

Resolution PC 2022-009

A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Siskiyou County Board of Supervisors Approve the Project's Subsequent Mitigated Negative Pursuant to the California Environmental Quality Act, Approve the Mount Shasta Ski Park Zone Change (Z-21-10) by Amending the Planned Development (Ordinance #97-26), and Approve the Use Permit (UP-21-30).

Whereas, an application has been received from the Mount Shasta Ski Park to amend their Planned Development (APNs 028-010-010, 028-010-04, and 028-020-060) to reflect the current uses and facilities of the Ski Park; and

Whereas, an application has been received from the Mount Shasta Ski Park to construct a ski lift, thus requiring a Use Permit; and

Whereas, the project site is currently developed and operated as a ski park with both winter and summer operations; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on March 22, 2022; and

Whereas, public hearing notices were provided pursuant to Siskiyou County Code Section 10-6.2805 *et seq.*; and

Whereas, comments received on the project resulted in conditions of approval being recommended by staff; and

Whereas, the Planning Division presented its oral and written staff report on the Mount Shasta Ski Park Zone Change (Z-21-10) at a regular meeting of the Planning Commission on April 20, 2022; and

Whereas, an Initial Study/Subsequent Mitigated Negative Declaration (IS/MND) was prepared pursuant to the California Environmental Quality Act (CEQA); and

Whereas, the IS/MND did not identify any significant environmental impacts that could not be mitigated by measures outlined in the environmental documents; and

Whereas, the Planning Division recommends approval of the Mount Shasta Ski Park Zone Change (Z-21-10) subject to the conditions of approval included in Attachment A-1 to this resolution; and

Whereas, a Notice of Intent (NOI) was submitted to the State Clearinghouse on March 31, 2022; and

Whereas, the NOI was posted to the State Clearinghouse on April 1, 2022, beginning a 30-day State-mandated public comment period from April 1-May 2, 2022; and

Whereas, on April 20, 2022, the Planning Commission (the advisory body) held a public hearing and considered all oral and written comments of the IS/MND, the Project, and associated actions; and


Now, Therefore, Be It Resolved that the Planning Commission adopts the recommended findings set forth in Exhibit A-2 of the written staff report; and

Be It Further Resolved that the Planning Commission, based on the evidence in the record and the findings set forth in Exhibit A-2, hereby takes the following actions on the Mount Shasta Ski Park Zone Change (Z-21-10):

1. Recommends that the Board of Supervisors of Siskiyou County approve and certify the Subsequent Mitigated Negative Declaration (MND) that has been prepared for this Project; and
2. Recommends that the Board of Supervisors of Siskiyou County approve Zone Change (Z-21-10) and Use Permit (UP-21-30), subject to the conditions of approval contained in Attachment A-1 to this resolution.

It is Hereby Certified that the foregoing Resolution PC-2022-007 was duly adopted on a motion by Commissioner Melo and seconded by Commissioner Veale at a regular meeting of the Siskiyou County Planning Commission held on the 20th day of April 2022 by the following vote:

- Ayes: Commissioners Hart, Melo, Fowle, Veale and Lindler
- Noes:
- Absent:
- Abstain:


Siskiyou County Planning Commission

Danielle Lindler, Chair

Witness, my hand and seal this 20th day of April 2022



Hailey Lang, Secretary of the Commission

**Exhibit A-1 to Resolution PC 2022-009
Notations and Recommended Conditions of Approval**

Notations

1. Within ten (10) days following the date of the decision of the Siskiyou County Planning Commission, the decision may be appealed to the Siskiyou County Board of Supervisors. The appeal shall be filed with the Clerk of the Board of Supervisors.
2. If timber is to be commercially harvested as part of the zone change, the conditions set forth in the California Forest Practice Rules pertaining to Conversion of Timberland (Title 14, CCR, Article 7, Section 1104.02) shall be adhered to.
3. If any timber operations (as defined by PRC Section 4527) are involved with a project, they must be approved by Cal Fire prior to undertaking operations. A Timber Harvesting Plan (THP) may be required. A Timberland Conversion Permit (TCP) may also be required.
4. If a proposed project will result in the conversion of greater than three (3) acres of timberland to non-timber use, a TCP is required prior to undertaking any conversion operations. Provisions and procedures for filing an application for a TCP are found in Article 9, Division 4, Chapter 8 of the Public Resources Code. If the area to be converted is less than three acres, the project may qualify for a "Less Than 3-Acre Conversion Exemption" under 14CCR 1104.
5. A building permit must be obtained prior to any future development or placement of structures on the property. This requirement includes, but is not limited to, any enlargement, alteration, replacement, repair, or improvement of any existing structures.

