



**Siskiyou County
Planning Commission Staff Report
November 16, 2022**

**Old Business: Agenda Item Number 1
Kidder Creek Orchard Camp Zone Change (Z-14-01) and
Use Permit (UP-11-15)**

Applicant:	Kidder Creek Orchard Camp, Inc.
Property Owners:	Kidder Creek Orchard Camp, Inc.. 2700 South Kidder Creek Road Etna, CA 96027
Representatives:	Tim Lloyd 2700 South Kidder Creek Road Etna, CA 96027
Project Summary	The applicant is requesting approval of the following: <ul style="list-style-type: none">• A Zone Change to rezone approximately 170 acres from Timber Production (TPZ) to Rural Residential.• A Use Permit to increase the allowable occupancy at the camp from 165 guests to a total occupancy of 844, increase the physical size of the camp from 333 to 580 acres, and allow for additional structures and recreational features, including a pond, and ancillary facilities. It is anticipated that the expansion would occur over a twenty-year period.
Location:	The Project site is located on 580-acres at the west end of South Kidder Creek Road, approximately 2 miles west of State Highway 3, south of the community of Greenview in the Scott Valley; 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); (Assessor Parcel Numbers (APNs) 025-370-040 and 380; 024-440-140, 150, 310, 320 and 330; 024-450-390, 400 and 590).
General Plan:	Soils: Erosion Hazard; Wildfire Hazard; Soils: Severe Septic Tank Limitations; Slope; Flood Hazard; Surface Hydrology; Wildfire Hazard; Woodland Productivity; and Composite Overall Policies.
Scott Valley Area Plan:	Prime Agricultural Land (portion), Excessive Slope (portion), and Non-Resource Area
Current Zoning:	Timber Production (TPZ), Prime Agricultural (AG-1), and Rural Residential (R-R)
Proposed Zoning:	Rural Residential (R-R)

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Exhibits:

- A. Draft Resolution PC 2022-018
 - A-1. Notations and Recommended Conditions of Approval
 - A-2. Recommended Findings
 - A-3. Facts and Findings (CEQA)
- B. Final Environmental Impact Report (EIR)
- C. Public Hearing Notices and Notice of Availability (NOA)
- D. Comments

Background

Prior Approvals

The existing camp was permitted by three separate Use Permit approvals beginning in 1976. Use Permits were approved in 1977 (UP-76-39), 1985 (UP-85-37), and 1996 (UP-95-12). The 1996 Use Permit approved the current occupancy capacity of 165 guests, a maximum annual occupancy of 3,340, with an on-site parking limitation of 215 vehicles, and an average daily traffic volume of 131 vehicles. Mitigated Negative Declarations were prepared for the 1985 Use Permit (SCH# 1985110397) and for the 1996 Use Permit (SCH# 1996103658) project approvals. The camp also obtained approval on December 5, 1979, for a Use Permit (UP-68-79) for a 2.3' x 3' (6.9 square feet) directional sign to be placed at the State Highway 3/South Kidder Creek intersection. A Negative Declaration was prepared and adopted for the project (SCH# 79110922).

Existing Conditions

The existing Kidder Creek Orchard Camp (KCOC) occupies approximately 333 acres. The property has been used for residential programs for more than 40 years, and continues to be operated by Scott Valley residents, both paid and volunteer, with seasonal staff hired locally and outside the area. Elevations at the site range from approximately 3,000 to 3,950 feet. In addition to Kidder Creek, which traverses the northwesterly portion of the site, a number of seasonal waterways and the Barker Irrigation Ditch traverse the site. The low elevation areas include a meadow with some jurisdictional wetlands and an apple orchard. Upland areas are generally forested with conifers, interspersed with oak trees. Natural habitats include riparian woodlands, cobbly/sandy riverbanks, wet meadows, mixed conifer forests, and oak woodlands. Surrounding land uses include timber production and open space to the south and west, and vacant lands and rural residential uses to the north and east. Kidder Creek traverses the northwesterly portion of the site for approximately 2,200 feet.

Proposed Project Summary

The project consists of a proposed rezone of approximately 170 acres and a proposed use permit to increase the capacity of the existing organized camp. The rezone would reclassify 170 acres from Timberland Production District (TPZ) to Rural Residential Agricultural, 40-acre minimum parcel size (R-R-B-40). The use permit application is to increase the allowable occupancy at the camp from 165 guests to a total occupancy of 844 (guests, staff, and volunteers), increase the physical size of the camp from 333 acres to 580 acres, and add a number of structures, recreation features, including a second pond and ancillary facilities. The proposed expansion is expected to occur over a twenty-year period. South Kidder Creek Road would continue to provide primary access to the site. Secondary emergency access would be from Patterson Creek Road and access easements to the south and east of the project site.

This project also includes a revocation of the previous use permits to consolidate all the approved uses into a single use permit and Environmental Impact Report (EIR). Therefore, all existing use permit conditions of approval and all previously adopted mitigation measures, are proposed for the new use permit where necessary. Conditions of approval and mitigation measures that are no longer necessary, have been complied with, or would be satisfied/fulfilled with new conditions of approval or mitigation measures may be eliminated. Should the proposed zone change (Z-14-01) and/or use permit (UP-11-15) not be approved, the existing use permit approvals and mitigation measures would not be revoked and would continue to be effective.

