# RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU

# RESCINDING RESOLUTION 17-60 AND SETTING ASIDE THE APPROVAL OF USE PERMIT UP-16-03 AND CERTIFICATION OF THE ASSOCIATED FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2016062056)

WHEREAS, on November 16, 2017, and on December 12, 2017, the Board of Supervisors considered a proposed use permit for a caretaker’s residence at 210 Ski Village Drive, Mt. Shasta, California (APN 037-140-090) (“Use Permit UP-16-03”) and reviewed and considered the associated Final Environmental Impact Report (SCH#2016062056) (the “FEIR”); and

WHEREAS, on November 16, 2017, the public hearing on the matter was closed, and on December 12, 2017, the Board of Supervisors adopted Resolution 17-60 approving Use Permit UP-16-03 and certifying the FEIR; and,

WHEREAS, We Advocate Thorough Environmental Review and the Winnemem Wintu Tribe (“Petitioners”) thereafter petitioned for a writ of mandate from the Siskiyou County Superior Court challenging the Board’s certification of the FEIR and approval of Use Permit UP-16-03; and

WHEREAS, the matter was considered by the trial court, which denied the petition for writ of mandate; and

WHEREAS, Petitioners appealed the trial court’s decision to the Court of Appeal, Third Appellate District; and

WHEREAS, after hearing the matter the Court of Appeal, Third Appellate District, reversed the trial court’s judgment and directed the trial court to enter a new judgment and issue a writ of mandamus ordering the County of Siskiyou to take actions to comply with CEQA; and

WHEREAS, the trial court has issued the writ of mandamus ordering the County of Siskiyou to 1) rescind and set aside its approval of Permit UP-16-03 and certification of the FEIR; and 2) suspend all activity associated with the implementation of Permit UP-16-03 that could result in any change or alteration to the physical environmental until the County has brought the approval of the Project into compliance with the California Environmental Quality Act (“CEQA”).

NOW, THEREFORE, BE IT RESOLVED that the Siskiyou County Board of Supervisors does hereby take the following actions:

1. Resolution 17-60 approving Use Permit UP-16-03 and certifying the FEIR is hereby rescinded and the approval of Use Permit UP-16-03 and certification of the FEIR is set aside.
2. County staff is directed to suspend all activity, if any, associated with the implementation of Permit UP-16-03 that could result in any change or alteration to the physical environmental until the County has brought the approval of the Project into compliance with CEQA.

PASSED AND ADOPTED by the Siskiyou County Board of Supervisors at a regular meeting of said Board, held on the 7th day of February, 2023, by the following vote

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Ed Valenzuela, Chair

Siskiyou County Board of Supervisors

ATTEST:

LAURA BYNUM,

COUNTY CLERK

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_