# **Exhibit A-1: Findings of Fact Regarding**

# **Environmental Impacts**

**1. Introduction**

The County of Siskiyou (the “County”), as lead agency under the California Environmental Quality Act Public Resources Code Section 21000, *et seq.*  (“CEQA”), prepared an Environmental Impact Report (State Clearing House No. 201692016) for the Kidder Creek Orchard Project (the “Project”). The EIR is a project-level EIR prepared pursuant to CEQA Guidelines Section 15161 and consists of the Draft Environmental Impact Report release on August 7, 2019 (the Draft EIR”) with Appendices A through I; the Partially Recirculated Draft Environmental impact Report (the PR-EIR #1”) released on May 5, 2022 with Appendices E and J through O; and the Second Partially Recirculated Draft Environmental impact Report (the PR-EIR #2”) released on May 5, 2022 and the Final Environmental Impact Report dated August, 2022 (the “Final EIR”). The EIR address the potential environmental effects associated with the Project.

 ***a. Project Location***

The ±580-acre Project site is located at the west end of South Kidder Creek Road, approximately two miles west of State Highway 3, south of the community of Greenview in the Scott Valley, Siskiyou County, California; T42N, R10W, portions of Sections 1 and 2; T43N, R10W, portions of Sections 35 and 36, Mount Diablo Baseline and Meridian (Latitude 41°31'45.00"N, Longitude 122°57'08.00"W). The Project is located on 10 parcels and as identified by the following Assessor’s Parcel Numbers: 025-370-040 and 025-370-380; 024-440-140, 024-440-150, 024-440-310, 024-440-320 and 024-440-330; 024-450-390, 024-450-400 and 024-450-590.

 ***b. Project Objectives***

The Projective objectives are as follows:

1. Provide improve facilities and accommodations to support and expand ministry.

 2. Enhance the visual perception of the camp property.

 3. Maximize the use and experience of water across the property.

 4. Separate vehicle and pedestrian traffic.

 5. Create a flexible layout that accommodates phased construction.

 ***c. Project Description***

The Project presently occupies approximately 333 acres, which area has been used for residential programs for more than 40 years as an existing camp (“Kidder Creek Orchard Camp”), through an existing use permit, to include a maximum daily occupancy of 165 guests and up to 310 staff and volunteers. The Project would expand the use of the site through a new use permit and increase the Camp to 580 acres in size, increase the occupancy to 844 (guests, staff, and volunteers) and add a number of structures and recreation features, including a second pond and ancillary facilities. The Project would also cause a rezoning of approximately 170 acres from Timberland Production District (TPZ) to Rural Residential Agricultural, 40-acre minimum parcel size (R-R-B-40).

***d. Purpose of Findings***

The purpose of the Findings of Fact and Statement of Overriding Considerations (the “Findings”) that follow to satisfy CEQA’s requirements as set forth in Public Resources Code Section 21000 et seq., and Sections 15091, 15092, 15093 and 15097 of the CEQA Guidelines associated with approval of the Project. These Findings provide the written analysis and conclusions of the Board of Supervisors (the “Board”) of the County regarding the Project’s environmental impacts, mitigation measures, alternatives, and the overriding considerations, which, in the Board’s judgment justify approval of the Project despite its environmental effects. The Findings are divided into general sections. Each of these sections is further divided into subsections, each of which addresses a particular impact topic and/or requirement of the law.

**2. Record of Proceedings**

In accordance with PRC §21167.6(e), the record of proceedings for the EIR, findings, alternatives analysis, and ultimate decision on the Project includes the documents identified below:

* *The Draft Initial Study/Mitigated Negative Declaration (Kidder Creek Zone Change (Z-14-01) and Use Permit (UP-11-15))*, September 2016.
* The Notice of Preparation (NOP) for the preparation of the Draft EIR;
* Public notices issued by the County in conjunction with the Proposed Project;
* All comments submitted by agencies or members of the public during the comment period on the NOP;
* The County’s *Draft Environmental Impact Report for the Kidder Creek Orchard Camp,* December 2019 (including Appendices A through I);
* The County’s *Partial Recirculated Environmental Impact Report for the Kidder Creek Orchard Camp,* April 2022 (including Appendices E and J through O);
* The County’s *Partial Recirculated Environmental Impact Report for the Kidder Creek Orchard Camp,* June 2022 (including Appendix E);
* The County’s *Final Environmental Impact Report for the Kidder Creek Orchard Camp,* August 2022
* Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Proposed Project;
* Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;
* Any and all resolutions adopted by the County regarding the Proposed Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
* Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
* Any documents expressly cited in these findings, in addition to those cited above; and
* Any other materials required for the record of proceedings by PRC §21167.6(e).