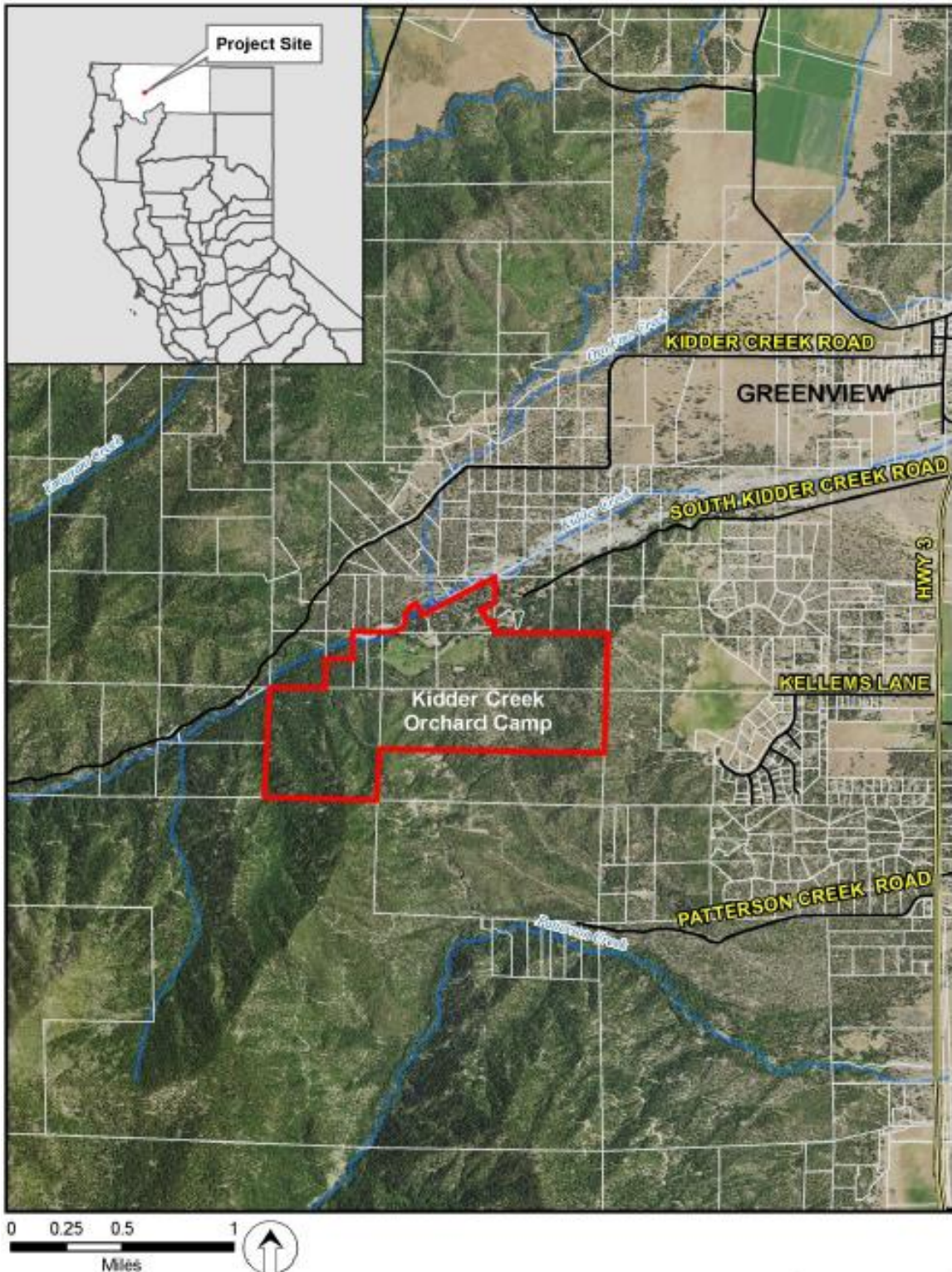


Figure 1: Project Location

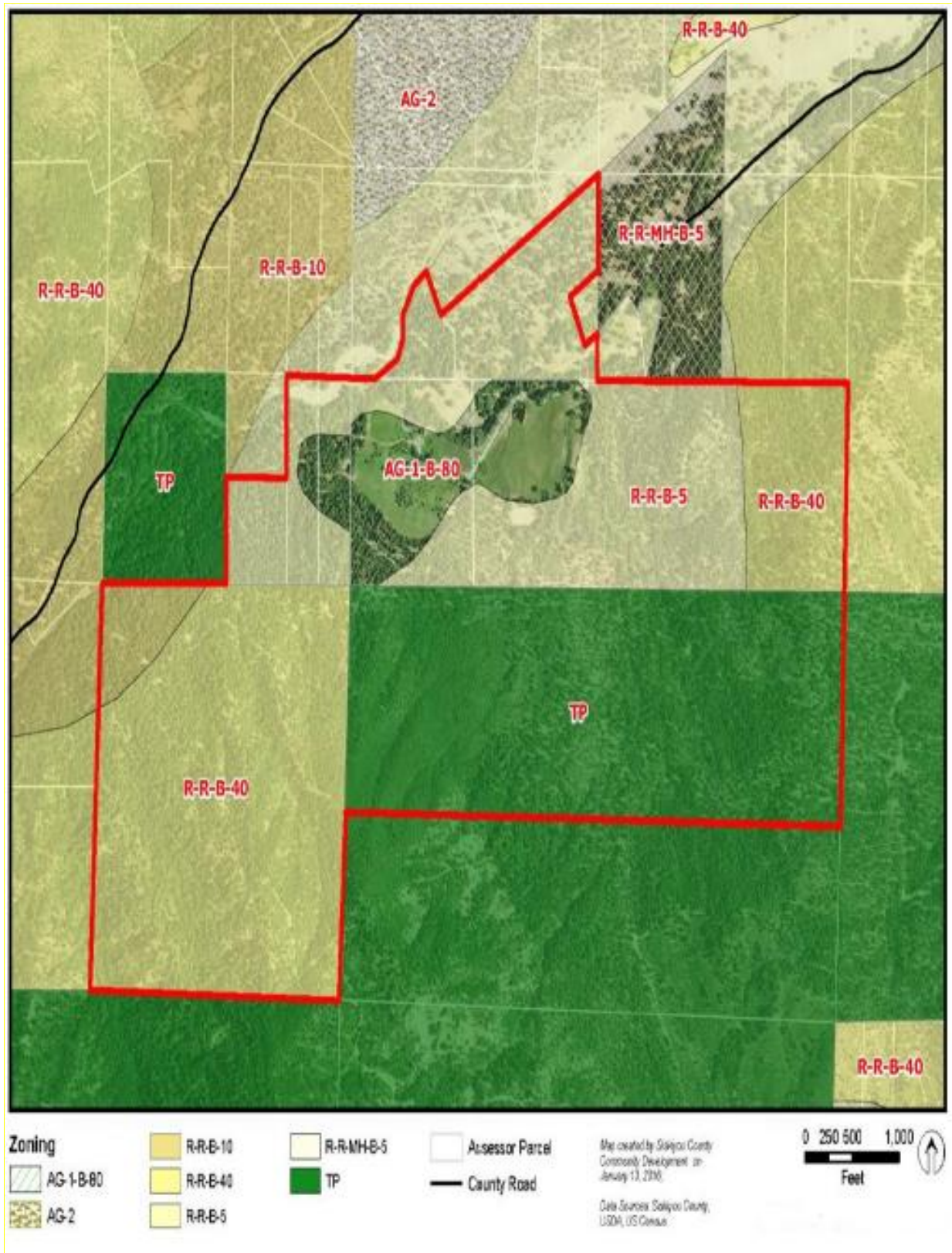


Figure 2: Zoning Map

Analysis

General Plan and Scott Valley Area Plan (SVAP) Consistency

The Land Use Element of the Siskiyou County General Plan identifies the project site as being within the mapped resource overlay area for Soils: Erosion Hazard; Wildfire Hazard; Soils: Severe Septic Tank Limitations; Slope; Flood Hazard; Surface Hydrology; Wildfire Hazard; and Woodland Productivity. Planning staff has identified that Composite Overall Policies 41.3(a), 41.3(c), 41.3(e), 41.3(f), 41.5, 41.6, 41.7, 41.8, 41.9, 41.10, 41.12, 41.13, 41.18, and 41.19(b) apply to the proposed project.

A portion of the project site, mainly consisting of the flat meadow and orchard areas, is designated as Prime Agricultural Land, as shown on the Scott Valley Area Plan Natural Resources Map 3. Kidder Creek Orchard Camp predates both the Scott Valley Area Plan and the current General Plan. The proposed expansion of the camp does not include any structures or other permanent type uses on those areas designated as Prime Agricultural Land. This area has been used for passive recreational uses in the past and will continue to be used for similar uses. The project would not conflict with applicable plans that have jurisdiction over the project area. Consistent with the applicable County land use and Scott Valley Area Plan policies, the project is an organized camp, compatible with adjacent land uses.

Staff has conducted a detailed analysis of each of the required findings and found that the proposed project is consistent with the applicable General Plan policies governing the subject site. Additionally, the use of the property, is compatible with the surrounding land uses, would have adequate roadway access for transportation and public health and safety provisions, and would not create significant environmental impacts to on- or off-site resources. The recommended findings are detailed in the General Plan Consistency Findings section of Exhibit A-2 attached to this staff report and are submitted for the Commission's review, consideration, and approval.

Zoning Consistency

In concert with the General Plan and Scott Valley Area Plan, the Siskiyou County Code establishes zoning districts within the County and specifies allowable uses and development standards for each district. Under state law, each jurisdiction's zoning must be consistent with its general plan. The area of the project site currently zoned TPZ is proposed to be changed to Rural Residential Agricultural, 40-acre minimum parcel size (R-R-B-40). Pursuant to Section 10-6.4802 of the Siskiyou County Code, the R-R-B-40 district permits single-family dwellings and residential accessory structures and uses. Existing zoning on the rest of the project site is Prime Agricultural District, 80 acre-minimum parcel size (AG-1-B-80); Rural Residential Agricultural, 5- acre minimum parcel size (R-R-B-5), Rural Residential Agricultural, 10-acre minimum parcel size (R-R-B-10), and Rural Residential Agricultural, 40-acre minimum parcel size (R-R-B-40).

Siskiyou County Code (SCC) Section 10-6.1502(c) allows for recreational facilities in any zoning district upon approval of a conditional use permit. In addition to the zone change described in the previous paragraph, the applicant is requesting a use permit, pursuant to SCC Section 10- 6.1502(c) and 10-6.1201 et seq. to expand occupancy, acreage and additional structures for recreational use of the property.

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Based on staff's analysis of the proposed use, staff believes that the necessary findings can be made for the approval of this application.

