and county environmental health services when any permit application's made to the regional board for that purpose so the county can be in the loop. We can be a player. And then lastly and this is one that I've added, submit a progress report on condition compliance during Phase I to county staff for review and approval and then county staff places that condition compliance report on your agenda.

COMMISSIONER HOLBERT: OK Mr. Tschantz just so we understand this, this condition. I think this critical condition here and that is how successful water conservation has been before we go onto allow anything in Phase II. So, the way it works is Mt. Hermon gives you a report, you look at the report, you put it on our consent agenda and then if one of the commissions this is totally unacceptable, then what happens? Let's just go to the worst case.

0375

KIM TSCHANTZ: Your commission would setup for hearing, you would let staff know why it's unacceptable so staff would have some direction as to what to work on when it came back to hearing. A public hearing would be held. Hopefully staff would be answering your concerns if that meant that Mt. Hermon needed to change the format of the report or change their analysis or do different things. Let's hope that would all be done before the hearing.

COMMISSIONER HOLBERT: OK, now in terms of the report and Mt. Hermon is just going to produce the report. Is there any oversight on the production of the report. How do we, you know it's like we're letting the applicant give their own report so, I mean they are going to put the best Phase forward so what is the oversight on this?

KIM TSCHANTZ: It would be done in the same way that we did it for the Pajaro Valley Water Management Agency project. Remember the condition of compliance report was brought to you last month and it would be done in the same fashion where the applicant would be responsible for preparing the report. Staff would review it, make sure that it was acceptable in staff size. What we did with Pajaro Water Management is I shot the report back to them first time. You didn't know that, I'm telling you now because it was not acceptable. And what we got was a second report that was acceptable, so those type of things happen.

COMMISSIONER HOLBERT: OK, well just following up on that let me ask Counsel, for instance if say we were to go ahead with this project and we approve this project the way it is, and we get to Phase II we get a report that we just don't think is good enough, so we don't think that they should move on to Phase II. What kind of vested rights do they already have if we approve this project the way it is today in terms of moving ahead with the project? I've seen this kind of thing before where we approve a whole project then we come back and things aren't quite right but they're saying, hey ya know we did all this other stuff, we're entitled to this even though there's a condition like this. I want to make sure that it's a really enforceable kind of condition. Is what we've got in our staff report, something that can be enforced that way?

JIM LEWIS, County Counsel: I think that the critical document would really be your conditions of approval, and I think that maybe Mr. Tschantz could help point me to some of the relevant conditions, but I think if this is the concern that it would be prudent for the commission to identify performance standards that it would insist upon at these stages and incorporate those specifically as conditions into the conditions of approval. I don't think we quite have that specificity now but that's something that would be certainly within the discretion per view of the commission.

COMMISSIONER HOLBERT: I think that's what is bothering me. We don't really have in our conditions, I mean correct me, I may be totally off here about performance standards.

KIM TSCHANTZ: We rarely put those in permit conditions because as lengthy as the permit conditions already are, they would be about 4 times longer so instead we usually put those in the mitigation monitoring and reporting program which is Exhibit C to this permit. If you look on the 2nd page of your permit conditions you'll see, beginning on the first page, you'll see exhibits. And on page

34, Exhibit C, is a mitigation monitoring and reporting program and that was provided to you with your October staff report and if you have that we can look at that if you wish but that does have I think the performance standards that you're looking at, the MMRP's do say whose responsible for implementing, what implementation consists of, successful implementation, and how you will report it.

COMMISSIONER HOLBERT: Tell me where it is and I want to know what they are because quite frankly Kim I thought, I really came into this hearing hoping that we were going to get this done before noon but it's like we've got so many reports that we have to put together that it's just difficult to get a handle on and I want to understand what the performance standards are and what they're going to be required to do cause I

KIM TSCHANTZ: Yow, this is a, what we always do with projects that have EIR's. If you have the October staff report. On page 77 of the October staff report, that's the mitigation monitoring reporting program and this was put together by the consultant. And by the way this is a document that you would be, if you choose to certify the EIR you'd also certify this along with it.

COMMISSIONER SHEPHERD: I want to ask County Counsel if we go in this way of putting it together where these conditions are in, specifications are in the mitigation monitor report, does that the same specificity that you were saying we might want to put in the conditions or would you still recommend that they be moved?

JIM LEWIS: What I was recommending was that the conditions more specifically and at least incorporate and refer to specific performance measures that you wish to see being met before moving on to any new phase. Mr. Tschantz is certainly identifying correctly the mitigation measures and monitoring program, however those would not operate automatically to provide you the authority to stop this permit or this project. That authority would be grounded in your general ability to modify or revoke a permit, but those grounds are somewhat more narrow and you have an opportunity at this juncture specifically if for example we're talking about water usage or other related issues for you to be very specific in the conditions of approval, as to which of the performance measures you insist upon being met prior to entering into a new phase of the permit. That I think would address the concern that Commissioner Holbert had raised about any possible dispute over vesting of rights in the future.

COMMISSIONER HOLBERT: I want to make sure that we have some ability to stop this project for this working and right now am just not feeling that confident that we do.

COMMISSIONER TSCHANTZ: We do have a permit condition that speaks to that and maybe later on we can look at that and see if you think it might need to be revised or modified to be stronger. But right now we're looking at the monitoring program and you wanted to look at an example of that and maybe we could just look on page 79 of your October staff report, to see for example, here's a mitigation measure 4.3-1 dealing with air quality during construction. And the columns to the right show you who's responsible for implementing the mitigation measure, who's responsible then next for doing the monitoring and you can see that it's county planning, the project planner, the area resource planner, building inspector that does the monitoring, what the monitoring method is and when the

monitoring milestone is met. And then we would have a field version of this MMRP that we'd actually use in the field to actually record when things have been met and when they haven't.

COMMISSIONER HOLBERT: Well then let's go on to the water, maybe you could give us an example of the performance standards.

COMMISSIONER SHEPHERD: By the way Kim, this condition that you added just says submit a progress report to County planning staff, it doesn't say anything about it appearing on the consent agenda on the planning commission.

COMMISSIONER TSCHANTZ: No not here it does in the permit conditions. The MMRP is a very lengthy document and to incorporate that in the permit conditions is possible but it's rather cumbersome so that's why we've called it Exhibit C of the permit conditions. But now if we can look at hydrology and water quality issues

COMMISSIONER SHEPHERD: talking about the permit conditions, the one that came with this staff report unless, just help me out, I want to make sure I'm understanding what you said, I'm looking at Exhibit B, revised conditions

KIM TSCHANTZ: OK, do we want to diverge from the monitored report. Now let's look at your permit conditions for today's staff report, page 59, in shadowed type, there shall be a review of condition compliance and mitigation monitoring by the planning commission prior to commencement of Phase II and again prior to Phase III. After MHA has submitted a progress report on condition

COMMISSIONER SHEPHERD: I can read that, but how does that relate to page 41? It says submit a progress report to the planning staff, describing

KIM TSCHANTZ: Yow, and then it says refer to condition Roman numeral 12B below and that's what I was just reading on page 59.

COMMISSIONER SHEPHERD: This is not clear as mud you know!

COMMISSIONER DURKEE: I'm not understanding how we got to where we are from when we were going through the phasing. Now what's going on?

KIM TSCHANTZ: Yes, I've been asked to diverge.

COMMISSIONER DURKEE: Undiverge and get back to phasing please

COMMISSIONER HOLBERT: Well, just one last thing Mr. Durkee and that is one more divergence and that is just show me where it is on this mitigation monitoring, just an example of the water stuff.

KIM TSCHANTZ: Ok, in going to that document.

COMMISSIONER HOLBERT: And the reason we're doing that is because we're looking at Phase II and what the conditions were before they could begin Phase II and the conditions before they could begin Phase II where what I'm talking about right now in terms of what it is that we're going to require them to do before they can go on to Phase II.

COMMISSIONER DURKEE: Well that was my next question, was where does water come into this?

COMMISSIONER HOLBERT: That's going to be one of the conditions that they implement the

COMMISSIONER DURKEE: Before Phase II aren't they going to do anything about the springs and all that stuff that we spent all morning talking about.

KIM TSCHANTZ: I have that recommended before Phase III but we could easily put it before Phase II if she desires.

COMMISSIONER SHEPHERD: Where is it in the mitigation?

COMMISSIONER HOLBERT: Just stop, let's go back and we'll get to both of those, but we were on a track in terms of the monitoring program.

KIM TSCHANTZ: OK, we'll do that first again we'll look at the MMRP document in the October staff report going to page 87. This begins impacts on hydrology and water quality. Mitigation measure 4.1-7, it talks about implement the alternative water supply alternative, who does that? Well there's a conservation plan preparation that's done by Mt. Hermon Association. And then secondly below that there's another part, there's another component to that, and that is to design the alternative water supply, the diversion system. Who monitors that? County planning, the project planner.

COMMISSIONER HOLBERT: I see that and I think this is illustrative of the fact that our monitoring system doesn't really address our concerns of conditions that we need to put in for this to come back to the planning commission to have some clout on whether this project goes forward at that time. So I think that just illustrates the point this mitigation monitoring that we have here really is not complete enough for us, but OK. So we're on Phase II, we were on what it is that, how much it's going to increase, and what the conditions are before they can go on to Phase II. Mr. Durkee?

COMMISSIONER DURKEE: Well, I guess my question is then, my comment is that as you have proposed it, nothing will change on the water situation for seven years. Is that right?

KIM TSCHANTZ: No.

COMMISSIONER DURKEE: Phase I is 1-2 years. Phase II is 3-7 years and after they've done Phase II, which is 7 years then you're going to ask them to start diverting water out of the spring and all that stuff. Isn't that right, isn't that what you said?

KIM TSCHANTZ: It's partly right, but if I could answer, they will be required to implement their water conservation plan before they do anything in Phase I, we know that. And we do also know that before they can do anything in Phase II, that they'll need to submit a compliance condition compliance report, to not only staff but to your commission. And that will be looking at how they have addressed every one of those conditions that are at least applicable at that point and time in the permit. And one of those conditions is going to be the one on water. I'd have to turn to it, I could do that.