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public by appointment during normal business hours at the offices of the County of Siskiyou, Community Development Department, 806 Main Street, Yreka, CA 96097, who is the custodian for these records. This information is provided in compliance with Public Resources Code § 21081.6(a)(1) and 14 Cal. Code Regs. § 15091(e).

**3. Findings and Facts in Support of Findings**

The following subsection lists each significant or potentially significant environmental impact by issue area, the facts surrounding the issue area, the mitigation measures identified for each impact in the EIR, and findings in support of the mitigation measures. This discussion does not attempt to describe the full analysis of each environmental impact contained in the EIR. A full documentation of the environmental analysis and conclusions is in the EIR and the Record of Proceedings identified at the end of this document and incorporated herein by reference.

The County has determined the adoption of feasible mitigation measures and alternatives incorporated into the EIR will reduce impacts to some extent, but in one instance the impact will not be reduced to a level that is deemed “less than significant,” thus one impact remains Significant and Unavoidable The Statement of Overriding Considerations contains additional information explaining the reasons for the County’s decision to approve the Proposed Project despite the significant environmental effect that cannot be mitigated to a less-than-significant level.

 ***3a. Hazards and Hazardous Materials - Wildland Fire Hazards (Impact 3.2.1)***

 **i. Facts:** A wildfire is an uncontrolled fire spreading through vegetative fuels, posing danger and causing destruction to life and property. The Project is located in an area designated as a Very High Fire Hazard Severity Zone on the 2009 High Fire Severity Zones in the Local Responsibility Area map (CAL FIRE 2009).The California Building Code, Fire Code and Public Rescore Code Section 4291 already contain regulations as to structural safety and the creation of defensible space. However, in terms of emergency access, the County is requiring two points of access to the Project site. Presently the Camp has a single road access as shown in Figure 6 of the EIR. easements through private property that would enable a second access route to the Project site as also shown in Figure 6. CAL FIRE has judged the proposed second road as adequate secondary access to the camp property. The proposed road would be required to meet current building and fire safety regulations in accordance with the California Building Codes and Public Resource Code Section 4291. CAL FIRE would inspect the road for compliance with all pertinent safety regulations.

**ii. Mitigation measure 8.1:** *Prior to the initiation of construction of habitable structures for the Proposed Project, an emergency access road will be developed by the Project and approved as to form and function by the California Department of Forest and Fire Protection (CAL FIRE) and the Siskiyou County Public Works Department. Additionally, all CAL FIRE required improvements to existing Project roadways shall be implemented. These roadways and the new access roadway shall be maintained by the Project, verified for compliance of the CAL FIRE roadway safety requirements at the start of each Kidder Creek Orchard Camp recreation season by a CAL FIRE approved wildfire expert, and re-approved on an annual basis.*

  **iii. Findings:** The second proposed route would provide significant ingress and escape abilities and reduce the risk of loss, injury or death to less than significant because it is located on a wholly different portion of the Project site, provides a significant alternative escape/access route and must meet state regulatory standards. The Board finds that the migration measures recommended in the EIR to mitigate the impact of wildland fire hazards, as well as the regulations under the California Building Standards Code and those under Public Resource Code Section 4291 will mitigate the impact of wildland fire to less than a significant level.

 ***3b. Hydrology and Water Quality – Flood as a Result of a Levee or Dam Failure (Impact 3.3.7)***

 **i. Facts:** While there are no levees or dams adjacent to or upstream of the Project site, the Project proposes a seven-acre bond which will have a water barrier not to exceed six feet at the spillway point. The State Water Resources Control Board has jurisdiction and the ability to determine the effect on any legal rights as to the diversion and retention of water. The EIR describes the construction of the pond as less than significant on potential flooding with the mitigation measure incorporated by virtue of the design and approval process, including either the involvement of the Dept. of Water Resources, or local requirement for engineered plans.