Discussion

The information below describes the various existing and new features of the Proposed Project:

1. Main Entrance – The entrance to the camp will remain in the same location.
2. Welcome Center and Dining facility – New arrivals will be directed to the Welcome Center where the registration and administrative offices will be located along with a gift shop and infirmary. The new Dining facility would be adjacent to the Offices and situated to overlook the new Pond and Recreation area.
3. Small Pond and Recreation Area – The existing areas would expand to include a new snack shack, a new restroom, and a recreation room.
4. Large Pond & Recreation area – This new seven-acre pond would be built in the existing Sawmill and storage area. The source of water for supplying this pond will not change from the current source providing water to the existing pond. Along with the new pond, additional water toys and non-motorized vessels such as kayaks and canoes will also be enjoyed.
5. Perimeter Road – This design allows all traffic to be on the perimeter of the camps activities, eliminating crossover of pedestrian and vehicle traffic.
6. The Pines – This new area will handle the traditional camp programs currently running at Timberline and will accommodate week-long programs during the summer and weekend and weekend programs during the spring and fall. These cabins will be suitable for all season use.
7. Ranch Camp – The existing program will be moved to a new, larger location closer to the camp entrance. These cabins will accommodate week-long programs during the summer and weeklong & weekend programs during the spring and fall. These cabins will be suitable for all season use.
8. Equestrian Area - The existing equestrian area will move to a new location with expanded facilities that will allow for all-season use and would include an enclosed Arena and educational building.
9. Base Camp - These camps have a basic campground layout with a centralized restroom and shower facility and an outdoor, covered but open dining pavilion. Campers will sleep on the ground in sleeping bags.
10. High Adventure Camps – These have very simple sleeping structures, with a centralized restroom and shower facility and an outdoor, covered but open dining pavilion. Sleeping structures could be tent platforms or an open-sided, framed structure with a simple roof.
11. RV Areas - These areas are not open to the public and would be used by individuals or groups working at the camp, and individuals or groups helping with or involved in a program.
12. Staff Housing and Retreat Centers - The primary purpose during the summer would be housing for summer staff. During the spring & fall these structures would be used for adult retreat housing, usually on weekends.

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13. Staff/Guest Houses – Currently the camp has five homes on the property. These include the Warken home, the Orchard House, Cedar Lodge, Creekside and the Jones home. They are to be used throughout the year by staff and guests.
14. Staff Residence – Two of the current residences are included with the homes listed above, the Warken and Jones homes, and one more would be added in the future.
15. Adult Retreat Centers - These will be used year-round and would accommodate guests staying two to six days. These cabins are suitable for all season use.
16. Worship Pavilion – located on a remote and secluded hill with a panoramic view, this structure would be an open sided, covered pavilion.
17. Recreation Areas – These areas are set apart for future development of recreational activities.
18. Maintenance Facility – This new area will include a maintenance shop with equipment and storage facilities.
19. Amphitheatre – These areas are designed for large group meetings and situated where there is a nice view and where the sound can be projected into a hillside with a large amount of vegetation to absorb noise.
20. Picnic Area/Park – This new area would be situated between the new Dining facility and the existing pond and recreation area. Designed for large groups, it would be utilized by the camp programs and for community and special events.
21. Greenbelt – Designated to allow for large open spaces in the center part of the camp to protect and preserve the natural beauty of the site.
22. Sawmill/Storage Area – The existing sawmill and lumber storage area would be relocated to allow for the development of the new pond.
23. Water Storage Tanks – Additional water storage to accommodate the camps expansion would enlarge the existing storage tanks and add a secondary location.

Proposed routine camp activities and uses include a horse riding/equestrian area, archery course, target range, zipline, ropes courses, a paintball course, mountain biking, waterslide and water activities. Off-site activities include hiking, camping, horse-packing, rock climbing, river rafting, swimming, mountain biking and horseback riding on and off national forest lands.

August 17, 2022, Planning Commission meeting

The proposed project was presented to the Commission at the August 17, 2022, meeting. Due to the longevity of this project and due to the high level of controversy, staff presented this item for discussion and to allow for the public to provide comment. During this meeting, staff presented the proposed project and answered any questions related to the project from the Commission, as well as answered questions from the public. Requests for additional information from the Commission include:

- Ask CDFW on clarification on whether or not an LSA permit is needed.
- Address fire concerns.
- Address secondary access concerns.
- Confirm if 'recreation' is explicitly spelled out in the Scott River Adjudication Decree.

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- Confirm on whether or not the 2018 comment letter from Cal Fire is still satisfactory.
- Revising Condition of Approval #17 to be under the authority of the local fire department.

Environmental Review

On September 9, 2016, the Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) Draft Initial Study/Mitigated Negative Declaration (IS/MND, State Clearinghouse (SCH)#2016092016) was circulated by the County for a 30-day public review period.

CEQA Guidelines Section 15204 recommends that in reviewing negative declarations, persons and public agencies should focus on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should: (1) Identify the specific effect, (2) Explain why they believe the effect would occur, and (3) Explain why they believe the effect would be significant. Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to State CEQA Guidelines § 15064, an effect shall not be considered significant in the absence of substantial evidence supporting such a conclusion.

The County received a number of letters and post cards commenting on the IS/MND. The comments were both for and against the Proposed Project. While many of the comments did not raise concerns with the adequacy of the environmental analysis, there were a number that raised environmental concerns. These comments fall into the following general categories:

- Agriculture: Loss of timber resources
- Hazards: Wildland fires
- Noise: Construction noise and project noise
- Traffic: Emergency access, roadway safety, and traffic increase
- Water: Water quality, stream diversion, and water allocation usage

As a result of comments on the Draft IS/MND, the County determined that an EIR level of analysis was required for specific impact areas. Those areas include agriculture (project and cumulative), hazards (project and cumulative), noise (project and cumulative), traffic (project and cumulative), and water (project and cumulative). These impact areas are the subject of this EIR. All other impact analysis areas defined in Appendix G of the CEQA Guidelines and analyzed in the 2016 Draft IS/MND will not be included in this EIR. However, all mitigation measures identified in these sections, as shown below, will be included as mitigation in this EIR and in the Mitigation Monitoring and Reporting Program (MMRP).

In accordance with CEQA Guidelines § 15082, the County prepared a Notice of Preparation (NOP) of an EIR for the Proposed Project that was distributed to responsible agencies and the public for a 30-day comment period, beginning on August 31, 2018, and concluding on September 29, 2018. One public scoping meeting was held on September 13, 2018, at the Fort Jones Town Hall in order to receive additional comments and input from the public as to the scope and content of the EIR. Comments received in response to the NOP were considered during preparation of the DEIR.

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The Draft EIR (Draft EIR) was released for public and agency review on August 7, 2019, with the review period set to end on September 20, 2019. The DEIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives. The Draft EIR was provided to interested public agencies and the public and was made available for review at the County offices and on the County's website.

The County received a large number of public comment letters and postcards on the DEIR. The County determined that some of the comments received on the DEIR required further analysis of the Project's potential impact to specific resource areas. As such, in accordance with Section 15088.5 of the CEQA Guidelines, the County determined that the new information brought to light by this analysis merits recirculation of portions of the DEIR. As defined under CEQA Guidelines Section 15088.5(c), "If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified". Therefore, only those portions related to wildfires, hydrology and water quality, and noise were revised and included in the Partial Recirculated DEIR.

The Partial Recirculated Draft EIR was released for public and agency review on April 5, 2022, with the review period set to end on June 20, 2022. The 2nd Partial Recirculated DEIR was completed to address an unintentional error in traffic average daily trips (ADT) provided in the original and the updated Environmental Noise Assessment for the Proposed Project. The original 2017 noise assessment as well as the 2021 updated noise assessment used traffic ADTs of 1,067. This error in ADTs was commented on in a letter commenting on the DEIR. However, the comment was not discerned until after the Partial Recirculated DEIR was circulated for public review. The actual ADT for the Project is 1,448. As such, the 2nd Partial Recirculated DEIR has been completed to address this increase in traffic ADTs. All other sections of the DEIR use 1,448 ADTs to evaluate the potential for impact to the environment. Therefore, only those section of the DEIR which are affected by the incorrect ADT count, Section 3.4 Noise and Section 4.0 Alternatives, were recirculated as a part of this 2nd Partial Recirculated DEIR. The 2nd Partial Recirculated Draft EIR was released for public and agency review on June 23, 2022, with the review period set to end on August 8, 2022.

The County received 237 comment letters from interest groups, government agencies, and the public regarding the Draft EIR, and 57 comment letters on the on the Partial Recirculated Draft EIR and 2nd Partial Recirculated Draft EIR.

CEQA Guidelines Section 15091 requires the County make certain findings for each significant environmental impact identified in an IS/MND or EIR. Except for traffic-related noise, all of the significant impacts of the project will be mitigated, consistent with the following Finding: "Changes or alterations have been required in, or incorporated not, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR".