Conditions of Approval (for UP 21-30)

1. The project shall substantially conform to the project description and Planning Development amendment reviewed by the Planning Commission on April 20, 2022, and subsequently approved by the Siskiyou County Board of Supervisors. Any proposed amendment(s) shall be submitted for consideration to the Deputy Director of Planning to determine the review process pursuant to the Siskiyou County Code. Minor amendments shall be considered by the Community Development Director. Major amendments shall be considered by the Planning Commission.
2. Any future development or land uses shall comply with the PD zoning district.
3. Development of the subject property shall comply with all adopted rules and regulations of the Siskiyou County Code and all other local and state regulatory agencies.
4. All property taxes must be paid and current prior to the construction of the Grey Butte Ski Lift.
5. Should any additional public comments be received after April 20, 2022, the additional public comments will be heard and considered at the Board of Supervisors meeting for final approval and adoption.
6. An erosion control plan must be submitted and approved prior to the construction of the Grey Butte Ski Lift.
7. Construction of an overflow parking area to accommodate travelers on Ski Park Highway shall be complete prior to the construction of the Grey Butte Ski Lift.
8. Conduct an Operational Analysis per Caltrans standards prior to the beginning of the 22/23 winter season.
9. The applicant shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding (collectively, "Action") against the County, its agents (including consultants), officers or employees to attack, set aside, void, or annul the approvals, or any part thereof, or any decision, determination, or Action, made or taken approving, supplementing, or sustaining, the project or any part thereof, or any related approvals or project conditions imposed by the County or any of its agencies, departments, commissions, agents (including consultants), officers or employees, concerning the project, or to impose personal liability against such agents (including consultants), officer or employees resulting from their non-negligent involvement in the project, which action is brought within the time period provided by law, including any claim for private attorney general fees claimed by or awarded to any party from the County. Said responsibilities shall be pursuant to the County's standard Agreement for Indemnification in effect at the time of application approval or Agreement for Indemnification if signed and

effective prior to the date the application is approved. In the event that the applicant fails to comply with the terms of the applicable agreement, the applicant does hereby consent and agree to all remedies in said agreement and does hereby agree and consent to the County rescinding all applicable project approvals.

Findings

Zoning Consistency Findings

1. The proposed Zone Change is consistent with the applicable elements and policies of the Siskiyou County General Plan, as documented herein.
2. The proposed Zone Change application is consistent with Siskiyou County Code, Title 10, Chapter 6, Article 11.
3. The proposed Zone Change to update the Planned Development is consistent with existing and permitted land uses surrounding the project site.
4. The proposed Zone Change is compatible with the surrounding zoning of Timberland Production (TP) and Rural Residential (RR).
5. The Planning Commission has considered all written and oral comments received and based on its analysis of the public testimony and staff's analysis, the Commission has determined that the project as designed and conditioned would be compatible with existing and planned uses of the area.

General Plan Consistency Findings

Composite Overall Policies

Policy #41.3: The following policies shall determine the location of any proposed use of land:

- a. All heavy commercial and heavy industrial uses must provide or have direct access onto major thoroughfares or existing industrial/commercial streets capable of accommodating the traffic that could be generated from the proposed use.
- b. All heavy commercial and heavy industrial uses should be located away from areas clearly committed to residential use
- c. All proposed uses of the land shall be clearly compatible with the surrounding and planned uses of the area.
- d. All proposed uses of the land may only be allowed if they clearly will not be disruptive or destroy the intent of protecting each mapped resource.
- e. Existing or planned industrial areas shall not be developed in a manner that will destroy industrial potential.