COMMISSIONER DURKEE: I just thought I heard you say that you were going to ask them to do something on water before Phase III, not before Phase II.

KIM TSCHANTZ: OK. Let's maybe backup on this discussion. There's 2 components to the water conservation, or the water supply alternative. One is the water conservation plan, the other one is the spring diversion and into storage tanks or wherever you want to put it, OK. The water conservation plan needs to be implemented before Phase I, anything in Phase I. The goals of the water conservation plan to achieve a savings of 7.5 acre feet a year must be achieved also before a certain phase. We have it recommended before Phase III because that's where the lions share of the new lodging is. I don't think it makes any difference if your commission decides to put it before Phase II, because Phase II there are some lodging facilities, there's 34 beds but in either way the goals of the water conservation plan must be met before construction can occur on certain phase. You choose, let's say, OK? In addition to that, the applicant must also provide designed drawings permitting for the diversion component of the water supply alternative. We recommend this is done and constructed and in place with all the appropriate approvals before they obtain any building permit or any grading permit for Phase III, we think that's appropriate because Phase III is not only where the majority, the vast majority of the lodging facilities increase is, but it's also where half the development is of this whole Master Plan.

COMMISSIONER HOLBERT: Let's go through what really happens in Phase III.

KIM TSCHANTZ: OK, going back now to today's staff report and the conditions page that talks about the phasing, let's look at page 36. What we get in Phase III is a new activity center, near the recreation field. We get a new village center that really consists of 2 buildings that will house several uses.

COMMISSIONER HOLBERT: Let's talk about the new activity center for a minute. How many square feet is that, what is that, what is that,

KIM TSCHANTZ: OK, the activity center which is the one by the recreation field. You'd like to know the size of that.

COMMISSIONER HOLBERT: How many people is that going to hold and

KIM TSCHANTZ: Well again this is not one based on chairs or beds, so it's size is 28,480 square feet.

COMMISSIONER HOLBERT: Well that's fair size.

KIM TSCHANTZ: OK, now you know when I've given you these square footages, please understand that I've given it to you in terms of stories, not necessarily footprint.

COMMISSIONER HOLBERT: I understand that and I can sort of figure out how many

KIM TSCHANTZ: So for example the new activities center, the size I gave you of over 28, 000, the footprint is 12,500.

COMMISSIONER HOLBERT: I'm concerned about growth.

KIM TSCHANTZ: The village center, it is 8,650 square feet and as you remember that will house the post office and a few other things. Then there's 2 parking lots, the Forest Lodge parking lot which most likely will accommodate 29 spaces and the lower parkway parking lot which will accommodate 31 spaces and then there's the following lodging units. There's the new Toyon cabin, which will increase lodging by 8 beds. There's the new Heather cabin, that will increase lodging by 6 beds. There's a new Lakeside Lodge to increase by 60 beds and the new Forest Lodge which would increase 82 beds. Now to be fair we should also remember that some of these lodges are going to be replacing dwellings that also have habitation in them too. So for example, the new Forest Lodge that I mentioned that will have 82 beds, it will replace 6 dwellings, so.

COMMISSIONER DURKEE: If we plussed and minused out between Phase II and Phase III we get from 702 to 886, right?

KIM TSCHANTZ: Between 2 & 3, no, cause that forgets the 34 beds in Phase II.

COMMISSIONER DURKEE: That's what I just said.

KIM TSCHANTZ: OK, I'm sorry I didn't understand that. We have 702 beds now. They'll have 886 beds at build out, at the end of Phase III.

COMMISSIONER HOLBERT: OK, now understand it before they can do this,

KIM TSCHANTZ: Before they can do anything in Phase III, they would have to do everything in condition Roman Numeral V, which is on page 41 of your staff report in your conditions. They have to obtain any required approvals from the national marine fisheries service in regards to diversion of the springs. Second, they have to submit written documentation showing the objectives of the water conservation plan have been met that means reducing domestic water use of not just Mt. Hermon facilities, but all Mt. Hermon community by 7.5 acre feet per year and again this is a condition that maybe could go in front of Phase II rather than Phase III. Third, submit plans for spring diversion and piping to tanks to planning, environmental health services and the state department of health services, complete construction of all that water supply infrastructure. Next obtain a well permit for the 3rd well and it must be designed for injection as well as recovery. And next having a historic commission review of the Forest Hall replacement, as you remember the village center would result in the replacement of

the Forest Hall building. And then lastly, submit a progress report on condition compliance during Phase II to staff that would then again ultimately go to your commission.

COMMISSIONER BREMNER: Madam Chair, in that G there, the progress report would be based off of the mitigation monitoring plan, to see how staff would come with the conclusion of whether they'd met those permit conditions or not.

KIM TSCHANTZ: That's right, that's what the last condition of your permit conditions say under the heading mitigation monitoring..

COMMISSIONER HOLBERT: But the only thing that we have in the mitigation monitoring, I mean unless we have more specific, that is something I think we need to work on, we need to work on specific conditions, it's a little open-ended there. In my opinion, my point of view.

COMMISSIONER DURKEE: Madam Chair I just want to, I intended to do this in the first place, I would have been better off if I had. I'm going to recommend for whatever it's worth, enough of a different way to handle this matter that I'm not going to get involved in any more of this now, I'm going to wait until we finish the public hearing and the matter is closed. We'll bring it back to the commission as for discussion and consideration among the commissioners. There's no point in my getting into it any more.

COMMISSIONER HOLBERT: I just want to understand, cause I don't think we had a really good discussion about what exactly the whole project entailed. Now I think I really understand the phases, I understand the kind of density, the increase in beds, etc. So, thank you very much Mr. Tschantz. And with that I will open the public hearing and do want to say we are going to take a break at 12:00 noon and we are going to come back at 1:30 pm, so, sorry about that. So is there anybody that would like to address the commission? And I hope you would keep your new comments with information that's come up today, we've heard from a lot of you before, but please come forward if you have something that you'd like to share with the commission. Thank you.

PUBLIC HEARING OPENED

SHERWIN MCKENZIE, 37 Forest Road in Mt. Hermon: Previously wrote to the commission expressing he and his wife's concerns regarding the proposed 6 forest lodges for 90 guests along Forest Road and the lodges 29 vehicle parking lot. Our particular concerns that the parking lot driveway would enter Forest Road at a dangerous corner below our property at 37 Forest Road and the traffic to and from the lodges and the parking lot would overload Forest Road, a single lane road and create hazards for residents of and visitors to Mt. Hermon and the general public. The planning department has sent you a report dated December 28, 2000 which addresses various issues including our concerns. The report concludes that the proposed Forest Lodges would generate a maximum of 22.5 daily trips which would be about half the 40 daily trips generated from the four existing single family dwellings which will be removed to make room for the lodges. We disagree with this analysis. The proposed lodges will accommodate up to 90 guests served by a 29 vehicle parking lot. In contrast, 3 of the existing single

family dwellings are small structures of about 400 - 600 square feet, probably single bedroom, with 1 or 2 residents each. The fourth structure is about the same size and has been abandoned for years. The traffic to and from the lodges and their parking lot will doubtless follow the present pattern of people attending events at Mt. Hermon where guests arrive over a period of a few hours one day and depart several days later over a period of a few hours. On those days when the parking lot fills and empties there will be at least 29, not 22.5 vehicles added to Forest Road, and this assumes that the vehicles do not leave the lot the same day to make local trips. We are not familiar with the ITE standard trip rate for single family dwellings which was applied to the dwellings in question on Forest Road to reach the 10 trips per day growing figure. However, we question whether it should be applied to small dwellings. The busiest neighbor we have is a couple with 2 teenage children, she tells us that she and her husband average about 8 trips per day on weekdays, much less for the weekend. Further more there is a proposed loading zone for the lodges on Forest Road just north of the parking lot driveway. We foresee a traffic jam similar to that at Airport loading zones at that point on Forest Road with guests seeking to load and unload their luggage and passengers closer to their lodge than the parking lot. This traffic generated by these lodges will occur on a single lane road where in order to pass another vehicle, someone has to find and pull out into an open parking place in front of a residence to make room for the other vehicle. Our fear is that fire, medical, or police emergency will occur during one of these congested periods and the emergency response will be delayed unnecessarily at a time when a few minutes may make a difference. We also disagree with the planning department's report conclusion that if the exit from the parking lot is graded to the extent feasible to increase visibility, a speed bump is installed on Forest Road to slow downhill traffic and a mirror is installed to increase visibility, the driveway will be satisfactory. These proposals will improve the situation but not solve the problem. Much of the traffic on Forest Road is children on bicycles, scooters, skateboards and the like and they frequently travel too fast for their own safety. A speed bump is easily avoided by these children or sometimes enjoyed as an opportunity to get an exciting liftoff. It is therefore our view that if the Forest Road lodges and their parking lot are to be built the lodging should be located and if necessary reduced in size and capacity so that access to the lodges and their parking lot will be from Conference Drive and the 2 lane main road from Mt. Hermon conference center. Thank you for your attention.

COMMISSIONER HOLBERT: Thank you very much and it looks like we've about reached our lunch break unless somebody has something that's going to take one minute, but, if you can't do it in one minute we're going to break for lunch.

COMMISSIONER BREMNER: Madam Chair I actually have one item that will take one minute. Do you really think that we're going to have a chance to get to Item H-3 which is the Masonic Club, today? Is that worth trying to continue that if there's no reason, so they don't have to stay here until 5 pm. Since this is going to take several more hours.

COMMISSIONER HOLBERT: I imagine they are already gone, so no I don't see any point in it, cause I foresee that we have a long public hearing after this one, so.

COMMISSIONER BREMNER: So maybe at 1:30 we can continue that?

COMMISSIONER HOLBERT: We can continue at 1:30 pm. They will be back. Ok, we'll be back at 1:30 pm.

COMMISSIONER HOLBERT: The afternoon session of the February 14, 2001 planning commission to order. First order of business is to look at our schedule for this afternoon and determine what is actually going to be possible for us to do. So commissioners, does somebody have some kind of idea about what it is we can actually accomplish by 5:00 today in terms of our agenda? Mr. Bremner I think you had a suggestion about Item H-3.