Below is a summary of the Mitigated Measures that have been or will be incorporated as part of the project for each of the identified significant impacts:

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Environmental Issue Area	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
<p>Hazards and Hazardous Materials:</p> <p>Wildland Fire Hazards</p>	Significant	<p>MM 8.1 Prior to the initiation of construction habitable structures for the Proposed Project, the 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 or as the County and CAL FIRE determines necessary.</p>	Less than Significant
<p>Hazards and Hazardous Materials:</p> <p>Flooding as a Result of the Failure of a Levee or Dam</p>	Significant	<p>MM 9.1 Prior to any land disturbance activities associated with the construction of the proposed seven-acre pond, the following shall be completed:</p> <p>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</p> <p>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.</p> <p>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.</p>	Less than Significant
<p>Air Quality:</p> <p>Expose sensitive receptors to substantial</p>	Significant	<p>MM 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:</p>	Less than Significant

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Environmental Issue Area	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
pollutant concentrations?		<p>1) Water exposed earth surfaces as necessary to eliminate visible dust emissions;</p> <p>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;</p> <p>3) Suspend grading operations when wind is sufficient to generate visible dust clouds;</p> <p>4) Pave, use gravel cover, or spray a dust agent on all haul roads;</p> <p>5) Impose an onsite speed limit on unpaved roads to 15 mph or lower (this speed must be posted);</p> <p>6) All grading operations shall be suspended when sustained wind speeds exceed 25 mph;</p> <p>7) All exposed surfaces and overburden piles shall be revegetated or covered as quickly as possible;</p> <p>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;</p> <p>9) Clean earthmoving construction equipment as needed to ensure that haul trucks leaving the site do not track dirt onto area roadways;</p> <p>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;</p> <p>11) Institute measures to reduce wind erosion when site preparation is completed;</p> <p>12) Install sandbags or other erosion control measure to prevent silt runoff onto public roadways;</p> <p>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 offsite. This designee's duties will include holiday and weekend periods when work may not be in progress. A phone number of the applicant's designated contact person shall be included in the Dust Control Plan and updated as necessary.</p> <p>14) The approved Dust Control Plan shall be included on all development plans, including, but not limited to building permit plans and grading plans.</p>	

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Environmental Issue Area	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
<p>Biological Resources:</p> <p>Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?</p> <p>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>	<p>Significant</p>	<p>MM 4.1 Regarding the two identified populations of <i>Chaenactis suffrutescens</i> (Shasta chaenactis), as identified and described in the Botanical Resource Survey (Tyler 2014), the following mitigation measures shall be implemented:</p> <p>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.</p> <p>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.</p> <p>MM 4.2 Regarding Pacific Fishers (<i>Martes pennant</i>), the following mitigation measure shall be implemented.</p> <p>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</p> <p>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.</p> <p>MM 4.3 To reduce potential impacts to Pacific Fishers (<i>Martes pennant</i>) from poisoning due to the eating of dead or dying</p>	<p>Less than Significant</p>

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Environmental Issue Area	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
		<p>rodents exposed to rodenticides, the following mitigation measure shall be implemented:</p> <ul style="list-style-type: none"> • No rodenticides shall be used to control the proliferation of rodents. <p>MM 4.4 In order to avoid impacts to nesting migratory birds and/or raptors, including osprey (<i>Pandion haliaetus</i>), protected under California Fish and Game Code Section 3503, one of the following shall be implemented:</p> <p>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</p> <p>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.</p>	
<p>Biological Resources:</p> <p>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?</p> <p>Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not</p>	<p>Significant</p>	<p>MM 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:</p> <ul style="list-style-type: none"> 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. <p>MM 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</p> <p>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</p>	<p>Less than Significant</p>

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Environmental Issue Area	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
<p>limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption, or other means?</p>		<p>minimize unavoidable impacts, restoration procedures, and compensatory creation or enhancement to ensure no net loss of wetland extent or function.</p> <p>MM 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 established to the specifications of the California Department of Fish and Wildlife (CDFW). The Project shall result in no net loss of riparian habitat.</p>	
<p>Cultural Resources:</p> <p>Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</p> <p>Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?</p> <p>Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?</p> <p>Disturb any human remains, including those interred outside of formal cemeteries?</p> <p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public</p>	<p>Significant</p>	<p>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.</p> <p>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.</p> <p>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.</p>	<p>Less than Significant</p>

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Environmental Issue Area	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
Resources Code Section 21074?			
<p>Geology and Soils:</p> <p>Result in substantial soil erosion or the loss of topsoil?</p>	Significant	<p>MM 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.</p>	Less than Significant
<p>Hydrology and Water Quality:</p> <p>Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of a failure of a levee or dam?</p>	Significant	<p>MM 9.1 Prior to any land disturbance activities associated with the construction of the proposed 7-acre pond, the following shall be completed:</p> <p>a) 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</p> <p>b) 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.</p>	Less than Significant
<p>Noise:</p> <p>Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable</p>	Significant	<p>MM 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.</p> <p>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.</p> <p>MM 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</p>	Less than Significant

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Environmental Issue Area	Significance Before Mitigation	Mitigation Measure	Significance After Mitigation
standards of other agencies?		of the project site during the hours listed above and 45 dB Leq at all other times.	
Noise: Exposure of persons to or generation of nighttime noise levels.	Significant	MM 12.3 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.	Less than Significant
Noise: The Project would generate a substantial, permanent increase in ambient noise levels due to noise produced by traffic increases.	Significant	None feasible, this impact is significant and unavoidable.	Significant Unavoidable
Noise: The Project, when considered with future development, is likely to have a significant cumulative impact due to traffic noise sources.	Cumulatively Considerable	None feasible, this impact is cumulatively considerable and significant and unavoidable.	Cumulatively Considerable, Significant Unavoidable

Due to the data analyzed in the Noise section of the EIR, noting that the project may create a *significant and unavoidable impact*, staff has prepared a Statement of Overriding Considerations pursuant to CEQA Guidelines 15093.

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

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When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

CEQA Process and the role of the Planning Commission and Board of Supervisors

Approving the EIR

CEQA requires the County proceed along one of three paths and find either that:

- (1) The project will not have a significant effect on the environment (and no mitigation measures are required at all); or
- (2) The project will have some significant environmental effects, but all the effects will be eliminated or reduced substantially by mitigation measures.
- (3) The project will have some significant environmental effects and not all of them can be eliminated or reduced by mitigation measures, which then requires the Planning Commission to consider potential “alternative projects” and also, possibly, a Statement of Overriding Considerations.

Here, it is likely the Planning Commission will proceed along the longer third path because the Kidder Creek EIR has identified potential significant environmental impacts that cannot be reduced or eliminated by mitigation measures (specifically traffic noise on Saturday mornings).

However, whether the second or third path, the Planning Commission must first determine that the proposed mitigation measures are sufficient to eliminate, or substantially reduce, the significant environmental impact in these areas and provide reasoning as to those findings. But if the Planning Commission decides a significant environmental impact (such as traffic noise at a peak time) cannot be substantially reduced or eliminated, then the Planning Commission needs to go two additional steps and: (1) consider project alternatives and then, if the project alternatives are not feasible, (2) approve a statement of overriding considerations.

Project Alternatives:

A “project alternative” is a “theoretical” modification to a project that would lessen a project’s environmental impacts. Project alternatives are only considered when there is an impact that cannot be mitigated. Generally, a project alternative is balanced against the proposed goals of the project in determining whether the project alternative is reasonable to adopt instead.

Here, the Kidder Creek project identifies a substantial environmental impact as to noise, specifically traffic noise on Saturday mornings, that the EIR analysis does not find can be mitigated to a less than significant level. If the Planning Commission finds that traffic noise is a significant effect, that the Planning Commission must consider the project alternatives and either adopt one of them or find the

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project alternatives are “infeasible”. Generally, a project alternative may be found infeasible if it will not fully satisfy important project objectives, so long as that finding is supported by substantial evidence in the record.

Here, for example, if Project Alternative #3 was adopted (reduced occupancy down to 622 persons) because it addresses the noise impact, then the proposed CEQA findings would need to be adjusted accordingly

Statement of Overriding Considerations:

If a proposed project has a substantial impact that cannot be mitigated and none of the project alternatives are feasible, but the project would otherwise be approved, then the last step is making the Statement of Overriding Considerations (SOC). The purpose of the SOC is to identify that the project has overriding benefits that justify approving the project despite its environmental harm.