 **ii. Mitigation Measure 9.1*:*** *Prior to any land disturbance activities associated with the construction of the proposed seven-acre pond, the following shall be completed:*

*1) If the dam necessary to impound the proposed pond is subject to Department of Water Resources, Division of Safety of Dams jurisdiction, proof of full compliance with the required permitting and plan approval shall be provided to the Siskiyou County Community Development Department – Planning Division; or*

*2) If the dam necessary to impound the proposed pond is not subject to the Department of Water Resources, Division of Safety of Dams jurisdiction, the applicant shall submit plans to the County, stamped by a qualified engineer registered in the State of California, detailing the structural design of the dam. The County will review and approve said plans to ensure that the proposed dam is structurally adequate and is not a hazard. The applicant shall be responsible for paying all costs associated with the County’s review of said plans. The County retains the right to hire a third-party engineering firm to review the required plans.*

*3) Consultation with the State Water Resources Control Board Division of Water Rights to determine if any changes to the existing water rights or any permitting is required for the filling of the pond. If revised water rights and permits are required, proof of full compliance with the required permitting and plan approval shall be provided to the Siskiyou County Community Development Department – Planning Division. All consultation and resulting requirements with the SWRCB shall be provided to the California Department of Fish and Wildlife – Region 1.*

 **iii. Findings:** The Board finds that the proposed reviews of any pond construction for safety and engineering causes the threat of flood to be reduced to a less than significant level.

 ***3c. Air Quality – Expose sensitive receptors to substantial pollutant concentration (ISS/MND § 4.3)***

**i. Facts:** According to the Project EIR, while the Project is in an area of spare development, the nearest home sites are approximately 600 to 900 feet from the camp entrance. During construction activities, there will likely be a temporary increase of emissions associated with gas and diesel powered construction equipment and machinery. However, the anticipated increased emission would be temporary and not have a significant or long-term impact. The land disturbances would occur as proposed improvements are constructed. Parts of the Project site are classified as being susceptible for erosion and therefore is a potential for fugitive dust during land disturbance activities.

 **ii. Mitigation Measure 3.1:** *Prior to construction activities, the project applicant shall submit a Dust Control Plan to the Siskiyou County Air Pollution Control District (SCAPCD). This plan shall ensure that adequate dust controls are implemented during all phases of project construction, including the following:*

1. *Water exposed earth surfaces as necessary to eliminate visible dust emissions;*
2. *When grading within 100 feet of any residence, park or other sensitive receptor boundary, utilize pre-soaking with sprinkler or water trucks in addition to normal watering for dust control;*
3. *Suspend grading operations when wind is sufficient to generate visible dust clouds;*
4. *Pave, use gravel cover, or spray a dust agent on all haul roads;*
5. *Impose an on-site speed limit on unpaved roads to 15 mph or lower (this speed must be posted);*
6. *All grading operations shall be suspended when sustained wind speeds exceed 25 mph;*
7. *All exposed surfaces and overburden piles shall be revegetated or covered as quickly as possible;*
8. *If fill dirt is brought to, or stockpiled on, the construction site, tarps or soil stabilizers shall be placed on the dirt piles to minimize dust problems;*
9. *Clean earthmoving construction equipment as needed to ensure that haul trucks leaving the site do not track dirt onto area roadways;*
10. *Cover all trucks hauling soil, sand, and other loose materials and ensure that all trucks hauling such materials maintain at least two feet of freeboard;*
11. *Institute measures to reduce wind erosion when site preparation is completed;*
12. *Install sandbags or other erosion control measure to prevent silt runoff onto public roadways;*
13. *Designate a person or persons to monitor the dust control programs as approved by the SCAPCD, and to order increased watering, as necessary, to prevent the transport of dust off-site. This designee’s duties will include holiday and weekend periods when work may not be in progress. A phone number of the applicant’s designate contact person shall be included in the Dust Control Plan and updated as necessary.*
14. *The approved Dust Control Plan shall be included on all development plans, including, but not limited to building permit plans and grading plans.*

**iii. Findings:** The EIR proposed mitigation measures include the use of water to suppress dust emissions, cessation of operations when visible dust d generated, slower vehicle speeds and revegetation. The Board finds that the migration measures recommend in the EIR to mitigate the impact on air quality would be reduced to less than significant levels.

 ***3d. Biological Resources – effect on special status plants (ISS/MND § 4.4(a))***

**i. Facts:** Two populations of a special status plant species, Shasta chaenactis were found during botanical surveys. According to the ISS/MND (The populations were located above the intake area of the proposed 7-acre pond.