COMMISSIONER DURKEE: Realistically we're not going to get there.

COMMISSIONER HOLBERT: Realistically we don't think we're going to get to H-3 so we think it would probably be better at this point to continue the item so that people don't sit around here all afternoon. Of course you're very welcome to stay it's going to be a good program, but.

COMMISSIONER BREMNER: What do we look like in 2 weeks?

CATHY GRAVES: In 2 weeks we have 4 scheduled items including 2 general plan amendments from the advanced planning section, a minor land division on Moran Way and a subdivision called Atherton Place.

COMMISSIONER HOLBERT: Well, at some point we've got to catch up here. How do commissioners feel about doing a day session and going into a night session if we need to do that?

COMMISSIONER BREMNER: Today?

COMMISSIONER HOLBERT: Not today.

COMMISSIONER BREMNER: Next time.

CATHY GRAVES: Would you like to have the Atherton Place item placed in the evening?

COMMISSIONER BREMNER: Have you already published the agenda?

CATHY GRAVES: I don't believe it's actually gone out, but it's very close.

COMMISSIONER BREMNER: This item should get probably

COMMISSIONER DURKEE: Put this one on first and then just go.

COMMISSIONER HOLBERT: Put this one on first and then we'll just go and we'll have an evening session if necessary.

CATHY GRAVES: ok

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COMMISSIONER HOLBERT: So, do I have a motion about Item H-3?

COMMISSIONER BREMNER: Move to our whatever date that is.

CATHY GRAVES: That would be February 28th.

COMMISSIONER BREMNER: February 28th.

COMMISSIONER HOLBERT: Do we have a motion to second to continue Item number H-3 til February 28". All those in favor please signify by saying "Aye". Aye. Those opposed. Motion carried and so ordered.

We are finished with the staff report. We are now in the Public Hearing phase of this. Is there anybody here who wants to address the commission.

RUTH KYLE, 5 Buckeye resident for 37 years: She's concerned about the sewer plant. She's told them before, that's it's in her residential neighborhood where she frequently smells the odors and it's a problem. Even with the current number of conference people I shutter to think what it will be like if the conference center adds any more to the flow and I understand they feel that this can be done. I was wondering could this odor problem be eliminated by putting a cap or a top on the septic tank? I would really like to see if that could be done. Our home is at the intersection of Forest Road, one of the 2 access roads into the park and it's subject to landslides. Both Forest and Summit Roads in Conference Drive exit into Graham Hill. But whatever the real number of conferees that Mt. Hermon brings into the park, the traffic has increased each year. Our front gate opens into the traffic and it's necessary for me to put a lock on the gate to protect our grandchildren when they come to visit. I'm also concerned about the water situation. It seems like all morning I've been hearing them dance around this, the way to take water and put it back into the aquifer. We moved there when the streams were there and the water was good. I never understood why they had to dig for wells and I think it would be great if we could have it again to drink. But I'm really concerned about if we put it back in, can this harm other people in the area that drink this water. As a former district supervisor stated to us, that Mt. Hermon Association owes it's water system to the private residents. I think that we should be more considerate of our neighbors outside the park and consider what an impact this will make on everyone around us. The traffic, the water, and even the odor. But thank you for letting me share these concerns and I appreciate you, the way you are asking questions too. Thank you.

COMMISSIONER HOLBERT: Thank you. Next speaker please.

BIRNEY DEN, 22 Acacia resident: I am the current president of the Mt. Hermon Home Owners group and I feel that our 4 officers on the executive board of the Mt. Hermon Home Owners group represent the vast majority of the property owners and residents in Mt. Hermon. We have made into the hundreds of telephone calls way back prior to the October 1st hearing, all during the time the environmental impact report. We have sampled and sampled property owners and residents all throughout this process

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and I feel that my group, the 4 people on the executive board, do in fact truly represent the majority and the vast majority of all property owners of Mt. Hermon. Planning, planning, planning, planning is the key word of the decade and I would like to compliment the planning department for untold hours of work in this long term plan into this 15 or 20 year plan. Kim deserves a great amount of praise for his input and work on this. It's really been a major planning. I'd like to commend the people who made the EIR report. They entered into every conceivable problem with this master plan and studied it, looked at it, and I think they made an excellent report and I commend them for their input in this. I believe, and we believe that there's been quite adequate protections to the only environmental aspects of the report, I think that they have been in great detail in almost every conceivable problem has been addressed and looked at and to the most part, mitigated and I would like to say in this planning, in this long term planning endeavor that we're now in, that we know and realize that every spade of dirt, every building, every parking lot, every revision and addition will be under the strict permitting process from the county. We realize that and that is a great protection for the county, for us, for the whole area. And the property owners respect this and see this as a great protection for the entire Mt. Hermon park. That all building will be stringently permitted as this plan goes forward. You have in your packet, we submitted a resolution prior to the last October meeting and I believe that's in your packet and even with the addition of this 7th water plan we as the property owners can go along with that and with all the minor revisions that have taken place, we support on approval the use permit and the master plan. And thank you very much.

COMMISSIONER HOLBERT: Thank you. Is there anyone else who would like to address the commission?

ROGER WILLIAMS: I think most of you know of me by now. I have the privilege of being the executive director of Mt. Hermon. Rather than take any time to go over any issues that we've talked in prior times in depth about, we huddled over this lunch period to ask ourselves how can we work to be even more responsible in the whole area of water use and I just want to be honest with you, we always get a little nervous when we try to place our neck on the line here a little bit, but we think we can do this and here's just a thought as you head into the markup session on this, this afternoon. We looked at the Phase II. This goes back to some of Commissioner Durkee's comments. We looked at Phase II which has a 34 bed increase. We had our engineer here calculate, based on 100% occupancy. Now we've never hit 100% occupancy so we've never hit close to 100% occupancy. Originally about 60%, somewhere in that ballpark but let's take the worst case analysis. 100% occupancy, 34 beds, and based on the formula, it comes out to less than 2 acre feet per year. What we'd like to suggest is we're willing to allow the condition which is actually condition 5B, on page 41, of your staff report, which is a condition that says we must verify 2 years of having saved 7.5 acre feet per year. We're willing to allow that to be moved into part 4, which means before we ever build a single bed, we have to show you that we can save for at least 2 years, 7.5 acre feet per year which means, in a sense that there's a 5.5 acre foot addition or savings being achieved before we do any kind of expansion. And so I just, I wanted to offer this to you as we move in. We're comfortable although we know it's going to be a stretch, we're going to put one of our... civil engineer, Dale Pollack, will make that a major focus of his energy and work very hard to see if we can achieve that water conservation savings quicker than originally configured here. Thank you very much.

COMMISSIONER HOLBERT: Thank you. Is there anyone else?

UNIDENTIFIED MAN: I would like to say to the Home Owners Association, very close to my heart. I was one of the founders of it in 1983 and I know the people in that park and what you heard earlier is, I wish it were true. We had a far more responsive organization at the time I was there, the decade I was there either as president or vice president. But no where near, the independent people of that park, most of them don't even know that this is taking place. That's the truth and to get them involved is something else again. We are in touch and the folks that I have talked with, which is quite a few, they are very concerned, especially about the water and traffic, obviously cause that's what we see. I wanted to address this matter of the numbers; 875 is the current number that Mt. Hermon has of beds, capacity in the project area. This is, you have a picture of this in the album I gave you and that is the figure that Mt. Hermon has attimately upheld to us for the time we've been there, present in the Home Owners, the whole thing. 875 they've already got. Our contention with Mt. Hermon through the years was, would you please abide by the 875? Don't go into 1100 & 1200 as they're doing. That was where, that was our pitch for many years. Please abide by the 875 which you advertise and you have the picture of it, that I submitted, the whole album. They already have 875, they have a lot more than that friends, but 875's the legal and they've got that, all of that. I wanted to mention the monitoring, please watch that. Foxes in the henhouse are all over the place. I was down single lane Forest Road to help my neighbor, McKenzie. His testimony, that the single lane road Mt. Hermon owns a lot of that property. They park vehicles up there. There was 7.5 feet, I kid you not, I stepped it off, my feet are big so maybe it was 8 feet. But between a redwood tree and the parked traffic of Mt. Hermon Association Conference, there's no way a fire truck or an emergency vehicle's going to get through there. And ladies and gentleman, we have enough if you can eliminate the expansive aspects of this we would certainly appreciate it very, very much for the people who live there to keep this in tow because it's just going to mushroom terribly and in this report I did address issues of the infrastructure. Our roads are terrible, we think our money should be spent on that. Our water system as I mentioned earlier is in total disarray, leaking all over the place. It needs replacement badly. There's just so much infrastructure here, fire prone buildings. I don't know what this talk is all about, I tell you it sounds like a strange world. But Mt. Hermon has a lot of money obviously and I think they could very easily use it to clean up the plate that they already have and work on their infrastructure before this goes any further and I would ask you not to approve this master plan at all, to put it on the table until some of these other infrastructure things are addressed. Thank you.

COMMISSIONER HOLBERT: Thank you. Is there anyone else?

ALDEN JOHANSEN: I'm the director of operations at Mt. Hermon. I'd like to address the figure that was mentioned of 875 beds. Apparently from what we can tell by what was just said, this number was arrived at by looking at a sign that was on the mall, that was there for public relations purposes. It was a description that was descriptive, put up there about 10 years ago, and it consisted of the reference to the capacity of the conference center at 700 and the capacity at the Redwood Camp of 175, so if you add those together you get the 875. We looked into this because when it was brought to our attention it did appear that this was inconsistent or could allege to be inconsistent and what we found was that there was really first of all, no description of where the 700 came from. What that applied to, it said it was the

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capacity, we think it was clearly not the capacity in terms of beds, which is the measure we're using here. It probably included day use. It probably included community residents walking onto the park. We don't know, the people who put that up are no longer there. But for purposes for deliberating the master plan and looking at that capacity, we don't think that that 700 that was on that sign, which was not there for purposes of this discussion should be brought into play. And in terms of Redwood Camp, the 175 that was listed there. If you go down there and count the beds and the dorms, you would find out that clearly we have the 20 cabins with the 7 campers per cabin, then you get the 140 not the 175. Probably what was going on there was that they listed the capacity in terms of the counselors, their beds, the director and his family and many other things, so I think we've got a lot of apples and oranges here and I hope that you would not latch onto this figure of 875. Thank you.