Disapproving the EIR

For the Planning Commission’s information, and on an entirely different note, a lead agency may refuse to certify a final EIR if it finds that the final EIR is inadequate. An EIR may be inadequate if revisions to the EIR are required to: (1) respond to changes to the project, (2) because of changes in circumstances, or (3) new information arose after the final EIR was completed. If the final EIR must be revised, the revised portions of the EIR may have to be circulated for public review and comment before it is certified.

Comments

This project has been circulated to Siskiyou County Reviewing Agencies and State Responsible Agencies a number of times. A Notice of Public Hearing was published in the Siskiyou Daily News on August 3, 2022 and mailed to property owners within 300 feet of the applicant’s property. A Notice of Intent for the preparation of the IS/MND was published on September 7, 2016, acknowledging the 30-day public comment review. A Notice of Preparation for the draft EIR was published on August 31, 2018, acknowledging the 45-day public comment review period. A Notice of Availability for the draft EIR was published on August 7, 2019, acknowledging the 45-day public comment review period. A Notice of Availability (for the partial recirculated EIR) was published on May 5, 2022, acknowledging the 45-day public comment review period. A second Notice of Availability (for the partial recirculated EIR) was published on June 23, 2022, acknowledging the 45-day public comment review period.

Copies of the Public Hearing Notice and Notice of Intent can be found in Exhibit C.

Over 290 public comments have been received at the time this staff report was written. Public and agency comments can be found in the final EIR. Comments received after August 9, 2022, can be found in Exhibit D.

Siskiyou County Air Pollution Control District – July 28, 2014

APCD has no comments on the proposed project.

Planning Response: No response necessary.

Siskiyou County Air Pollution Control District – September 20, 2019

APCD asked what ongoing measures will assure less than significant air quality impacts, specifically those originating from fugitive dust from surface soils, with potential for air-borne crystalline silica, and source of nuisance complaints due to vehicular traffic, RVs, and horseback riding over the Camp's unpaved roadways especially during peak use?

Planning Response: Mitigation Measures related to Air Quality are contained in the draft EIR.

Siskiyou County Public Works Department – August 5, 2014

Public Works had comments regarding the 2014 traffic analysis and questioned how the zoning change would impact the road usage.

Planning Response: No response necessary.

Siskiyou County Environmental Health Division – October 22, 2021

Environmental Health has no comments on the proposed project.

Planning Response: No response necessary.

California Department of Forestry and Fire Protection (CalFire) – August 10, 2014

This comment letter reinforced the previous comments contained in letters from CalFire dated November 8, 2011, and April 14, 2014, which indicated an on-site water supply for fire protection is required should a new parcel be created.

Planning Response: A new parcel will not be created; thus, this requirement does not apply.

California Department of Forestry and Fire Protection (CalFire) – September 2, 2016

The following comments from CalFire reflect the basic Resource Management policies of the Board of Forestry and Fire Protection and CAL FIRE on CEQA review requests. These policies apply to both Local and State Responsibility Areas.

1. 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.
2. 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.
3. Section PRC 1104.2 (Exemption for Conversion of Non-TPZ Land for Subdivision Development) allows exemption from the TCP rules if timber operations are conducted as a means to convert non-TPZ land, three acres or larger, to subdivision development. A Notice of Exemption from Timberland Conversion Permit for Subdivision form will still be required. Please reference this section code for the particulars of the exemption.

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Planning Response: No timber operations will be occurring on site.

California Department of Forestry and Fire Protection (CalFire) – September 10, 2018

CalFire submitted the same letter with the same information that was dated on September 2, 2016.

Planning Response: No response necessary.

California Department of Forestry and Fire Protection (CalFire) – September 17, 2018

CalFire provided additional comments regarding roadway requirements below:

1. Road and Street Networks: 1273.01, 1273.02, 1273.03, 1273.04, 1273.05, 1273.06, 1273.07, 1273.08, 1273.09, 1273.11

Due to the increased number of people proposed to occupy the camp facility the roadway width of South Kidder Creek Road will need to meet the road width requirements of section 1273.01

A secondary deeded access road other than South Kidder Creek Road must be identified to facilitate emergency response and civilian evacuation concurrently in a wildfire emergency. The Secondary access road must meet and be maintained to the required road standards.

2. Road Signing: 127 4.01, 127 4.02, 127 4.03, 127 4.04, 127 4.05, 127 4.06, 127 4.07
3. Fuel Modification: 1276.02, 1276.03

Additionally, 4290 requirements must be met during subsequent building permit applications are as follows:

1. Water Standards: 1275.10, 1275.15, 1275.20

This project is not served by a municipal water system or Insurance Services Office (ISO) 88 rated fire district station with water tender within 5 miles, on-site water supply for fire protection will be required for new parcels developed after 1991. Water supply amount will be dictated by the cubic footage of the structure it is to serve.

2. Driveway Design and Surface Requirements 1273.02, 1273.03, 1273.04, 1273.05, 1273.06, 1273.07, 1273.10, 1273.11

All access roads in the ranch must meet the road width requirement of 20 feet and all road surfaces and structures must meet surface and weight requirements.

3. Addresses for Buildings: 1274.08, 1274.09, 1274.10
4. Fuel Modification and Standards: 1276.01, 1276.02

In addition to the Public Resources Code 4290 requirements, if timber is to be commercially harvested as part of this subdivision creation, the conditions set forth in the Z'berg-Nejedly Forest Practice Act of 1973 (California Code of Regulations Title 14, Division 1.5) must be adhered to.

5. Other Items for Consideration:

Water Supply for fire Protection-based on the California Fire Code or the current code in place at the time of construction.

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The Kidder Creek Orchard Camp appears to meet the definition of an Organized Camp per California Health and Safety Code 18897. Thus, must comply with the fire safety requirements in the California Code of Regulations and Panic Safety Standards as they pertain to Organized Camps.

Planning Response: The 4290 requirements described above will be incorporated prior to issuance of the Use Permit.

California Department of Forestry and Fire Protection (CalFire)– December 2, 2018

CalFire included the following recommendations in their comment letter:

- Improvement of the roadway from South Kidder Creek Road at the camps entrance through the camp to Patterson Creek Road to meet The California Code of Regulations Title 14 sections 1273.01-1273.11 would be required.
- Deeded access from landowners through parcels connecting the unimproved dirt road from Kidder Creek Camp to Patterson Creek Road would be required.
- An emergency Break-Away style gate would be required for any gate on the roadway.
- South Kidder Creek Roads width was measured in several locations from North Highway 3 to the Kidder Creek Orchard Camp entrance. South Kidder Creek Road met the width requirements of The California Code of Regulations Title 19 on the date of the tour and does not appear to need improvement.

Planning Response: The recommendations described above will be incorporated prior to the issuance of the Use Permit.

California Department of Fish and Wildlife (CDFW) – August 29, 2014

CDFW recommended an analysis of impacts of the proposed project on salmonid species. The Department recommended that the applicant contact the State Water Resources Control Board (SWRCB) regarding the water rights that will be used to fill the pond, as SWRCB may require permits to allow for water usage. CDFW noted that potential impacts be analyzed, and avoidance or mitigation measure incorporated to avoid impacting identified wetland features. CDFW also mentioned that a Lake or Streambed Alteration Agreement (LSAA) may be required. CDFW noted that the Wildlife Resources Report dated January 2014 did not adequately capture year-round wildlife use and recommended completion of additional surveys. The Department also suggested wildlife movement corridor studies and better defining vegetation classification systems. CDFW recommended using downward facing lighting, should lighting be constructed.

Planning Response: These recommendations have been analyzed, discussed, and incorporated in the EIR.

California Department of Fish and Wildlife (CDFW) – February 29, 2016

CDFW mentioned that the Pacific Fisher warrants special considerations, as does the osprey nest and nest tree observed during wildlife surveys. They asked that the observation of these species be submitted to the California Natural Diversity Database.

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Planning Response: These recommendations have been analyzed, discussed, and incorporated in the EIR.