 **ii. Mitigation Measure 4.1:**

*a****.*** *A qualified botanist shall survey the area identified as containing the two plant populations. The extent of the plant populations shall be mapped at a legible scale and include setbacks to identifiable natural and/or human-made structures or features. The map shall be provided for review to Planning Division staff. No land disturbances shall occur until said map is reviewed and approved by Planning Division staff. Prior to any land disturbances within 100 feet of the identified plant populations, construction fencing shall be erected to protect the plant populations. The fencing shall be located and secured in a manner that does not adversely impact the plant populations. A qualified biologist shall provide best management practices (BMPs) regarding the placement of construction fencing to ensure that the plant populations are not adversely impacted.*

*b. Interpretative signage shall be placed in proximity to the plant populations to educate camp staff and visitors regarding the plants status as a special status species. A description of the plants habitats and illustrations or photographic images of the plant shall be included on the signage. A minimum of one sign shall be placed at each of the identified plant populations. The proposed signage shall be submitted to Planning Division staff for review and approval.*

**iii. Findings:** The proposed mitigation measures including marking the area of the plants, the construction of protective fencing and incorporation of BMP’s to provide warnings, separation space and physical protection to the Shasta chaenactis. The Board finds that the migration measures recommend in the EIR would reduce the impact of the Project to a less than significant level on the plant species.

***3e. Biological Resources – effect on special status species (ISS/MND § 4.4(a))***

**i. Facts:** During wildlife surveys at the Project site, a Pacific Fisher (Martes pennant) was identified near the camp entrance and an active osprey (Pandion haliaetus) was identified in a Douglas fir tree near the existing pond.

**ii. Mitigation measure 4.2:** *Regarding Pacific Fishers (Martes pennant), the following mitigation measure shall be implemented:*

*a. Land disturbance and construction activities that involve the removal of vegetation shall take place outside of the Pacific fisher denning period of March through August, when the female Pacific fisher and kits are vulnerable to incidental take while residing in tree dens or ground dens in the area; or*

*b. If construction or land disturbance activities that involves the removal of vegetation takes place during the denning season (March through August), preconstruction surveys shall be completed by a qualified wildlife biologist to ensure that construction activities do not adversely impact denning fishers. The survey shall take place no more than one week prior to vegetation removal associated with construction or land disturbance activities. If an active den is discovered during the survey, no vegetation shall be removed within 375 feet of the den until the fishers have vacated the den. The results of the pre-construction survey shall be sent to the CA Department of Fish and Wildlife, Attn: CEQA, 601 Locust Street, Redding, CA 96001.*

**Mitigation measure 4.3:** To reduce potential impacts to Pacific Fishers (Martes pennant) from poisoning due to the eating of dead or dying rodents exposed to rodenticides, no rodenticides shall be used to control the proliferation of rodents.

**iii. Findings:** The Board finds that the mitigation measures recommended in the EIR during land disturbance and construction activities to provide a safe zone around the Pacific Fisher during vulnerable times, as well as the banning of rodenticides at all times, would reduce the impact of the Project to a less than significant level on the Pacific Fisher.

**3f. *Biological Resources – effect on the movement of fish and wildlife (ISS/MND § 4.4(d))***

**i. Facts:** The EIR observes that existing habitat provides suitable foraging and nesting opportunities for raptors and other migratory birds. Both raptors and migratory birds are protected under the Migratory Bird Treaty Act (MBTA) and may be impacted by project implementation should they be present. Further all native breeding birds (except game birds that are in-season) , regardless of their listing status, are protected under the MBTA. There are numerous trees located within the project site that have the potential to support nesting activity. Trees removed during the nesting season as a result of project implementation could result in direct impacts to the special-status avian species and other nesting birds should they be resent.

**ii. Mitigation Measure 4.4*:*** *In order to avoid impacts to nesting migratory birds and/or raptors, including osprey (Pandion haliaetus), protected under California Fish and Game Code Section 3503, one of the following shall be implemented:*

*a. Vegetation removal associated with construction of driveways, structures, and residences shall be limited to September 1 through January 31 when birds are not nesting; or*

*b. If vegetation removal will occur during the avian breeding season of February 1 through August 31, a survey for nesting migratory birds shall be completed by a qualified biologist no more than one week prior to vegetation removal associated with construction of driveways and residences. If an active nest is located during the survey, no vegetation shall be removed until the young have fledged, as determined through additional monitoring by a qualified biologist. The results of the nesting bird survey(s) shall be sent to the Department at: California Department of Fish and Wildlife, Attn: CEQA, 601 Locust Street, Redding, CA 96001.*

 **iii. Findings:** The Board finds that the mitigation measures recommended in the EIR address the nesting and foraging activities, would reduce the impact of the Project to a less than significant level as to the movement of migratory birds.