COMMISSIONER HOLBERT: Thank you. Is there anyone else?

CONNIE ROWE, 4 Years President of the Home Owners Association previously: I want to say that Mt. Hermon has worked hard to deal with the problems that are there and as a personal home owner, have been very appreciative of the way they have attempted to do that. When information comes up and things need to be dealt with someone on the staff goes and works with it and tries to take care of it. I also know that the majority of the home owners are supportive of this new direction, of this master plan. I'd like to just remind you that it wasn't Mt. Hermon's idea to start with the Master Plan, but it's my understanding that this is what the county has requested of them and so they have gone through the steps, again and again with County persons and now we have a 3 phase program. And they have tried and are trying to comply with all the county is requiring and I too appreciate all the work that's been done and the reports cause I've been to all 5 meetings now and sat here and listened to all of this indepth and so I'm really appreciative of that. But I think that in light of all the work that's been done by our county personnel, given their training, their expertise, their experience that it's time to go ahead. I believe that in listening that there are plenty of safeguards that have been written in to each phase. We don't have to try and cover everything, now, forever, because each of these phases, they have to come back and go through the permit process, and clearance again and again. And I ask that you consider giving approval now of this master plan and let us get on with what needs to be done. Thank you.

COMMISSIONER HOLBERT: Thank you. Is there anyone else? If not, applicant will have 10 minutes to sum up. Don't feel that you need to take it all. Do you want 10 minutes? Do you want to sum up? You don't want to sum up. You're waiving your right to sum up? OK, I'll close the public hearing. This matter is now before the commission. OK who wants to start? Mr. Durkee we'll start down there.

COMMISSIONER DURKEE: Well, I've done a lot of reading and listening to tapes and so on to try to catch up with everybody else on this because obviously I came in on the middle of the movie. But I think I have a pretty good idea now of what's happening. I can sum up where I am really quite quickly. I talked to Mr. Williams on the phone and I went over it with him so what I say is not going to be any surprise to him. First I want to simply recognize. I still feel like a newcomer. I've been in the county 27 years now and I want to recognize the very important place in this community that Mt. Hermon plays. It's a very great tradition and I'm very glad you're here. I certainly understand the need to replace and

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modernize the old buildings out there. I mean, you can't fool around with this much longer. They're going to fall down on you, so I favor that. But I'm very concerned about the water situation. When you come in on the middle of this as I did and you start reading through it all and then listen to the tapes and hear the discussions, water, water, water just jumps out! And the way I would deal with this is a little bit, is a variation on what's before us. If I had my druthers, what I would do as one commissioner, I would support a master plan today which includes 702 beds. Which are the beds you have there now. It includes modernization of buildings and replacements and so on as outlined in here. It basically includes phases I & II as outlined and in the case of II, at this point I would, say, deactivate 28 beds someplace else to make way for the new 28 beds that are in Phase II. And at the end of phase I, I would suggest that you get that you get going on the alternative water alternative 7. Get it up and going and running and working so we have some records to look at and then at the end of Phase II we take a look at what the actual record shows us. How much have you been able to save year by year, under your conservation plans. I have mixed feelings frankly about conservation plans sometimes people enter into them with great enthusiasm but to keep with them over the years is not always all that easy. But we would have a number of years to look at it and we would also have an opportunity to look at what came out of the proposal to use the springs and the good water years and store water and what effect that has on the aquifer and all that. You see I think there's a certain amount of the cart before the horse deal here. The whole emphasis has been on how do we save the water for the 25% addition that we want without taking a look at the fact that what we've got now we really are overdrafting the aquifer and we better pay attention to that and do something about it. It would also give you a period of time to get together with SLVWD and others to try to come up with some reasonable solutions and so on and at the end of that period, then we can all sit down and say, on the basis of the record, we can consider whether it's reasonable to go ahead in Phase III and do an expansion up to 25%, course it may not be that much, it may be up to that which at what you're requesting. That's the way I would suggest that we go rather than to approve the whole thing now but say no don't build it all now and then we're going to see if it works and then we argue about well did we really approve it or didn't we and did you save enough or didn't you and so forth and so on cause that's the way I would do it if I had my way.

COMMISSIONER HOLBERT: OK, is there somebody else that wants to go next or do I just pick somebody here? Mr. Bremner?

COMMISSIONER BREMNER: Well I could see how Mr. Durkee's way could work and I can also see how it could also not work which is Mt. Hermon puts everything in place, says OK, we did what you've asked now we'd like our expansion. We go, nope sorry, you know it's a different administration in here or whatever, sorry you don't get it so that would be my one concern with that way. I've spent a fair amount of time rereading materials and going through this and trying to understand the evolution of this project; the three durations we've had so far and I think what we've got here for 886 beds is a pretty good set of conditions. I think the mitigation monitoring program, maybe I don't, I think it dovetails in on Mr. Lewis suggested that there might some conditions that we could add with some more benchmarks that might make things clearer and that's great. Maybe it all works but I go back to something that I know we discussed the first hearing is 886 beds, the right number? You know we, and reviewing the materials over the last two hearings, there was a statement by staff, and staff's judgment shows that Mt. Hermon Association proposal including a maximum use of overnight visitors has no

more than 805 guests, that was back in a document in 1973, an existing capacity of 886 persons and so what staff is saying is that they feel that 805 guests is what was the vested right. And then we have other documents that show that there are 702 or 703 is existing condition and that could also be the vested amount. That's where my concerns are is what are they allowed and how far how should the expansion be? If they have a vested right for 886 beds well then maybe these conditions we have are appropriate for the proposal but if they don't have a vested right then why should we make more impacts and give them those 886 beds and impact on the surrounding neighborhood. So that's where my concerns are. If they have the right well then we mitigated as much as we can.' If they don't have the right to that number of beds then we shouldn't be adding the additional capacity and the problems that come with that; the additional traffic, the taxing on the water system, etc. so to me that's the crux of this and I haven't found a good explanation for it yet and as this goes on I think I'll probably develop how I will vote. It may be to approve it with a direction to the Board that they need to, cause this does go to the Board of Supervisors if I am correct. Is that correct?

KIM TSCHANTZ: Yes, that's correct.

COMMISSIONER BREMNER: You know that they look at the crux of this matter cause, to be honest with you, I don't want to give Mt. Hermon any more beds than they're entitled to because of the impacts and that's what we've spent our whole time the last 2 hearings on are the impacts generated by 886 beds, so, that's where my hangup is. I think, we've probably adequately mitigated or not adequate the best that we could there's been mitigations put on for the 886 beds and I don't want to give them that unless I have to.

COMMISSIONER HOLBERT: Well, I'll call on myself I guess, we'll just go down the line here. Some concerns about the sewer plant odor, I don't think that's been adequately addressed at least for the people who live around it. I'm concerned about the aging infrastructure and hopefully in terms of the water pipes, I presume that the idea is that as the conservation monitoring goes in that water pipes will be replaced and that is what you're considering to take care of the infrastructure. Now the beds vs. People. To me I don't have a big conflict about this. To me in my mind it's very clear. I have a use permit that was issued to Mt. Hermon, we have a copy of that use permit and the very first condition says total capacity shall not exceed the existing capacity of 886 people. It does not say 886 beds, it doesn't say beds any place. I don't know why we're converting beds to people or we somehow think that that is something that converts. I think that they have vested right for 886 people and that's, in my mind the way we have done projects many, many times is that's 886 people on the premises at any one time and any one day. And that, what I'm looking at what Mt. Hermon is reporting to us that they are not in conformance with area existing use permit and so at least that is my point of view of what the existing use permit says. I don't see that there is a big question about that. I mean there has been a question about that people have raised, but in terms of what we have before us I don't think there is. So in light of the fact that they have an existing use permit for 886 persons and that currently the area is in a state of overdraft, I would like, before we do anything and before we go on to any such thing as Phase III and I agree with Mr. Durkee that we, I feel fairly comfortable about going from Phase I and Phase II and then you just have to prove that we have ironclad conditions before we move on to Phase III, that that is somehow what we have to work with and then we can talk about increasing density at that time.

But until we've actually know that we actually know that we have solved the overdraft problem, that we have actually put conditions on that we've actually seen the report, we actually see that it works, then I think it's time to talk about increasing density and that means that we don't bill to 28,000 square foot facility and we don't put all this other stuff forward until we make sure that we've got this solved. Because what we are going to be putting in place is, we've got _____. Now we have we're wanting to do 3 wells and then we're going to let them do 2 springs so we're going for a situation where they have just 2 springs and they've put in 2 wells and now what we're building in here is 3 wells and 2 springs and so we have a pretty big jump there on this project and I understand the way they're suppose to be used but what I'm saying is that we're building in an infrastructure that is quite elaborate, so I'm willing to consider Phase I, Phase II, and I am not sure how it works in terms of whether you can just, in terms of this Master Plan how we would be able to accomplish that whether we could just approve Phase I and Phase II, they come back with Phase III or I am comfortable with approving Phase III with an ironclad condition that it has to come back for a public hearing, they have to go all through the process before they can move on to Phase III but I am concerned that when you do approve a Master Plan with all three phases and you don't have something really in place that gives you the clout to keep it from moving forward, these things have a way of going forward, so one last concern is and I'm always concerned about this, I don't want Mt. Hermon to take this personally, this is nothing about you, I say this about every project, I am always concerned that when we set up a monitoring procedure and the applicant or the owner is the person who is monitoring it somehow I have a problem with that. I like to set up some kind of independent monitoring so that we have the accountability, the accountability is in place and that it's not, we don't have to just take Mt. Hermon's word for it, that we take some neutral body's word for it and then everybody can really feel sure that the home owners up there, the county, we can all feel sure and there's no question about whether these are the right figures. So I think those are my concerns.