California Department of Fish and Wildlife (CDFW) – October 5, 2016

CDFW commented on the IS/MND revised their comments based on site visits in 2015. CDFW asked to be consulted during the design process of the pond and made specific suggestions to Mitigation Measure 4.1:

1. Add the California Native Plant Native Society (CNPS) Rare Plant Rank in designation to the IS/MND and the interpretative signage that will be installed in proximity to the onsite plant populations.
2. Include language from the CNPS website describing the Rare Plant Rank in order to highlight the species special status such as: *“All of the plants constituting California Rare Plant Rank 1B meet the definitions of the California Endangered Species Act of the California Department of Fish and Game Code, and are eligible for state listing”.*

CDFW also suggested increasing the distance to ¼ of a mile around a natal den or 375 feet around a material den, consistent with Department of Forestry and Fire Protection recommendations. CDFW suggested included the requirement of a Stormwater Pollution Protection Plan (SWPPP) prior to land disturbance activities within 50 feet of a waterway. The Department also recommended adding a no-disturbance buffer around all onsite waterways and wetlands. CDFW suggested a no-disturbance buffer of at least 150 feet from the edge of bank or outer edge of the riparian dripline, whichever is greater, be placed along Kidder Creek. CDFW also recommended that potential future impacts to wetlands should be mitigated to a ratio of no less than 3:1. The Department noted spraying a dust suppression agent in any location where transmission to a waterway could occur and that native vegetation should be utilized if possible. Lastly, the Department noted they were appreciated of relocation of the Maintenance Shop.

Planning Response: These recommendations have been analyzed, discussed, and incorporated in the EIR.

California Department of Fish and Wildlife (CDFW) – September 25, 2018

CDFW provided the following recommendations after reviewing the Notice of Preparation (NOP) for the draft Environmental Impact Report (EIR):

1. A complete assessment of the flora and fauna within and adjacent to the Project area, with particular emphasis upon identifying special-status species including rare, threatened, and endangered species. This assessment should also address locally unique species, rare natural communities, and wetlands. The assessment area for the Project should be large enough to encompass areas potentially subject to both direct and indirect Project affects. Both the Project footprint and the assessment area (if different) should be clearly defined and mapped in the draft EIR. Previous surveys were conducted for the Project during the preparation of the Draft Initial Study/Mitigated Negative Declaration.
2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts, should be included.
3. A range of Project alternatives shall be analyzed to ensure that the full spectrum of alternatives to the proposed Project are fully considered and evaluated. Alternatives which avoid or otherwise minimize impacts to sensitive biological resources shall be identified.

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4. Mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats should be developed and thoroughly discussed. Mitigation measures should first emphasize avoidance and reduction of Project impacts. For unavoidable impacts, the feasibility of on-site habitat restoration or enhancement should be discussed. If on-site mitigation is not feasible, off-site mitigation through habitat creation, enhancement, acquisition and preservation in perpetuity should be addressed.
5. Please include fuel modification impacts on vegetation in the biological resources section of the draft EIR. All impacts, including future maintenance, should be quantified and described.
6. Take of species of plants or animals listed as endangered or threatened under CESA is unlawful unless authorized by the Department. FGC section 86 defines "take" as means to hunt, pursue, catch, capture, or kill, or to attempt to hunt, pursue, catch, capture, or kill. FGC section 2081(b) (also known as an Incidental Take Permit) allows the Department to authorize incidental take during Project construction or over the life of the Project. The draft EIR must state whether the Project could result in any amount of incidental take of any CESA-listed species. Early consultation for incidental take permitting is encouraged, as significant modification to the Project's description and/or mitigation measures may be required in order to obtain a CESA Permit. Information on how to obtain an Incidental Take Permit is available through the Departments website at: <https://www.wildlife.ca.gov/Conservation/CESA/Incidental-Take-Permits>.

The Departments issuance of a CESA Permit for a project that is subject to CEQA will require CEQA compliance actions by the Department as a Responsible Agency. The Department as a Responsible Agency under CEQA will consider the Lead Agency's Environmental Impact Report for the Project. The Department may require additional mitigation measures for the issuance of a CESA Permit unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA Permit.

7. The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, Project mitigation assures there will be no net loss of either wetland habitat values or acreage. If applicable, the EIR should demonstrate that the Project will not result in a net loss of wetland habitat values or acreage.
8. Consistent with our previous letters, the Department recommends consultation with the State Water Resources Control Board (SWRCB) regarding water rights that were previously proposed to fill the new pond. The SWRCB Division of Water Rights may require permits or an amendment of the existing decree to allow for the previously proposed use of upstream water to fill the new pond. The Department requests to be copied on water right applications for new permits and amendments as well as final authorizations.
9. The project may require notification to the Department pursuant to FGC section 1602 prior to the applicant's commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed. The Department's issuance of a Lake or Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance by the Department as a Responsible Agency. The Department as a

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Responsible Agency under CEQA may consider the local jurisdiction's (Lead Agency) Environmental Impact Report for the Project. To minimize additional requirements by the Department pursuant to FGC section 1600 et seq. and/or under CEQA, the document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement. A Streambed Alteration Agreement notification package may be obtained through the Department's website at <https://www.wildlife.ca.gov/Conservation/LSA>.

10. CEQA requires that information developed in EIRs and negative declarations incorporated into a database that may be used to make subsequent or be supplemental environmental determinations. (Pub. Resources Code, section subd. (e)). Please report any special status species and natural 21003, communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form can be found at the following link:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=25739>.

The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. Alternately, an online field survey form is also available at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data#44524>.

Planning Response: These recommendations have been analyzed, discussed, and incorporated in the EIR.

California Department of Fish and Wildlife (CDFW) – September 19, 2019

The Department reiterated a number of recommendations from past comment letters, specifically related to the Coho Salmon, New Pond, Kidder Creek Floodplain, LSAA, Wetland and Riparian Resources, the Pacific Fisher, Native Vegetation, Dust Suppression, and Environmental Data.

Planning Response: These recommendations have been analyzed, discussed, and incorporated in the EIR.

California Department of Transportation (Caltrans) – October 26, 2011

Caltrans commented that the existing camp has operated for many years without incident. The highway intersection has adequate sight distance. Caltrans main concern is with the new facilities, additional staff, and the large increase in the number of campers proposed that there is the potential that future improvements to the highway intersection will be needed. The improvements could include intersection illumination and turn lane channelization. It is unknown whether the proposed increase in campers, staff, and facilities phased over 20-years will change the existing traffic conditions such that the improvements will be needed. Therefore, they suggested that the use permit include conditions of approval for providing proportionate share mitigation for intersection illumination and turn lane improvements.

Planning Response: The project applicant will work with the County Public Works Department on any potentially or necessary roadway and/or lighting improvements.

North Coast Regional Water Quality Control Board (NCRWQCB) – October 14, 2016

NCRWQCB offered the following comments:

- Obtain Appropriate Permits

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- Delineate Surface Water Buffer Zones
- Implement Storm Water Runoff Controls
- Comply with Onsite Water Treatment Systems (OWTS) Policy
- Provide for Adequate Wastewater Treatment and Disposal

Planning Response: The project applicant will obtain all permits necessary to carry out the project.

North Coast Regional Water Quality Control Board (NCRWQCB) – August 30, 2018

NCRWQCB noted that the proposed pond sufficiently avoids impacts to jurisdictional waters and would not require a 401-water quality certification. The proposed creek crossing(s) on existing camp roads would likely require 401 certification coverage, as they would result in excavation and fill placement in waters of the State.

Planning Response: The project applicant will obtain any permits necessary to carry out the project.

National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service – September 4, 2019

NOAA mentioned that their comments stem from the cumulative impacts of permitted wells, surface diversions, a proposed water storage pond, and significant camp expansion (165 guests to 844 guests) that will have undetermined surface flow effects within Kidder Creek and the mainstem Scott River, both of which contain habitat important to the survival and recovery of SONCC coho salmon, and salmonids generally. Note that these concerns have previously been brought to the attention of the Siskiyou Board of Supervisors in an October 23, 2018 letter from NMFS (NMFS 2018), detailing potential adverse effects to water temperature and flow volume in SONCC coho salmon critical habitat from further water development in basins that are unsustainably managed.

NMFS encouraged Siskiyou County, and the Scott River Groundwater Sustainability Agency (GSA) in particular, to consider how implementation of the proposed Kidder Creek Orchard Camp Zone Change and Use Permit will affect compliance with the SGMA in the Kidder Creek watershed and downstream.

Planning Response: See Appendix L, Supplemental Groundwater and Surface Water Analysis for Kidder Creek Orchard Camp Zone Change and Use Permit.

