**Resolution No. \_\_\_\_\_\_\_\_**

**A Resolution of the Siskiyou County Board of Supervisors to Approve the Kidder Creek Orchard Camp Use Permit Application (UP-11-15), Approve the Project’s Environmental Impact Report and Adopt Project Alternative Number 4 (Reduced Occupancy), and Adopt a Mitigation and Monitoring Reporting Plan.**

**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, November 16, 2022, January 18, 2023, and February 15, 2023; 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 could generate a substantial, permanent increase in ambient noise levels due to noise produced by traffic increases and the Project, when considered with future development, could have a significant cumulative impact due to traffic noise sources and could constitute a significant and unavoidable impact; and,

**Whereas,** the Planning Commission recommended that the occupancy be reduced from 844 to 622 guests (Project Alternative Number 4), thus removing the requirement for a Statement of Overriding Considerations and also reducing the environmental impact to Noise; and

**Whereas,** the Planning Division presented its oral and written staff report on the Kidder Creek Zone Change (Z-14-01), Use Permit (UP-11-15), and Final Environmental Impact Report (EIR), at a regular meeting of the Board of Supervisors on April 18, 2023, and May 2, 2023; and

**Whereas,** pursuant to CEQA, a Mitigation Monitoring and Reporting Program has been prepared pursuant to CEQA Guidelines 15907, to ensure that all mitigation measures are fully implemented; and,

**Whereas,** the “Findings of Fact Regarding Environmental Impacts, Mitigation Measures, and Alternatives”, attached as Exhibit A 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 the Board of Supervisors:

1. Finds the above recitals are true and correct, incorporated herein by reference and are adopted as findings.
2. Certifies the Environmental Impact Report (“EIR”) for the Kidder Creek Camp Orchard Project has been completed in compliance with CEQA, which EIR consists of the Draft EIR, 1st Partially Recirculated EIR, 2nd Partially Recirculated DIR and Final EIR.
3. Adopts, pursuant to CQA Guidelines Section 15091 and 15092, the attached Findings of Fact set forth in Exhibit A hereto.
4. Certifies 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.
5. Certifies that the Kidder Creek Orchard Camp Project Environmental Impact Report was presented to the Board of Supervisors, which reviewed and considered the information contained in the Final EIR prior to making a decision on the Project.
6. Certifies that the Kidder Creek Orchard Camp Environmental Impact Report reflects the independent judgment and analysis of the Board of Supervisors.
7. Finds, after considering the EIR, that the approval of the project will result in significant effects on the environment, however, the mitigation measures proposed in the EIR eliminates or substantially lessens these significant effects where feasible.
8. The Board of Supervisors has considered alternatives to the Project and finds, based on substantial evidence in the record, that Project Alternative No. 4 (reduced occupancy), substantially lessens the effect of noise to a less than significant level and adopts Project Alternative Number 4 as a modification to the Project.
9. 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).
10. Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its approval of the Project, the Board of Supervisors adopts the Mitigation Monitoring Program as set forth in Exhibit B.
11. Directs the Planning Division of the Siskiyou Community Development Department to file a notice of determination with the County Clerk of Siskiyou County and, if the Project requires discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA section 21152.

**Be if Further Resolved** that the Board of Supervisors of the County of Siskiyou approve UP-11-15 subject to the recommended conditions of approvals and findings set forth as Exhibits C and D**.**

**It is hereby certified** that the foregoing Resolution was duly adopted on a motion by Supervisor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and seconded by Supervisor\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, at a regular meeting of the Siskiyou County Board of Supervisors held on the 2nd day of May 2023, by the following voice vote:

Ayes:

Noes:

Absent:

Abstain:

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

 Ed Valenzuela, Chair
 Board of Supervisors

Attest:
Laura Bynum, Clerk
Board of Supervisors

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 Deputy