COMMISSIONER SHEPHERD: I share Commissioner Holbert's concerns and Mr. Durkee's concerns. I am willing and I think there is a great deal of wisdom in approving the whole Master Plan but I would like to as you have suggested, Commissioner Holbert, make sure that all the conditions particularly pertaining to water improvements in conservation and infrastructure are in place and attaining their goals and standards before anything happens with Phase III which does in fact mean a complete hearing and examination before that phase would be allowed to click in. I am a little bit confused actually on the people and bed business. We skipped to this next hearing, there's been a long time and I think I would, I think I don't have enough knowledge to be exactly clear what I think should happen because it's confusing to me still. So, I'm not going to comment on that. I was actually going to ask you two but I before ask a specific question. I want to deal with the large parking issues on Forest Road that gentleman's come to both hearings seems to have legitimate concerns and I wanted to hear some staff input on that and the odor problem. Does staff have to comment on that?

KIM TSCHANTZ: Yow, we discussed those things at our last hearing. In regards to the sewer pump odor remember we had an independent person, that was the EIR consultant, look into that and there's, you might remember from the staff report there is actually an exhibit to that staff report, was the consultant's report and the result of that is there are various ways to deal with odor problems in pump stations. These odor problems at pump stations are not unique. The county has the same problem with

their pump stations as do other municipal and county governments. It operate waste water treatment facilities and that Mt. Hermon was in the midst of trying to correct that when the consultant's investigation actually was commencing. And it appeared that from the consultant's view that they were, Mt. Hermon was successful in solving some but not all of the odor problems by the time the consultant came on the scene and there were ways to continually work on that for further corrections and they talk about that in the last staff report and I can't quite recollect all the details. In terms of the Forest Road parking lot.

COMMISSIONER SHEPHERD: Stop there a minute. Have we got language in the mitigation that would require best efforts and a continual review of current technology on order mitigations. Now I know there are sanitation engineers really very up to date and would probably continue to do it anyway, He knows what he's doing but I think it wouldn't hurt to have that as a stated mitigation.

KIM TSCHANTZ: Uh huh, as a permit condition. Yow we do have a permit condition on reviewing the pump size for the sewer flow but we could maybe modify that condition or add another condition that also speaks to odor in the same regard. In regards to the parking lot, what we have here is a difference of opinion between a traffic engineer's analysis and a resident who lives on Forest Road, And while I can respect the difference of opinion staff goes with the technical evaluation for traffic analysis. And traffic generation is evaluated in terms of the institute of traffic engineers typical traffic generation rates. So what we did in this case is we applied the ITE generation rates for what could occur now, from the existing houses that are at the Forest Lodge site. What that would generate and compare that to what Forest Lodge would generate. The Forest Lodge generation rate was based on not a formula, but it was based on traffic rates today by bed. Let me explain. The traffic report that was done for the project generated a certain traffic rate. I would need to look that up and actually it was very conservative because what they did is they took traffic counts at Conference Road and Graham Hill Drive, meaning all the traffic coming in and out was all of Mt. Hermon, not just Mt. Hermon Camp and Conference Center, included all the residents. Knowing that they still used that because the traffic engineer found it very impossible to try to figure out. Which one of those cars was going to a private residence and which was going to camp and conference center? So they used that large amount and they said that is the traffic rate that the conference center and the camp, those are the traffic volumes generated today. They divided that by the number of beds, maximum number of beds that can be in use, which is 702, and they derived a traffic generation rate for accommodations based on that. I would have to look up that rate cause I don't remember that in my head but basically that is what was applied to any future lodging facilities such as the Forest Lodges. The Forest Lodges with their 82 proposed beds, that traffic generation rate was applied to that and that was compared to the traffic generation rate that would be expected by the single family dwellings that exist at the site today by the TTE standard. The ITE standard by the ways is 10 trips per single family dwelling per day, meaning 5 round trips. So it was 40 trips a day for those 4 dwellings, one of which is a vacant dwelling right now, we understand, but still it could be renovated and used if those 4 dwellings continued, so that was compared to the traffic generation rate for the Forest Lodges which is like 22.5 trips per day. Now that might seem surprising, it certainly seemed surprising to the speaker, Mr. McKenzie because you've got an 82 bed lodge vs. 4 houses. Now how can an 82 bed lodge have less trips than 4 houses? Well, the answer is the visitor accommodations in the hotel do not have the same type of traffic activity as a single family

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dwelling. In a conference center like this people come to the conference center, park their car, and essentially stay there for the weekend or however many days they are there, certainly they might a day or so to Felton or Ben Lomond but essentially they're there. Every place is walkable unless you're in a wheelchair or crutches, You basically can walk anywhere in the conference center or Redwood Camp and that's what people do. And in fact that's what Higgins traffic consultants found when they did the traffic report is the reason why the traffic generation rate is as low as it is, is because when people arrive at the location, they park their car, their car stays there and they walk. So that's the reason for the difference in the traffic generation rates between the proposed Forest Lodges and the single family dwellings.

COMMISSIONER SHEPHERD: OK, just the 5 trips a day for a single family assumes that that's 5 round trips so you come and go 5 times.

KIM TSCHANTZ: Yow so they call that 10 trips. They call it 10 vehicle trips because it's 2 trip ins per round trip. You go out and you come back, that's 2 trips, so 10 trips equals 5 round trips.

COMMISSIONER SHEPHERD: That seems high to me, I can't imagine why 2 people would make

COMMISSIONER BREMNER: UPS, Fed Ex, other kind of deliveries.

COMMISSIONER SHEPHERD: I have to agree with the gentlemen, these are tiny little cottages. They aren't

COMMISSIONER HOLBERT: Do you have any further comments?

COMMISSIONER SHEPHERD: No.

COMMISSIONER OSMER: Well I think as I've said before, my problem with this is a, and this is probably a bad time after going through the torture of a Master Plan at this level. My problem is that we have a geographically distinct area that we are piecing out a Master Plan for. I think that we should have a Master Plan for that community as we have with other communities. There's a lot to be gained by looking at the services that they don't need and trying to provide for those services as a community just as they do with water. We should look at what happens with sewer. I think that some of these septic tanks get older, and some of them are very, very old now, I think it would be very attractive for some of those owners to hook up to the package plant and we should look at those impacts now for the entire area as opposed to waiting. We should plan a little bit, because it is a community, it is like a city. It's like a municipality in that they provide those services with the exception that they don't have land use authority control and you're probably regretting that real bad right now. But I think that we need to look at that as an area for a Master Plan and include the other homeowners in that discussion in the development of that plan. So, that being said, I wouldn't be in favor of anything at this point except for a Phase I which I would not limit to simply the Phase I as it exists right now, what I mean is replacement projects and not expansion. And there's some replacement projects that are in Phase III

that I think would not incur expansion. So I think giving them the go ahead to do what they need to do in terms of safety with the buildings there but to limit expansion until a Master Plan for the area could be developed or the answers to some of these other questions could be developed. I don't have a problem with the water system as it's proposed. As a matter of fact I think it's very progressive. I think that the deal in the minings in the trading of spring water for the well water looks a little bit like a shell game but I think we need them to, what they're doing other people should do. That's a, what they are proposing is really a model and a, of course it's not incumbent upon them to solve the overdraft problem but I think their plan is exemplary.

COMMISSIONER HOLBERT: Well I think that it's a good idea that replacement not expansion and that's kind of where I'm willing to go, however I don't see any way of getting to the Master Plan of the whole area, I mean what we've got before us is a Master Plan for this and I think you're right about, I totally agree with you that really do need to be doing the Master Plan, it's not that I disagree with you there. I just don't know how to get there.

COMMISSIONER OSMER: I get paid a lot of money on the commission here for coming up with ideas like that, so I really had to put it out there.

COMMISSIONER BREMNER: Madam Chair I'm just not sure with general plan policies that we have etc. that we could be tying everybody up to the package plan etc. It raises a red flag, it would be nice if we could get around that cause I think the general concept that's a good idea. You know it's like a town plan we've done for Felton, we've done for Soquel, Ben Lomond, attempting to do for Corralitos, right now that would be great. But I just don't know what our general plan policies is in that gray area in general anyway.

COMMISSIONER HOLBERT: Maybe we sort of approach this if we could find some sort of agreement here on, in terms of Phase I and Phase II and to use Mr. Osmer's expression, of replacement not expansion and those projects that are replacement and not expansion I think that all commissioners could go along with and but then before anything happens about Phase III there's some accountability that has to take place, ya know they have to prove that they can actually do the conservation plan that the water system is in place and so forth. I'm just not sure how to get there. I think there needs to be some performance standards that are spilled out that before Phase III can actually take place without really. Well my concern is that we don't approve a project that may come back and may have a big argument about whether Phase III is approved or not. That it's very clear that they don't get to go to Phase III unless there are several things that are put into place. But I thing at this point we don't have something before us that we can actually vote on and so I would like to propose that if commissioners would agree that we could direct staff to come back with horrors of new staff report, but what I would like to see Kim is, what we've got the EIR and we've got 3 staff reports, which we have sort of madly, trying to put together and we are trying to compare what's in this staff report, what's in this staff report, and none of the staff reports themselves are complete. I would like to see a complete staff report that comes back with Phase I and Phase II with projects that will not be expanding the use in any way and some performance standards before we go into Phase III. And that is something I could live with but I think that staff needs to put it together before we can have too much of a coherent discussion,

cause I could just see this flying all over the place.

COMMISSIONER DURKEE: No, I agree, I was, I give you all great credit, but I was just looking for the smart one here that was going put this all together, but it wasn't going to be me and I didn't know which one of you was going to do it. I agree totally with what you say, I want to be sure that we're talking about and if we aren't then we should understand that we aren't that what we're talking about is approval of renovation and replacement of buildings but not prior approval of expansion, that's the argument I don't want to get into.

COMMISSIONER HOLBERT: Right that's just an argument that we'll never be able to solve here.