Planning Staff Recommendations

- Adopt Resolution PC-2022-018 taking the following actions:
 - Conditionally approve the proposed Use Permit based on the recommended findings and subject to the recommended conditions of approval; and
 - Recommend the Board of Supervisors approve the Zone Change request based on the recommended findings and subject to the recommended conditions of approval; and
 - Recommend the Board of Supervisors approve the Environmental Impact Report (EIR) in accordance with Sections 15091 and 15092 of the CEQA Guidelines.

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- Recommend the Board of Supervisors accept and approve the Statement of Overriding Considerations in accordance with Section 15093 of the CEQA Guidelines.

Suggested Motion

I move that we adopt Resolution of the Planning Commission of the County of Siskiyou Recommending that the Siskiyou County Board of Supervisors Approve the Kidder Creek Orchard Camp Zone Change (Z-14-01), and Approve the Use Permit (UP-11-15), Approve the Project's Environmental Impact Report (EIR), Make All Findings Required Under the California Environmental Quality Act (CEQA), Including a Statement of Overriding Considerations in Accordance with the California Environmental Quality Act (CEQA) For the Kidder Creek Orchard Camp Zone Change (Z-14-01), and Approve the Use Permit (UP-11-15)

Preparation

Prepared by the Siskiyou County Planning Division.

For project specific information or to obtain copies for your review, please contact:

Hailey Lang, Deputy Director of Planning
Siskiyou County Planning Division
806 S. Main Street
Yreka, California 96097

Resolution PC 2022-018

A Resolution of the Planning Commission of the County of Siskiyou Recommending that the Siskiyou County Board of Supervisors Approve the Kidder Creek Orchard Camp Zone Change (Z-14-01), Approve the Use Permit (UP- 11-15), Approve the Project's Environmental Impact Report (EIR), and Make All Findings Required Under the California Environmental Quality Act (CEQA)

Whereas, Kidder Creek Orchard Camp submitted an application to change the zoning of APN 025-370-380 from Timber Production (TPZ) to Rural Residential (R-R) and to increase occupancy from 310 to 844 guests, staff, and volunteers, and add additional structures and recreational features, thus requiring a Use Permit; and

Whereas, the project site is currently developed and operated as a private recreational facility; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on August 3, 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 Kidder Creek Zone Change (Z-14-01) at a regular meeting of the Planning Commission on August 17, 2022 and November 16, 2022; and

Whereas, the County of Siskiyou determined that the Project requires review under the California Environmental Quality Act ("CEQA") (Pub. Resources Code section 21000 et seq.); and,

Whereas, the Project qualifies as a project under the California Environmental Quality Act (CEQA), Public Resource Code §§21000-21178; and,

Whereas, an Environmental Impact Report (EIR) was prepared for the Project; and,

Whereas, on August 31, 2018, the County of Siskiyou distributed a Notice of Preparation ("NOP") of an EIR requesting that all interested parties provide comments on the scope of the EIR no later than October 1, 2018; and,

Whereas, all comments received on the NOP were addressed in the Kidder Creek Orchard Camp Project DEIR; and,

Whereas, on August 7, 2019, a Notice of Availability of the Kidder Creek Orchard Camp Project DEIR was provided to all property owners within 300' of the property, and posted to the County's website providing notice that the DEIR was available for public review and comment; and,

Whereas, the DEIR for the Project was circulated for a 45-day public review and comment period between August 7, 2019 and September 20, 2019; and,

Whereas, on May 5, 2022, a Notice of Availability of the Kidder Creek Orchard Camp Project DEIR was provided to all property owners within 300' of the property, and posted to the County's website providing notice that the DEIR was available for public review and comment; and,

Whereas, the DEIR for the Project was circulated for a 45-day public review and comment period between May 5, 2022 and June 18 2022; and,

Whereas, on June 23, 2022, a Notice of Availability of the Kidder Creek Orchard Camp Project DEIR was provided to all property owners within 300' of the property, and posted to the County's website providing notice that the DEIR was available for public review and comment; and,

Whereas, the DEIR for the Project was circulated for a 45-day public review and comment period between June 23, 2022 and August 8, 2022; and,

Whereas, on November 1, 2022, in accordance with CEQA, the FEIR was made available, at least ten days prior to the Planning Commission's hearing of the EIR; and,

Whereas, the Project does have the potential to result in a significant adverse impact on wildlife resources as defined in the State Fish and Game Code, either individually or cumulatively, though it is not exempt from Fish and Game filing fees; and,

Whereas, it is recognized that the Project would generate a substantial, permanent increase in ambient noise levels due to noise produced by traffic increases and the Project, when considered with future development, is likely to have a significant cumulative impact due to traffic noise sources and will constitute a significant and unavoidable impact; and,

Whereas, pursuant to CEQA, a Mitigation Monitoring and Reporting Program will be prepared pursuant to CEQA Guidelines 15902, to ensure that all mitigation measures are fully implemented; and,

Whereas, the “Findings of Fact Regarding Environmental Impacts, Mitigation Measures, Alternatives, Zoning, General Plan, and Scott Valley Area Plan Findings, and Conditions of Approval contained in Exhibit A-3 hereto, which is incorporated herein by reference, has been prepared in order to satisfy the requirements of Public Resources Code § 21081, subdivision (a);

Now, Therefore, Be It Resolved that:

1. The above recitals are true and correct, incorporated herein by reference and adopted as findings of the Planning Commission.
2. Recommend the Board of Supervisors approve the Use Permit request based on the recommended findings and subject to the recommended conditions of approval
3. Recommend the Board of Supervisors approve the Zone Change request based on the recommended findings and subject to the recommended conditions of approval; and
4. Recommend the Board of Supervisors certify the Environmental Impact Report (EIR) in accordance with Sections 15091 and 15092 of the CEQA Guidelines.
5. The Planning Commission recommends that the Siskiyou County Board of Supervisors certify the Kidder Creek Orchard Camp Project Environmental Impact Report as an adequate description of the impacts of the Project in compliance with CEQA, and the State CEQA Guidelines.
6. The Planning Commission recommends that the Siskiyou County Board of Supervisors certify that Kidder Creek Orchard Camp Project Environmental Impact Report was presented to and considered by the decision-making body prior to making a decision on the Project.
7. The Planning Commission recommends that the Siskiyou County Board of Supervisors certify that the Kidder Creek Orchard Camp Environmental Impact Report reflects the independent judgment and analysis of the County.
8. The documents and other materials that constitute the record of proceedings on which this decision is based are located at 806 South Main Street, Yreka, CA 96097. The custodian for these documents is Siskiyou County Community Development Department, Planning Division. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and 14 Cal Code Regs §15091(e).

Be It Further Resolved that the County of Siskiyou Planning Commission hereby recommends that the Board of Supervisors of the County of Siskiyou certify the Environmental Impact Report and adopt Project Alternative Number 4, Reduced

Occupancy, for the Kidder Creek Orchard Camp Project (Z-14-01 and UP-11-15), based upon the whole of the record and attached hereto as Exhibit A-3.

Be It Further Resolved that the Planning Commission adopts the recommended conditions of approval and findings set forth as Exhibit A-1 and A-2 and as attached hereto

It is Hereby Certified that the foregoing Resolution PC-2022-018 was duly adopted on a motion by Commissioner Veale and seconded by Commissioner Melo at a regular meeting of the Siskiyou County Planning Commission held on the 16th day of November 2022 by the following vote:

Ayes: Commissioners Melo, Hart, Veale and Fowle

Noes:

Absent:

Abstain: Commissioner Lindler

Siskiyou County Planning Commission



Jeff Fowle, Vice Chair

Witness, my hand and seal this 16th day of November 2022



Hailey Lang, Secretary of the Commission

Exhibit A-1 to Resolution PC 2022-018
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 of 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 11-15)

1. The project shall substantially conform to the project description reviewed by the Planning Commission on August 17, 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 R-R and AG-1 zoning districts.
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 and/or Federal regulatory agencies.
4. Prior to the issuance of the Use Permit, the project must comply with all applicable 2014 4290 standards identified by CAL FIRE in their letter dated December 2, 2018.
5. Prior to the construction of the pond, the applicant must meet all requirements identified by Department of Water Resources, the United States Army Corps of Engineers (USACE), or any other State and/or Federal agency requirements.
6. An approved Dust Control Plan is required prior to the construction of any onsite improvements that have the potential to generate dust.
7. If vegetation removal occurs during the Pacific Fisher denning season (March through August), a Pacific Fisher pre-construction survey must be submitted to California Department of Fish and Wildlife and the County Planning Division.
8. No rodenticides shall be used to control the proliferation of rodents.
9. Vegetation removal shall be consistent with adopted Mitigation Measure 4.4 (Biological Resources) contained in the Environmental Impact Report (EIR).
10. The Wildland Fire Emergency Plan and a facility inspection will be reviewed by the Fire Marshall annually prior to the start of the summer operating season.
11. A stormwater pollution prevention plan (SWPPP), shall be 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 prior to the start of construction on new or expanded camp facilities.
12. If necessary, 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.