**3g. *Biological resources – effect on any riparian habitat or other sensitive natural community (ISS/MND § 4.4(b))***

 **i. Facts:** The project site is traversed by Kidder Creek in the northwest portion of the site. Additionally, the Barker Irrigation Ditch, a constructed pond, a number of ephemeral waterways, and seasonally wet meadow are located on the site. The Department of Fish and Wildlife further advised that a 150-foot buffer around all onsite waterways, wetlands and floodplain (whichever is greatest) would provide sufficient protection for riparian resources.

 **ii. Mitigation measures 4.5 4,6 and 4.7**

4.5:*Where structures, buildings, or other land disturbing activities are proposed to be located less than 150 feet from a naturally occurring waterway or water body, the following shall be completed:*

*a) A stormwater pollution prevention plan (SWPPP), completed by a Qualified Storm Water Pollution Prevention Plan Developer (QSD), shall be submitted to the Siskiyou County Community Development Department – Planning Division for review and approval. The SWPPP shall be developed to the same standards that would be required for Construction General Permit; and*

*b) Stormwater associated with newly created impervious surfaces shall be retained, detained, or directed away from said waterways or water bodies.*

4.6: *Jurisdictional Waters of the United States, as regulated by the US Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act, shall be avoided; or If avoidance is not possible, an application for a Section 404 permit shall be approved by the USACE prior to any land disturbance activities that would result in the dredge, fill, or alteration of hydrology to any jurisdictional waters. Where avoidance is not possible measures shall be implemented to minimize unavoidable impacts, restoration procedures, and compensatory creation or enhancement to ensure no net loss of wetland extent or function*.

4.7: A no-disturbance buffer of 150-feet from the edge of a bank, edge of the floodplain, or outer edge of the riparian dripline shall be stablished to the specifications of the California Department of Fish and Wildlife (CDFW). The Project shall result in no let loss of riparian habitat.

 **iii. Findings:** The Board finds the proposed mitigation measure addresses potential pollution that may be caused by nearby development through an SWPPP and further that potential waterways created artificially shall be directed away from the riparian habitat.

 **3h. *Biological resources – effect on any wetlands (ISS/MND § 4.4(c))***

 **i. Facts:** A wetlands survey was prepared for the Project. A figure of the Project’s pond, drainage and determined wetlands is as shown in Figure 4.4.1 of the ISS/MND. Further, a wetlands survey was completed (attachment C to the ISS/MND). Potential wetlands were determined to exist at the Project site.

 **ii. Mitigation measures:** As set forth in section 3g above.

 **iii. Findings:** The Board finds that the proposed mitigation measures address the impact of the Project on potential wetlands provide sufficient consideration to protecting the wetlands both in terms of land disturbance activities by requiring the necessary permits in order to alter the hydrology, and by controlling the potential artificial runoffs and contaminants to the wetlands. These measures will mitigate the impact of Project development in the area of the wetlands to a less than significant level.

 **3i. *Cultural resources***

**i. Facts:** The project site was visited by Resource Management archaeologists in 2010 and 2013. No prehistoric or historic archaeological sites were identified during the surveys. Nonetheless, it may be possible that ground disturbances during project development may cause discovery or impact on subsurface historical resources, archaeological resources, paleontological resources, Native American or early European burial sites and “tribal cultural resources”.

 ii. **Mitigation measures:**

*MM 5.1: If, during the course of project implementation, cultural resources (i.e., prehistoric sites, historic features, isolated artifacts, and features such as concentrations of shell or glass) are discovered, all work shall cease in the area of the find, the Siskiyou County Community Development Department – Planning Division shall be immediately notified, and a professional archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to determine the significance of the discovery. The County shall consider mitigation recommendations presented by a professional archaeologist and implement a measure or measures that the County deems feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.*

*MM 5.2: If, during the course of project implementation, paleontological resources (e.g., fossils) are discovered, all work shall cease in the area of the find, the Siskiyou County Community Development Department – Planning Division shall be immediately notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. The County shall consider the mitigation recommendations presented by a professional paleontologist and implement a measure or measures that the County deems feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.*

*MM 5.3: If, during the course of project implementation, human remains are discovered, all work shall cease in the area of the find, the Siskiyou County Community Development Department – Planning Division shall be immediately notified, and the County Coroner must be notified, according to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in California Code of Regulations Section 15064.5(d) and (e) shall be followed.*

 **iii. Findings:** Upon discovery of any impacted cultural resources, contact of a professional archaeologist, paleontologist, County Coroner, and any mitigation measures so then recommended upon discovery, would reduce the impacts to a less than significant level.