COMMISSIONER DURKEE: I mean I think we just have to deal with that when all of these things that are going to make things better have been put into place and show that they work, then we can deal with it. Now that's

COMMISSIONER HOLBERT: Well that's where I am. I sensed that other people were there but let's here from you.

COMMISSIONER SHEPHERD: That's still a little vague. The Phase I and Phase II are laid out with specific projects. I would accept the projects that are specifically laid out in Phase I and Phase II and that's where we stopped and these conditions would have to be looked at and checked off in terms of successful completion of the water improvements, the water monitoring program and so on.

KIM TSCHANTZ: Do you want me to respond?

COMMISSIONER SHEPHERD: But I'm not sure that that's what they said.

COMMISSIONER BREMNER: Well one, Phase II does have slight expansion of 34

COMMISSIONER HOLBERT: It has 28 expansion,

COMMISSIONER BREMNER: 28 bed expansion, so I mean, I think that needs to be discussed if that's the direction you're going. We're looking at 2 different things and I'm not sure, I keep hearing what I think are 2 different ways of approaching this. It sounds like Mr. Durkee just wanted to give Phase I and Phase II to have an expansion and that's it and then they have to come back and apply for an expansion, where what I've heard is you're looking for those benchmarks, or performance indicators that have to be met before they could get Phase III

COMMISSIONER HOLBERT: I differ a little bit from Mr. Durkee on that cause I think it's problematic to ask somebody to do Phase I and Phase II without a little bit of carrot here on Phase III and that means you have to go through the whole process again. What I am saying is I want to put Phase III in there but I don't want something that is just something they are going to be able to do by sort of getting around it which I don't think you would do, but I want some ironclad conditions where

they don't proceed unless the conditions are met and quite frankly that is not something that we usually do at the commission, so I don't have a lot of experience with that. The times that we have tried to do that, I think we haven't really had good conditions and it's been, in my opinion, a failure. So I wanted to make sure that we really had ironclad conditions that we have performance standards that had to be met that it had to come back to a public hearing that the planning commission got to vote on Phase III or it didn't proceed. So this was not something that appeared on the consent agenda, this was a public hearing, this was a full fledged kind of thing but you know the plan was already intact.

COMMISSIONER BREMNER: So you're saying that they have a right to the expansion but they have to meet predetermined benchmarks or whatever.

COMMISSIONER HOLBERT: They have a right if they meet.

COMMISSIONER BREMNER: Meet those, right and they have to show that the water conservation's been done, everything else.

COMMISSIONER SHEPHERD: What are we talking about, but what expansion, it gets back to your issue of exactly what the use permit is to finally allow in terms of beds vs. people. You have succeeded in making me realize that I am still on clear on that and I wonder if staff.

COMMISSIONER HOLBERT: Well I would hope that staff report would come back with a little bit more clarity on that in terms of people and as, and I know it was really laborious when we went through this Phase I and Phase II and everybody didn't like that and I didn't like it either but on the other hand I don't think that we have a clear idea of the cap of the number of people that should be at this, that really can this, that resources can support on these parcels. So, I would like a little clearer understanding of you know, before we're going to get to a new activity center that's 28000 square feet. I mean that is an increase in the intensity of use. I want to understand what is your best guess on that. I know that you can't be absolute but maybe we can set a cap. We set a cap, the planning commission did set a cap back, way back when of 886 persons and so I think that we are capable of figuring out what is the number of, what number is, what are the numbers that we think that this project can support, that the water can support, that the roads can support, that the infrastructure can support up there. I am, I think that that's something that we can get to.

KIM TSCHANTZ: I either need clarification or need to interject something at this point. It sounds to me what you're asking for is an environmental analysis of the level of an environmental report either a supplement or something of that nature. The questions that you're asking in my mind, are the questions that the EIR consultants dealt with and successfully answered in the EIR. The EIR talks about, here's the project that is being asked for and here are the environmental implications of that. Can they be solved or can they not? And the conclusion of the EIR was that they can be solved if several mitigation measures are incorporated into the project.

COMMISSIONER HOLBERT: Well maybe you can pull that out of the EIR for us, because I

COMMISSIONER DURKEE: Here's my problem **with** this. Mr Williams, of the last hearing, he and I agreed, whether we're talking beds or persons, and I don't how many persons get in a bed or any of that stuff, that's beyond me, but whether it's beds or persons or persons and beds or whatever, that what is being requested here is a 25% increase over the capacity of what you've got now. That we agreed on, whatever that is we agreed on that. The whole thrust of this project, what the EIR consultant was asked to deal with was a 25% increase particularly in the area of water. How much water do we need to take care of a 25% increase. My concern is that for the existing operation there's a big water problem. And I don't want to commit to a 25% increase today, until we know that we can handle it. That's all.

COMMISSIONER HOLBERT: And so how do we get there?

KIM TSCHANTZ: That is a different issue of course, than the EIR because under CEQA law a project is only responsible for mitigating the impacts of its proposed project. So the EIR correctly evaluated what are the impacts of this project. You cannot legally correct existing impacts that are created already prior to the project being implemented. Now it would be nice to do that and as a matter of fact we think that this project will even get to correcting some of the existing problems by use of not just the water conservation plan, but also spring diversion and use. But the problem ground water overdraft is a regional problem and it needs to be solved in a regional way. Mt. Hermon needs to be a player but they're not the only player and they're not the only cause of the problem therefore they legally cannot be held responsible for mitigating the existing problem. They can be held legally responsible for mitigating any impact they create by a new project.

COMMISSIONER HOLBERT: Well, I think that I'd like to hear from counsel about that comment, cause, is that your understanding?

JIM LEWIS: Mt. Hermon can't be responsible for solving the regional problem but I think that your point is well taken Commissioner Durkee in terms of whether or not the commission feels in a position to approve intensification of a use. If it is your conclusion that there's an overdraft circumstance or situation then it would be entirely logical for you to conclude that notwithstanding mitigations that might be incorporated in the project it would not be appropriate to intensity that use.

COMMISSIONER HOLBERT: OK

COMMISSIONER BREMNER: Mr. Lewis I, Madam Chair, the EIR other than one statement of overriding consideration which is for the loss of historic resources has said that an 886 bed project can be successfully mitigated and the EIR has said. Yet if we find that they have a vested right for less than that 886 beds, there's no reason that we have to grant them their request at 886 beds if we feel we want to stay, limit their use to what their vested rights are, is that correct?

JIM LEWIS: That's correct, what you're being asked to do is to certify an environmental impact report and make a recommendation to the board of supervisors regarding a specific plan level entitlement and it is certainly entirely within your discretion to make a determination as to whether or not you wish to approve or recommend approval of a plan which would permit intensification of

existing entitlements.

COMMISSIONER OSMER: I've never heard the term vested rights used in a relation to an existing project. I mean vested rights is, ya know you got a plan and you got a piece of property and you can put on there, what you want, what you have a right to, but in this case it's already there. It's an existing project or set of buildings and there, it falls under building permits and other building codes right, I mean, where's that idea of vested right come into this situation?

JIM LEWIS: I believe it's a very appropriate use of the term vested right, the rights that we're talking about vesting are the rights that flow from the 1973 use permit and that seems to be the issue about which there is some disagreement as to the scale or nature of those rights. And that's the discussion about beds and persons and total capacity that the commission's been having. In other words it is based upon that use permit, that basic use entitlement that all of the permits, building permits and the like, flow. Technically it would be illegal to build anything beyond the scope of what was contemplated in the 1973 use permit, so the difficulty has been for staff to evaluate what the scope of rights granted under that permit was because of certain limitations and available records. That has accounted for a difference of view as to whether or not that permit contemplated a level of development that would equate to 886 beds or just a total capacity in terms of numbers of people on site of 886. That's kind of been at the crux of this issue of intensification.

COMMISSIONER BREMNER: Madam Chair, I think what we're looking at is that they're looking to upgrade, existing facilities taking them from VW or a pinto or something to a Cadillac or mercedes benz and I'm not sure if that's an intensification of use that they want to improve the facilities for the existing number of beds or the vested number of beds that they have, so it's, to me it's a 2 part thing we're looking at and actually it's really a 3 part if you want to get to it which is if you, or we or I whatever determine that there's a use at 702 or 805, or also the third part component would be an intensification of use to 886 beds. I mean staff says in the report, pretty much here that they feel that there's a right to 805 beds and 886 people yet you look at a chart and I know we're flopping back and forth, but I seem to have kind of finally figured it out that at 702 beds total maximum on site is 1439 persons.

COMMISSIONER HOLBERT: Yow, well that's not any permit

COMMISSIONER BREMNER: Well, that's a little more than 886, so and that's with 200 day users, if you threw them out and some staff you'd still be well over 886 but from what I saw in the staff report is Mr. Tschantz made the statement that it looked like they were entitled to 805 beds and 886 people.

COMMISSIONER HOLBERT: Well, I think it's just we have a difference of opinion on that, at least the way I look at it, I don't you know, I just don't get there, so I think they are entitled to 886 persons. I don't see anything anyplace that says anything about beds. But what they do have now according to that chart is remember it got corrected. It's 13 13 people that are on the grounds now. That's what's, I mean that they are not in conformance with the use permit, but at this point I don't know how important that is. Does somebody, are we going to come forward here with some kind of motion that

gives direction to staff to come back with a new and revised staff report that could give us some recommendations for the phasing of this project with some performance standards and so forth that need to be met before they can go onto actually intensifying the use up to the 25% I guess that's what we're looking at where they want a 25% increase that's all we've got a handle on here.

COMMISSIONER BREMNER: I'm not sure I'm going to be a person to make that motion but if I could just ask for a little clarification on the direction you're going. The staff report we've got I mean the conditions of approval we've got the phasing that Mr. Tschantz spend a lot of time on today and the benchmarks for the requirements before each phase are in the conditions of approval right now, I mean that's where he was reading them from as we know. You know a new staff report to me is, I guess would be discussing revised conditions then for those . . .

COMMISSIONER HOLBERT: Maybe we'll really want to refine these phases a little more.