13. 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) or 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 professional archaeologist/paleontologist 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.
14. The applicant must carry out requirements identified in Mitigation Measure 6.1 (Geology and Soils) contained in the Environmental Impact Report (EIR).
15. The project applicant shall coordinate with the County Public Works Department to clear up any vegetation on South Kidder Creek Road, if deemed necessary.
16. No fireworks or campfires shall be utilized on site unless otherwise approved by CAL FIRE.
17. All Mitigation Measures contained in the Environmental Impact Report must be met.
18. 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 of Timber Production (TPZ) to Rural Residential (R-R) 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:

- b. All light commercial, light industrial, multiple family residential, and commercial/recreational, public and quasi-public uses must provide or have direct access to a public road capable of accommodating the traffic that could be generated from the proposed use.

The proposed project has existing access and access improvements will be made under Condition of Approval #4.

- e. All proposed uses of the land shall be clearly compatible with the surrounding and planned uses of the area.

The proposed and current uses include agricultural, open space, and recreational, which are compatible to the surrounding area.

- f. 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.

The proposed uses will not destroy or disrupt any mapping resource.

Policy #41.6: There shall be a demonstration to the satisfaction of the Siskiyou County Health Department and/or the California Regional Water Quality Control Board that sewage disposal from all proposed development will not containment ground water.

The proposed project will meet any requirements of the Siskiyou County Health Department and the California Regional Water Quality Control Board related to sewage disposal and ground water contamination.

Policy #41.7: Evidence of water quality and quantity acceptable to the Siskiyou County Health Department must be submitted prior to development approval.

The proposed project will meet any requirements of the Siskiyou County Health Department related to water quality and quantity.

Policy #41.8: All proposed development shall be accompanied by evidence acceptable to the Siskiyou County Health Department as to the adequacy of on-site sewage disposal or the ability to connect into an existing city or existing Community Services District with adequate capacity to accommodate the proposed development. In these cases, the minimum parcel sizes and uses of the land permitted for all development will be the maximum density and lands uses permitted that will meet minimum water quality and quantity requirements, and the requirements of the county's flood plain management ordinance.

This policy will be met through Condition of Approval #3.

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 proposed project has existing access and access improvements will be made under Condition of Approval #4.

Policy #41.10: All area plans adopted by the county will take precedence to any policies of the county wide Land use Element. Any area plan prepared for any area of the County must be geographically defined in a logical manner and contain all requirements of applicable state laws. Any plan approved by the Board of Supervisors will become a part of the County Land Use Element for that applicable portion of the county.

The proposed project conforms to the requirements of both the General Plan and the Scott Valley Area Plan.

Policy #41.12: All significant historic and prehistoric places and features when identified shall be preserved and protected in accordance with accepted professional practices.

Should any historic features be found, the project applicant will need to carry out requirements identified in Condition of Approval #15.

Policy #41.13: All rare and endangered plant species identified and recognized by state and federal government shall be preserved and protected in accordance with accepted professional practices.

The proposed project will carry out the mitigation measures defined in the approved Final Environmental Impact Report (FEIR), SCH # 2016092016.

Policy #41.18: Conformance with all policies in the Land Use Element shall be provided, documented, and demonstrated before the County may make a decision on any proposed development.

The proposed project conforms to the policies identified in the Land Use Element.

Policy #41.19: It is the intent of all the policies in the Land Use Element to accomplish the following:

b. Ensure compatibility of all land uses. (Subsections a, c, and d are not applicable to the project.).

The proposed project is compatible with surrounding land uses.

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 Zone Change and Use Permit will not create erosion or sedimentation problems.

Map 5: Excessive Slope

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.

The proposed project conforms to this policy.

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

The proposed project conforms to this policy.

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.

The proposed project conforms to this policy.

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.

The proposed project conforms to this policy.

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 #22: No development may be allowed within the designated floodways, and any development proven outside the designated floodway and within the 100-Year Flood hazard boundary shall be in accordance with the requirements of the County's flood plain management ordinance.

No development has or will occur within the 100-Year Flood hazard boundary.

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.

The project will meet requirements of both Policy 11 and Policy 24.

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 the 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 #28: 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.

The proposed project will meet requirements set forth by 4290 regulations, administered by CAL FIRE. This is reflected in Condition of Approval #4.

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.

Policy #32: Single-family residential, light industrial, light commercial, open space, nonprofit and non-organizational in nature recreational uses, commercial / recreational uses, and public or quasi-public uses only may be permitted.

The proposed project includes recreational uses which are allowable under this policy.

Policy #33: All land uses, and densities shall be designed so as not to destroy timber productivity on large parcels and high suitability woodland soils. (Class I and II.)

The portion of the property designated at AG-1 has mature apple trees and no other type of development will take place.

Map 12: Prime Agricultural Soils

Policy #34: All land uses, and densities shall be designated so as not to destroy timber productivity on large parcels and highly suitable woodland soils. (Class I and II.)

The portion of the property designated at AG-1 has mature apple trees and no other type of development will take place.

Scott Valley Plan Consistency Findings

Prime Agricultural Land

Policy #1: Only agricultural and public uses may be permitted on prime agricultural soils.

The proposed project has an existing developed portion of prime agricultural soils with mature apple trees. No other development is proposed.

Excessive Slope

Policy #17: Only agricultural, residential, open space, and small-scale commercial, industrial, recreational uses, and public or quasi-public uses may be permitted.

The proposed and current uses include agricultural, open space, and recreational.

Policy #18: Residential, small-scale commercial, industrial, recreational uses, and public or quasi-public uses may only be permitted when they are clearly compatible with the surrounding and existing uses of the land.

The proposed and current uses include agricultural, open space, and recreational, which are compatible to the surrounding area.

Non-Resource Area Policies

Policy #31: Only agricultural, residential, open space, and small-scale commercial, industrial, recreational uses, and public or quasi-public uses may be permitted.

The proposed and current uses include agricultural, open space, and recreational.

Policy #32: Residential, small-scale commercial, industrial, recreational uses, and public or quasi-public uses may only be permitted when they are clearly compatible with the surrounding and planned uses of the land.

The proposed and current uses include agricultural, open space, and recreational, which are compatible to the surrounding area.

Policy #34: If more than one development policy affects the same parcel of land, the most restrictive development policy shall apply, first, followed by the other policies in order of diminishing restrictions.

The development policies contained in the Scott Valley Area Plan (SVAP), which include Prime Agricultural Land, Excessive Slope, and Non-Resource Area policies, are all met.

Policy #36: Safe buildable access must exist to all proposed uses of the land. The access must also be adequate to accommodate the immediate and cumulative traffic impacts of the proposed development.

Access will be improved per Condition of Approval #4.

Policy #37: The policies of this plan shall not apply to developments functioning and legally existing prior to the adoption of this plan.

The proposed project conforms to this policy.

California Environmental Quality Act (CEQA) Findings

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Exhibit A-3: 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 pond 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 sparse 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 is generated, slower vehicle speeds and revegetation. The Board finds that the mitigation 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 established to the specifications of the California Department of Fish and Wildlife (CDFW). The Project shall result in no net 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 peak 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 Alternative 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 set 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 peak times.

ii. Findings: The Board finds 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 physical development 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 to 622 would not result in a significant impact 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 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.

6. Alternative Project No. 4 (Reduced Occupancy)

The Planning Commission recommends reducing occupancy of the project to 622 persons, meets all the physical infrastructure of the project and a substantial portion of the project goal to increase the ministry. Further, the noise element will be reduced to less than significant by the reduction of persons occupying the camp and correspondingly generating less traffic.