Policy #41.5: All development will be designed so that every proposed use and every individual parcel of land created is a buildable site, and will not create erosion, runoff, access, fire hazard or any other resource or environmentally related problems.

Policy #41.9: Buildable, safe access must exist to all proposed uses of land. The access must also be adequate to accommodate the immediate and cumulative traffic impacts of the proposed development.

The uses of the Ski Park have been ongoing and will continue to be a multi-phase project. The proposed project is not more obnoxious than the currently approved uses or facilities occurring on the property.

Map 1: Geologic Hazard

Policy #1: No development will be allowed in identified and potential landslide areas unless certified by a licensed California Geologist, as reasonably safe for the development proposed.

The Siskiyou County Improvement Standards and Specifications as laid out in the Siskiyou County Land Development Manual (Siskiyou County 2006) (Siskiyou County Code Sec. 10-4.105.1). The LDM includes grading design standards. Further, the County requires that a grading plan be submitted with the building plot plan for approval of a building permit (Siskiyou County Sect. 10-4.108). The LDM specifies that, under some conditions—such as erodible soils, steep slopes, and proximity to surface waters—some projects may require a Revegetation and Slope Stabilization Plan that addresses grade transitions, erosion control measures, and maintenance and monitoring. The preceding requirements are intended to ensure that construction activities and buildings be designed to withstand potential geologic hazards within a margin of safety.

Policy #6: If a mapped landslide area is proven reasonably safe for development, single-family residential, light commercial, light industrial, open space, non-profit and non-organizational in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted.

The permitted uses will not create erosion or sedimentation problems.

The proposed uses, which are recreational in nature, will not create erosion or sedimentation problems. An erosion control plan will be required to be submitted and approved prior to the construction of the ski lift.

Map 2: Erosion Hazard

Policy #7: Specific mitigation measures will be provided that lessen soil erosion, including contour grading, channelization, revegetation of disturbed slopes and soils, and project time (where feasible) to lessen the effect of seasonal factors (rainfall and wind).

Any future development is required to meet Building Code requirements for erosion and runoff. An erosion control plan will also be required to be submitted and approved prior to the construction of the ski lift.

Map 3: Building Foundation Limitations

Policy #8: Enforce building construction standards (Uniform Building Code) and public works requirements.

All proposed building will meet California Building Code requirements.

Map 4: Severe Septic Tank Limitations

Policy #10: Single family residential, heavy or light industrial, heavy or light commercial, open space, non-profit and non-organizational in nature recreation uses, commercial/recreation uses, and public or quasi-public uses only may be permitted

The permitted uses will not create erosion or sedimentation problems.

The proposed PD amendment and Use Permit will not create erosion or sedimentation problems.

Map 5: Excessive Slope

Policy #11: All areas with 30% or greater natural slope shall not be developed with facilities requiring septic tanks for sewage disposal.

Policy #12: If areas designated as 30% or greater natural slope are proven to be less than 30% slope, the minimum parcel size shall be one acre on 0 – 15% slope, and 5 acres on 16-29% slope.

Policy #13: Proof that an area is not an excessive slope area can only be made by an on-site inspection.

Policy #14: Reducing the percentage of slope below 30% by grading is prohibited, and not acceptable as a means of conforming to the density requirement of Policy 12 for sewage disposal purposes.

Policy #15: Areas designated 30% of greater natural slope but proven to be less than 30% slope shall only be developed when a grading plan for roads, acceptable to the Department of Public Works, has been submitted.

Policy #16: Single family residential, light industrial, light commercial, open space, non-profit and non-organizational in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted if the area is proven to be less than 30% slope.

According to THP # 2-21-00103-SIS and THP # 2-21-00185-SIS “ski runs would be developed with the intention of retaining scattered trees and pockets of trees while providing sufficient spacing to allow snow grooming equipment (20 feet) in between. Low growing shrubs such as pine mat manzanita, smaller snowbrush and Greenleaf manzanita will be retained where feasible for slope stability, erosion protection and aesthetics.