JIM LEWIS: Madam Chair if I could interpose a comment? I think one of the difficulties with where the commission is thinking of going at this point. It creates a very difficult problem for Mr. Tschantz to the extent you're looking for him to redo the project essentially and along the lines of there being no expansion or intensification of use and that raises many difficult questions, not just the number of beds but if they rebuild the conference center, does it need to be the same size it is now or can it be expanded and I think these are all very difficult questions for the planning department to address. They may not be consistent"

COMMISSIONER HOLBERT: You mean the auditorium?

JIM LEWIS: Yow, I mean there's a whole host of problems that are associated with trying to essentially redesign the project that's being proposed. And I think it's very difficult to put the planning department in the position of essentially redesigning the project, that's why it may be more appropriate for the commission to consider whether it wishes to make a positive or negative recommendation to the board on this.

COMMISSIONER HOLBERT: OK well I mean we do have the option of denying this project, approving this project, sending it back for redesign. So, what's the place for the commission?

COMMISSIONER OSMER: I would move that we return the whole matter to the staff and the applicant and ask them to come back with a recommendation at the next meeting. I think we should leave it open to them whether they want to redo the project or whether they want us to vote it down the next time cause obviously the handwriting is on the wall, so. You know they've got a piece of this so..

COMMISSIONER HOLBERT: Well right now I can't vote, I mean, let's see if you get a second to that. Is there a second to that motion? There's no second to the motion but I think we're sort of going in the right direction here, right now I can't support this project unless we're going to do something fairly drastic with it so. I'm willing to just vote it down and have them, without prejudice.

COMMISSIONER BREMNER: Madam Chair, one thing we'd have to do is direct for findings for denial of course, to come through and I think we would need to give quite a bit of input on that. Maybe I could ask a question of staff, here. I went to a meeting at, through the community foundation, rented a room and had a meeting up there, and that 1973 use permit, you had put a cap on 886 persons being on site for day use. I mean is that how you would look at it, I mean we had maybe 30 people that rented, for the, that went to, but.

KIM TSCHANTZ: Your question is in regards to the 73 use permit?

COMMISSIONER BREMNER: Right.

KIM TSCHANTZ: The 73 use permit's a problem because it's so ambiguous. I mean that's one of the problems that could be resolved by a new permit. It is, by replacing the 73 permit with a new permit, you get rid of that ambiguity that exists. Quite frankly, nobody knows what 886 means in that permit, it says persons and we talked about that at length in our October hearing. Now staff's view was that the best research we could come up with was we found an exhibit in the 73 permit files that showed 805 beds. Well, at least they must have 805 beds and the rest, well what kind of persons are those? Are they employees or are they employees and visitors we didn't know? So that's what we find is very ambiguous about the 1973 permit.

COMMISSIONER HOLBERT: Well how is this permit any more less ambiguous, because

KIM TSCHANTZ: Because we talk about beds, we don't talk about people. And if your commission wanted to also interject a cap on day use registrants, that could also happen.

COMMISSIONER BREMNER: What I'm looking at is Mr. Osmer is recommended just sending this back and rehash it, I'm going back to my analogy of if they want to upgrade their facility some of them which are not in the best of repair is that going to increase the use or is that just making things better for the existing people, it wouldn't generate more people coming to the camp or not and what they're doing is ya know, how does that effect anything if they're just trying to upgrade the facility so they're, you know there's better youth that live in the area, that come to the camp presently in the summer and on the weekends with only 702 beds so is that increase in capacity and I guess, how much day use is generated? I mean..

COMMISSIONER DURKEE: Can we ask Mr. Tschantz that question?

COMMISSIONER BREMNER: If they want to upgrade their facilities I think that's great there's nothing wrong with that, other than maybe being on up greater than 30% slopes, but anyway, that's another thing. So, I mean what is your feeling on the upgrading the facility?

KIM TSCHANTZ: You look at the day use facilities and in my mind, the only day use facility that really would generate day use registrants above and beyond people staying there is the auditorium as the new auditorium. And I already reported to you today, that because the footprint of the new auditorium basically is the existing auditorium is outdoor overflow area that the seating expansion of the new

auditorium would not be substantially greater than the existing. You look at the other facilities and it's like, it's an activity center at Redwood Camp for the youth staying there at the camp to participate in games and things like that on an already blacktop surface, so instead of having an outdoor tennis court/basketball court they have a covered one. You look at the other facilities near the recreation field, it's an amphitheater and an activity center. The activity center has the typing terms of the floor plan that we've reviewed, has the uses that are basically games and social events that seem to better accommodate users there that would stay at the conference center. So we don't really see a substantial increase in day use by these other uses that are not lodging uses.

COMMISSIONER BREMNER: I think it's so hard to put any kind of limit on number of people, you know that, oh well, if they expand the rec center, it's going to attract 10 more people. I mean my daughter goes and visits a friend in Mt. Hermon and stays for some Friday night activity, I mean I don't know what it is that she needs to go up and do that or something. And up there was one more person. Did she get counted going in there. The person she went in there with was a resident of Mt. Hermon, not part of the camp, but, you know, was, how does that count, you know when you're doing something that residents of the surrounding area come and do with I guess people that are campers there so I think that this is a real hybrid and a difficult way to cap it, or look at the number of people that can use the facility and the infrastructure that goes with it because you have a camp and conference center that then has certain, a little pocket of residential around it and then nothing for a while, so you know I like the idea of looking at it in beds. I don't see it as a destination necessarily for a lot of huge day use conferences. You know people use other facilities in Santa Cruz that come in for the day, you know so maybe I think it's appropriate capping by the number of beds as it's been done and then we go into the vested right or whether we want to increase it, but, so I, to me, improving the existing facilities isn't going to generate a perceivable amount of increased use or increased demand on the infrastructure I guess is what I'm trying to say, so I could see going along with that and then it's just what the bed limit is and what we think the vested right is or allowing the 886, which Mr. Tschantz is inferred through his 3 staff reports can be adequately mitigated, other than historic structures.

COMMISSIONER HOLBERT: Well going back to the phasing and allowing some sort of project to move forward which does anybody have thoughts about Phase I and Phase II and what should be involved in there and what should be in Phase III where there's, is there anything in Phase I and Phase II that should be deleted. From my point of view if we could just delete the 28 beds I'm willing to go along with the rest of the stuff in Phase I and Phase II. That's the least complicated way to do it and then go on to Phase III when we've got everything put into place in terms of if they've met all the performance standards. They have all the water squared away and so forth.

COMMISSIONER DURKEE: OK, we're getting close Madam Chair, I think. Let me ask Mr. Tschantz. It's agreed that there are today, 702 beds out there than can be used and the project proposes increasing to 886 beds and you recommend that?

COMMISSIONER BREMNER: Madam Chair. In general I support but I'm not sure I'm going to end up supporting the motion but.. I think it's a good place to start and testimony Mt. Hermon Association did say that they could live with moving item 5B which was concerning water from

requirements prior to grading or construction of Phase III facilities. That they were willing to move ^{040.1} that and make that, let's say a hybrid of 4B.

COMMISSIONER SHEPHERD: That's what we're requiring them to do anyway.

COMMISSIONER BREMNER: Right, well, which, yow, sort of, which would mean they have to prove it which is kind of what you're doing. And I think that was in so that they could throw those 28 beds in. Because they would be requiring that actually before they did that 28 beds. You know small expansion and I once again calling expansions being beds only to me via facilities improvements isn't necessarily an expansion.

COMMISSIONER SHEPHERD: I would agree that that seems reasonable.

COMMISSIONER BREMNER : So that it might actually, we might almost get through this, if we allow that small expansion.

COMMISSIONER HOLBERT: You are saying that you would like to move it up from 702 beds to 730 beds.

COMMISSIONER BREMNER: If they can prove that the water thing as reduced as they have asked. Now, correct me.

KIM TSCHANTZ: 34 beds in Phase II.

COMMISSIONER BREMNER: Now I'm not sure if I'm going to be able to support that even though I'm

COMMISSIONER HOLBERT: Well it comes down to this is that I'm going to go with what Mr. Tschantz said and say they only have a vested right for 805 beds and so I can't support the motion if we're going to give them a chance in Phase III to 886 beds. I mean somebody's got to just throw out 800 and, you know what their vested right is and whether we're willing to go above that, I'm not willing to go above that.

COMMISSIONER HOLBERT: Well, how about this Mr. Bremner? We just changed that 886 to 805. I don't think, I don't have a problem with that. I mean 886 beds is just picked out of the air as far as I'm concerned and we have some kind of document someplace that says 885. We don't have a use permit that says anything about beds. I'm willing to consider Phase III at 805 beds and hey when you come back for Phase III and you think you can make the case and you've done a fabulous job on water, you can ask for anything you want, but . .

COMMISSIONER DURKEE: That's why I was willing to go with the 886 cause that's what they're asking for now and I won't want them to ask for it in 7 years.

COMMISSIONER HOLBERT: They can ask for it again in 7 years as far as I'm concerned. But if it's going to bring you along Mr. Bremner about how

COMMISSIONER BREMNER: Actually and I think if we have it, if they want to have a discussion on the vested rights I think it's appropriate that that be at the Board level also. We've made our recommendation to the Board and then that they've, people in the know can bring out all the documents that they can find, and so who knows some more may materialize, in the meantime and I think it's an appropriate discussion for the final number at the Board.

COMMISSIONER HOLBERT: So are you willing to change that to 805 or do you want to leave it at 886?

COMMISSIONER DURKEE: I'm looking for an agreement here, whichever folks, I mean I would be happy to move the 8 new cabins and the new black cabin to Phase III and stay at 702 and move the new activity center and the new building center to Phase II, I mean that would, I'd do that too.

COMMISSIONER SHEPHERD: I think what Mr. Bremner proposes is something that I would support with one slight change which would be the documentation would come to county planning but I think we'd like to see it too wouldn't we?

COMMISSIONER BREMNER: I agree with the hearing that before Phase III

COMMISSIONER HOLBERT: Before Phase III is a full-fledged planning commission.