 **3j. *Geology and soils – erosion (ISS/MND Impact 4.6(d))***

**i. Facts:** The Natural Resource Conservation Service has identified the Project site as containing soil types that exhibit a low or moderate potential for water erosion. Limited land disturbances from future development of single family residences and residential accessory structures on the proposed parcels. Nevertheless, in order to address potential impacts due to wind and water erosion the EIR suggests the proposed mitigation measure.

 **ii. Mitigation measure:**

*(6.1) The applicant shall either revegetate soils disturbed by land clearing for construction of improvements or provide and maintain an adequate ground cover within these disturbed areas. Adequate ground cover may be accomplished through paving and/or laying down wood chips, shredded bark, or similar material(s). If construction activities are suspended for six (6) or more months, disturbed soils shall be revegetated or adequately covered until construction activities resume. Upon completion of construction activities, soils shall be revegetated or adequately covered within six (6) months. All revegetation shall be completed with plants native to the area.*

 **iii. Findings:** The proposed rehabilitation of disturbed land by revegetation and other types of natural ground cover and by covering the ground is sufficient to reduce the impacts of the Project on soil erosion to a less than significant level.

 ***3k. Hydrology and Water Quality – expose people or structures to loss, injury or death as a result of flooding, including a failure of a level or dam (ISS/MND Impact 4.9(i))***

**i. Facts:** The project includes an existing pond and a proposal to create a second larger, 7-acre pond. The applicant intends on designing the pond to be under the jurisdictional threshold of what is considered a dam by the Department of Water Resources, Division of Safety of Dams.To address proper design concerns, and avoid a potential incident of a dam failure, the EIR proposes mitigation measure 9.1.

 **ii.** **Mitigation measure:**

*Prior to any land disturbance activities associated with the construction of the proposed seven-acre pond, the following shall be completed:*

*1) If the dam necessary to impound the proposed pond is subject to Department of Water Resources, Division of Safety of Dams jurisdiction, proof of full compliance with the required permitting and plan approval shall be provided to the Siskiyou County Community Development Department – Planning Division; or*

*2) If the dam necessary to impound the proposed pond is not subject to the Department of Water Resources, Division of Safety of Dams jurisdiction, the applicant shall submit plans to the County, stamped by a qualified engineer registered in the State of California, detailing the structural design of the dam. The County will review and approve said plans to ensure that the proposed dam is structurally adequate and is not a hazard. The applicant shall be responsible for paying all costs associated with the County’s review of said plans. The County retains the right to hire a third-party engineering firm to review the required plans.*

*3) Consultation with the State Water Resources Control Board Division of Water Rights to determine if any changes to the existing water rights or any permitting is required for the filling of the pond. If revised water rights and permits are required, proof of full compliance with the required permitting and plan approval shall be provided to the Siskiyou County Community Development Department – Planning Division. All consultation and resulting requirements with the SWRCB shall be provided to the California Department of Fish and Wildlife – Region 1.*

 **iii.** **Findings:** The Board finds that the proposed reviews of any pond construction for safety and engineering causes the threat of flood to be reduced to a less than significant level.

 **3l.** ***Noise – exposure of persons to noise in excess of standards established in the local general plan or other noise ordinances/regulations*** (ISS/MND 4.12(a), DEIR Section 3.4

 **i. Facts:** The two Recirculated Draft Environmental Reports incorporate the most recent revisions to CEQA noise guidelines. There are two categories of noise impacts: construction and operational. During Project construction, heavy equipment would be used for grading, excavation, paving and building construction. Noise levels very dependent on the type of equipment used. The increase in construction noise would be temporary however, the EIR proposed limiting construction activities to specified hours which are traditional construction times.

 Operationally, noise sources attributed to the camp include camp guests and employees speaking and noises associated with camp activities. Additionally, the Project also proposes two amphitheaters. The proximity of the amphitheaters are indicated as being 1,100 feet and 1,800 feet from the nearest residence, as indicated in the 2nd Partial Recirculated DEIR under Impact 3.4.1. The proposed decibel limits (the average acoustic energy content of noise for a stated period of time) include a 45 dB Leq for nighttime hours and 60 db Leq for operational hours. The 2nd Partial Recirculated DEIR (at Section 3.4.4) sets for the regulatory framework as to acceptable noise levels and that the proposed mitigation measures meet those standards.