According to the Ski Park Conversion THP (THP # 2-21-00103-SIS) and Ski Park II THP (THP # 2-21-00185-SIS), the soils contained within the Project area are as follows: Andic Cryumbrepts-Dystric cryopsamments, 0-70% slopes (4); Andic Cryumbrepts-Rock outcrop complex, 25 – 50% slopes (5); Revit Family, 10-40% slopes (246); Revit-Shield complex, 15-45% slopes (247); Shield-Revit complex, 20 – 50% slopes (296); Shield Rock outcrop, 15 – 50% slopes (298); and Washougal-Germany, deep families complex, 20 – 40% slopes (333).

The project site is within a wider region with moderate to high landslide susceptibility. However, based on the Project location, topography, seismic risk, and soil and rock properties, there is a low landslide risk within the Project area.

Map 6: Water Quality

Policy #20: Single family residential, light industrial, light commercial, open space, non-profit and non-organizational in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted.

The proposed project will not impede or affect current water quality standards located within or near the project area.

Map 7: Flood Hazard

Policy #24: Single family residential, light industrial, light commercial, open space, non-profit and non-organizational in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted if the requirements of Policy 11 have been met.

No significant changes would occur in relation to stormwater discharge or flood flow. According to the FEMA flood map for the Project area, the Project is within Zone D, an area of undetermined flood risk (FEMA 2021). However, as a Ski Park, the Project area is naturally sloped and would be unlikely to flood. Therefore, impacts as a result of inundation-related pollutant release would be less than significant.

Downslope of the Project, various low-volume roads could potentially be impacted by landslides or flooding from post-fire storm activities. Nevertheless, installation of the ski lift, power line, and all Project structures would not significantly change drainage patterns or slope stability; post-fire landslide and flooding risks would not be increased as a result of the Project. Therefore, impacts would be less than significant.

Map 8: Surface Hydrology

Policy #27: No residential or industrial development shall be allowed on water bodies. Exceptions may be considered for water supply, hydroelectric power generation facilities, public works projects necessary to prevent or stabilize earth movement, erosion, and die enhancement of migratory fish and other wildlife, light commercial, open space, non-profit and non-organizational in nature recreational uses, and commercial/recreational uses.

No development will occur on water bodies.

Map 9: Deer Wintering Areas

Policy #24: Single family residential, light industrial, light commercial, open space, non-profit and non-organizational in nature recreational uses, commercial/recreational uses, and public or quasi-public uses only may be permitted.

The proposed project will not affect deer wintering areas.

Map 10: Wildfire Hazard Area

Policy #30: All development proposed within a wildfire hazard area shall be designed to provide safe ingress, egress, and have an adequate water supply for fire suppression purposes in accordance with the degree of wildfire hazard.

As the Project area and the surrounding landscape is densely forested, this could potentially expose people and the new structures built to a risk of loss, injury, or death involving wildland fires. However, the Ski Park Conversion THP and Ski Park II THP were implemented on the Project area as a measure to protect the Ski Park and surrounding regions from wildfire impacts. Additionally, the Ski Park has a current Emergency Action Plan which details steps to be taken in the event of a wildfire, and the Ski Park intends to continue periodically harvesting

timber from its ownership as a strategy to prevent wildfires. Therefore, wildfire risk impacts would be less than significant.

Map 11: Woodland Productivity

Policy #31: The minimum parcel size shall be one acre on zero to 15 percent slope, and five acres on 16 to 29 percent slope.

The permitted density will not create erosion or sedimentation problems.

The proposed project will not create erosion or sedimentation problems.

California Environmental Quality Act (CEQA) Findings

1. In making its recommendation, the Planning Commission has reviewed and considered the proposed project and all comments submitted and has determined that the record, as a whole, demonstrates that there is no evidence that the proposed project will have an individually or cumulatively significant effect.
2. The Planning Commission has reviewed the prepared Initial Study/Subsequent Mitigated Negative Declaration (IS/MND) and advises the Board of Supervisors that the environmental documentation for the proposed project is sufficient, and that there are no unavoidable significant impacts to occur.
3. The Planning Commission has determined that the custodian of all documents and material which constitute the record of proceedings shall rest with the County of Siskiyou Community Development Department.