COMMISSIONER BREMNER: And I actually think this item is going to probably need to be continued because I think Mr. Tschantz will probably want to consolidate the water condition cause it's kind of 2 different conditions now that are following under 4, cause we've got 2 different conditions that maybe clarify a few things. I know there's some spelling errors in here that he's aware of and I had a question on 30% slopes being able to build on greater than 30% slopes and I was going to ask for a limitation that that be limited to 35% slopes or less.

KIM TSCHANTZ; Mr. Tschantz would like to better understand the motion too.

COMMISSIONER HOLBERT: OK, now Mr. Osmer?

COMMISSIONER OSMER: In Phase III which I guess is on, looking at page 36, it's other places too, but, where are the 103 or 184 beds going?

KIM TSCHANTZ: I'll answer that. New Toyon cabin, 8 beds. New Heather cabin, 6 beds. Lakeside Lodge, 60 beds. New Forest Lodge, 82 beds. I was actually going to be recommending that we add those bed numbers in there.

COMMISSIONER OSMER: Forest Lodge?

KIM TSCHANTZ: New Forest Lodge, 82 beds.

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COMMISSIONER OSMER: It was the dwelling of it that got me there.

KIM TSCHANTZ: Oh it replaces 6 dwellings. Forest Lodge replaces 6 dwellings.

COMMISSIONER HOLBERT: Well maybe we want to just delete the new Forest Lodge with 82 beds at this point, I don't know?

COMMISSIONER BREMNER: Well that puts us at 804. Which I think this will be discussed, possibly modified at the Board level, so, where a proposal could come in if we are still under a motion. If we just say that Forest Lodge is removed then I mean that is an arbitrary statement to make, but, in the meantime I'm sure the 2, well, the county probably doesn't have to much, the Mt. Hermon Association may want to look at how they spread that number out and come to the Board with that, or they may come with the best, they feel the vested right of 886, but I think we need to at least need to come up with the bed counts being accurate so.

COMMISSIONER SHEPHERD: Well your motion includes the capping the beds at 802 correct?

COMMISSIONER HOLBERT: 805, so

COMMISSIONER SHEPHERD: So, I don't think we should, Phase III currently has beds over that that that's for them to figure out at, and bring the whole vested rights and get that further defined at the Board level. I think this is an appropriately way to proceed.

COMMISSIONER HOLBERT: Any further discussion? I know there's a problem here with the motion Kim, so we're going to try to go through this again. So we have a motion to approve 702 beds. Phase I and Phase II with water conservation and performance standards to make sure that the water conservation goals are being met, spelled out clearly as conditions of approval and that before Phase III can proceed that the other, alternative 7, water alternative 7 is put into place and that there is a cap on the total number of beds on Phase III of 105 beds, 805, excuse me, 805, and you had some language that, slopes,

COMMISSIONER BREMNER: A there's just a blanket condition that they can develop on slopes greater than 30% and I talked to Mr. Tschantz this morning and we felt it was actually, going to recommend that we limit that to, less than 35%.

COMMISSIONER HOLBERT: Less than 35%?

COMMISSIONER BREMNER: There's 2 areas on parking lots that he felt where they may have to grate into slopes that went up to 35%.

COMMISSIONER HOLBERT: 35% slopes and that we have some language about the odor problem

that is something that is going to be enforceable, because that is, I know that's an extremely difficult one.

COMMISSIONER SHEPHERD: I think that allowing them to replace the cabins at Redwood Camp should, I would be perfectly willing to

COMMISSIONER HOLBERT: We are allowing that.

COMMISSIONER SHEPHERD: OK, that' in our motion then?

COMMISSIONER DURKEE: Yow, Madam Chair the only thing that I would suggest is that we ask them or have them and I don't think they would disagree, actually implement water alternative 7, say at the beginning of Phase II. Doesn't that make sense that you have a period of time to, you know, several cycles to see if it works?

COMMISSIONER BREMNER: Madam Chair that was part of moving 5B

COMMISSIONER HOLBERT: That wasn't what I said. I said it had to be in place, but that really needs to be clarified in terms of when it needs to, they need to install it. OK, so, are we all clear here?

COMMISSIONER BREMNER: In Phase I and Phase II you have stated we'd only, stay at 702 beds where Phase I and Phase II has outlined in our staff report allows an expansion of 34 beds if they're met. I don't know, we've discussed both ways, I don't know which way is intended by the motion.

COMMISSIONER SHEPHERD: The expansion of the beds that you just mentioned is the

COMMISSIONER HOLBERT: Of course that goes over the 702, so I'm going to ask the maker of the motion if that is agreeable to you

COMMISSIONER DURKEE: 736

COMMISSIONER HOLBERT: OK it's agreeable with me.

COMMISSIONER BREMNER: There are certain benchmarks Madam Chair that we're going to ask Mr. Tschantz to include and I believe Mr. Lewis had eluded to this in the staff report that need to be met before Phase III and I've maybe Mr. Tschantz might have input on those obviously would be water, conservation plan and the availability of the injection, the whole, the infrastructure. Alternative 7, also I assume it would be a package plan capacity would be another benchmark and there may be others that he would.

KIM TSCHANTZ: We actually have the waste water treatment plant prior to Phase, any lodging in Phase II, not Phase III.

COMMISSIONER BREMNER: So, they'd have to be ready to meet the requirements of Phase III and I'm not sure what other benchmarks came out of the mitigation monitoring program.

COMMISSIONER HOLBERT: And this will be coming back to our commission so that we can have a look at it. The applicant can have a look at it, before final approval.

COMMISSIONER DURKEE: How much time do you want?

COMMISSIONER HOLBERT: We're going to be voting on this but I think that we do need to have it come back.

KIM TSCHANTZ: So when it comes back then you'd want to act on the other recommendations, there's several recommendations that, actions . . .

COMMISSIONER HOLBERT: We're going to take a final action when it comes back. We'll do the EIR and all that, when it comes back.

COMMISSIONER SHEPHERD: So it's 736?

COMMISSIONER BREMNER: After Phase II. In other words Phase I and Phase II as Mr. Tschantz is showing in the report what we're recommending.

KIM TSCHANTZ: And then Phase III would allow lodging but only up to a total of 805 beds.

COMMISSIONER HOLBERT: OK, I think we're ready for the vote.

COMMISSIONER BREMNER: Grades went up to 35%.

COMMISSIONER HOLBERT: Less than 35% slopes? And that we have some language about the odor problem that is something that is going to be enforceable? Because that is, I know that's an extremely difficult one.

COMMISSIONER SHEPHERD: I think that allowing them to replace the cabins at Redwood Camp should, I would be perfectly willing to

COMMISSIONER HOLBERT: We are allowing that, that's in our motion then.

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COMMISSIONER BREMNER: I had one other question. In Phase I and Phase II, you have stated it would only stay at 702 beds where Phase I and Phase II then, as outlined in our staff report allows an expansion of 34 beds, if they're met, now I don't know we've discussed both ways, I don't know which way is intended by the motion.

COMMISSIONER SHEPHERD: The expansion of the beds that you just mentioned is the

COMMISSIONER HOLBERT: I'm going to ask the maker of the motion if that is agreeable to you

COMMISSIONER DURKEE: 736

COMMISSIONER HOLBERT: The end of Phase II. It's agreeable with me.

COMMISSIONER BREMNER: There are certain benchmarks Madam Chair that we're going to ask Mr. Tschantz to include and I believe Mr. Lewis had eluded to this in the staff report that need to be met before Phase III and maybe Mr. Tschantz might have input on those, obviously would be water, conservation plan and availability of the injections, the whole, the infrastructure, alternative 7. Also I assume it would be to package plant capacity would be another benchmark and there may be others that he would .

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COMMISSIONER HOLBERT: We're going to take a final action when it comes back. We'll do the EIR and all that, when it comes back.

COMMISSIONER SHEPHERD: So it's 736, right?

COMMISSIONER BREMNER: After Phase II, in other words Phase I and Phase II as Mr. Tschantz is showing in the report is what we're recommending.

KIM TSCHANTZ: And then Phase III would allow lodging but only up to a total of 805 beds.

COMMISSIONER HOLBERT: OK, I think we're ready for the vote.

COMMISSIONER OSMER: One last comment, I am uncomfortable putting those mitigation measures into effect before there's anything to mitigate. That's not how we usually do it.

COMMISSIONER BREMNER: If I could just, 30 seconds of indulgence here, we require infrastructure to be in place before somebody can build which would be a new road or something, a new subdivision so they have to put it in before they can build the buildings and the water has to be in, you know before they can sell the lot so that's how I'm equating it, everything's going to be in place and then they can expand above the 736.

COMMISSIONER SHEPHERD: I think it's just essential to make sure we've got these savings for the conservation measures. I don't see any other way to get it, be sure of it.

COMMISSIONER HOLBERT: OK I will, Mr. Tschantz.

KIM TSCHANTZ: It would be helpful to me too if you'd direct staff as to what type of format you'd like this to come back to you in or whether you just want a new set of conditions or there was some talk at some time about a very extensive staff report so

COMMISSIONER HOLBERT: Just take the staff report and , well we need to have, it's going to take some bit of staff work.

KIM TSCHANTZ: Would you like me to combine the 3 staff reports into 1 and maybe have an introduction that's new and a conclusion that's new that sums it all up.

COMMISSIONER HOLBERT: I want you to bring back exactly what we're voting on, at least I want that to be clear. We'll leave that up to you, your best judgment on that. I mean I don't think we need a totally new staff report but . .

COMMISSIONER DURKEE: We basically want the motion. That's what we want.

KIM TSCHANTZ: OK very good.

COMMISSIONER OSMER: Put it in big letters with lots of pictures.

COMMISSIONER HOLBERT: OK, we'll call the roll.

CATHY GRAVES: Mr. Osmer, Commissioner Shepherd, Chair Holbert, Commissioner Bremner, Commissioner Durkee.

Everybody present above, voted "Aye".

COMMISSIONER HOLBERT: Motion passes, so ordered. When do you think you can do this Kim? Be realistic here.

KIM TSCHANTZ: Let's go a month from now, the 14th of March? Yow, OK.

CATHY GRAVES: 14th of March

COMMISSIONER HOLBERT: OK, we'll be back here the 14th of March, the first item on the agenda.