 **ii. Mitigation measures:**

*(12.1): During project site development construction activities shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday, and from 8:00 a.m. to 6:00 p.m. on Saturdays. Construction activities are prohibited on Sundays and federal holidays. This condition shall be noted on Building Permits documents and any Improvement Plans required for this project.*

*(12.2): The use of loud or amplified sound (i.e. music, stereo equipment, public address (PA) systems, etc.) shall be limited to 8:00 AM to 10:00 PM Monday through Saturday, and 9:00 AM to 10:00 PM Sunday and National and State-recognized holidays. Noise shall be limited to 60 dB Leq at the boundaries of the project site during the hours listed above and 45 dB Leq at all other times*

 **iii. Findings:** Implementation of the mitigation measures would limit construction noise levels to times that are reasonable and at levels that are acceptable by regulatory standards. The proposed mitigation measures reduce the construction and operational noise impacts to a less than significant level.

**3m. *Noise - Nighttime noise levels***

**i. Facts:** The camp is generally expected to operate during daylight hours and does not propose any nighttime activities. The overwhelming majority of project traffic is predicted to occur during daytime hours. However, to the extent that any nighttime noise is generated by traffic, then the EIR proposes that traffic to the camp be restricted to 7 am at the earliest and 10 pm at the latest.

**ii. Mitigation measures:**

*The Project shall enforce the following in order to limit the potential for nighttime noise disturbances.*

*• Camper pick up and drop off hours shall be set to avoid the need for traffic on South Kidder Creek Road between the hours of 10 pm and 7 am. All other camp traffic should be limited to daytime hours to the maximum extent practical.*

*• Quiet periods between the hours of 10 pm and 7 am shall be established and strictly enforced by camp personnel.*

**iii. Findings:** To the extent that the Project does not contemplate nighttime activities and that otherwise there may be a possibility of traffic noise during the nighttime, the proposed mitigation measures reduce the impact of a nighttime noise level to a less than significant level.

 **3n. *Noise – traffic noise levels and cumulative noise impact (Impact 3.4.1.and Impact 3.4.6)***

 i. **Facts:** Generally, traffic that is generated by the Project is expected to increase based on an assumed 844 persons at the Camp if the Project proceeds. According to the 2nd Partial Recirculated DEIR, a peek Saturday Project trip generation would be 1,448 daily trips. While generally the increase in noise would remain below the Siskiyou County exterior noise standard applicable to residential uses, nonetheless, the predicted increases in traffic noise levels at the nearest residences to South Kidder Creek Road could exceed 5 dbA significance. , the noise impact on those residences is significant. Further, the 2nd Partial Recirculated DEIR identifies that off-site mitigation measures, including reduction in posted speed limits relocation of the road way or residences or off-site noise barriers are infeasible.

 **II. Mitigation measures:** None.

 **iii.** **Findings:** The Board finds that the impact of traffic noise on nearby residences is significant and unavoidable. See the Statement of Overriding Considerations.

**4. Findings of Unavoidable Significant Adverse Effects**

 The following significant adverse effects of the Project with respect to Noise are found to be unavoidable despite the adoption by the Board of all feasible mitigation measures identified in the Final EIR:

The project would result in a substantial and permanent increase in ambient noise levels due to the noise produced by traffic increases. And, cumulatively, the Project, when considered with future development, is likely to have a significant cumulative impact due to traffic noise sources.

**5. Consideration of Project Alternatives**

 **5a. Introduction:** Section 15125.5(f) of the CEQA Guidelines requires that an EIR include a “reasonable range of alternatives to the project, or to the location of the project, which would avoid or substantially lessen any significant effects of the project.” Based on the analysis in the EIR, the Project would be expected to result in significant and unavailable impacts to Noise. The EIR alternatives were designed to avoid or reduce these significant unavoidable impacts, and to further reduce impacts that were found to be less than significant.

 These alternatives were analyzed in the EIR, each of which are summarized below and described in more detail in Chapter 4 of the Draft EIR.

 The Board has revised the significant impacts associated with the reasonable range of alternatives as compared to the Project, and in evaluating the alternatives has also considered each alternative’s feasibility, taking into account a range of economic, environmental, social, legal and other facts. In evaluating the alternatives, the Board has also considered the important facts listed in the Statement of Overriding Considerations listed in Section 6 below.

 **5b. Alternative Project No. 1 (No Project Alternative):** CEQA Guidelines § 15126.6(e) requires the “No Project” alternative be evaluated along with its impacts.

 **i. Description of the No Project Alternative:** The Project site would not be further developed, and the site would remain as it currently exists with an occupancy maximum of 310 persons. The No Project Alterative would eliminate the operational impacts of the camp including those impacts on wildfire hazards, noise, biological resources and hydrology. The significant and unavoidable impact of noise due to increased traffic would not occur. The No Project alternative is environmentally superior to the Project because it avoids or substantially lessens the Project’s significant and unavoidable impact associated with traffic and noise.

 **ii.** **Findings:** The Board rejects the No Project Alternative or the following reasons: The No Project alternative would not accomplish any of the basic project objectives section forth in Section 1b above. The camp would remain operating under the existing permit and therefore the expansion of the ministry would be prohibited and none of the other remaining project objects could be developed.

 **5c. Alternative Project No. 2 (No Pond Alternative)**

 **i. Description of the No Pond Alternative:** Under this Alternative, the Project would be as proposed except that the 7-acre pond would not be constructed. The area where the pond would be located would remain in its current state, but the remainder of the Project would be developed. In terms of both noise and traffic, the Draft EIR found that the noise from pond activities would be eliminated but insofar as even the proposed pond would remain within a reasonable range of ambient noise, the elimination of the pond itself and the effect on noise would not be significant. Further, the traffic noise from 844 occupants would still be a significant, unmitigated effect, at certain peek times.

 **ii. Findings:** The Board find that this alternative would be insufficient to address the noise element as to traffic as there would be no change in the increased occupancy number. Further, the pond itself does not create any environmental impacts that cannot be mitigated to a less than significant level. Further, the pond itself is one of the goals of the Project to maximize the use and experience of water activities. The Board therefore rejects the No Pond alternative.

 **5d. Alternative Project No. 3 (Reduced Project Development Alternative)**

 **i. Description of the Reduced Project Development Alternative:** Under this Alternative, the uses of the Project would be as proposed (including the proposed pond) but occupancy would be reduced to a maximum of 622 persons instead of 844 persons, with a corresponding reduction in accommodations. The development of the project would not change the hydrology impact of the Project significant because the development of the seven-acre pond would remain even though a smaller number of new buildings and RV parking areas would likely result. However, the overall demand for water would be less and thus this Alternative results in a superior project. As to noise, the reduction in traffic would result in a less than significant impact as noise and thus is a superior project (the EIR estimating 729 new trips on a Saturday as opposed to 1,110 trips under the proposed Project). Overall, this alternative project would still meet a majority of the Project’s objectives.

 **ii. Findings:** The Board rejects this finding because the expanded occupancy is a prime reason for the Project itself. The environmental impact of Saturday morning traffic noise is addressed in the Statement of Overriding Considerations and the impact, while significant on Saturday mornings, does not outweigh the benefits of a fully expanded camp to support and expand the ministry of which the proposed acreage and facilities are otherwise sufficient to support.

**5e. Alternative Project No. 4 (Reduced Occupancy)**

i. **Description of the Reduced Occupancy Alternative.** This alternative is essentially a modification of Alternative Project No. 3 and reduce the allowable occupancy to 622 persons while maintaining all the proposed infrastructure. Adopting this Project Alternative means it is a superior project in respect to wildland fires by exposing less people to this hazard; the water quality impacts and groundwater demand would be less; less solid waste would be produced; and, the reduction in traffic under an occupancy of 622 persons, as described in the 2nd Partially Recirculated EIR and the Environmental Noise Assessment completed in 2017 and updated in 2021, would change the impact of noise to less than significant and thus is a superior project in terms of noise (the EIR estimating 729 new trips on a Saturday as opposed to 1,110 trips under the proposed Project). Overall, this alternative project would still meet a majority of the Project’s objectives.

**ii. Findings:**  The Board of Supervisors finds that this Alternative Project No. 4, meets all the physical infrastructure goals of the project and a substantial portion of the project goal to increase the ministry. Further, this Alternative is an environmentally superior alternative as set forth in its description and reduce all impacted areas to less than significant with the mitigation measures otherwise set forth in the EIR.