

From: [Annie Marsh](#)
To: [Wendy Wunningham](#); [Planning](#); [Hailey Lang](#); [Rick Dean](#); [Ray Haupt](#)
Subject: Kidder Creek Orchard Camp Zone Change (Z-14-01) And Use Permit (UP-11-15) Public Hearing BOS Agenda Item 14(A)
Date: Sunday, April 16, 2023 9:16:59 PM
Attachments: [USE KCOC.docx](#)

Attached and copied below for security purposes is my comment letter on the above referenced project.

Anne Marsh
4628 Pine Cone Drive
Etna, CA 96027
530.598.2131
annie_marsh@hotmail.com

April 16, 2023

Siskiyou County Board of Supervisors
1312 Fairlane Road, Suite 1
Yreka, CA 96097

VIA EMAIL: wendy@sisqvotes.org

RE: Kidder Creek Orchard Camp Zone Change (Z-14-01) And Use Permit (UP-11-15) Public Hearing BOS Agenda Item 14(A)

Dear Honorable Supervisors:
Thank you for accepting my comments.

THE TERM "OCCUPANCY " MUST BE DEFINED AS THE DAY USE OCCUPANCY OF THE CAMP IS NOT INCLUDED IN THE ENVIRONMENTAL IMPACT REPORT!! THE EIR IS FLAWED, INADEQUATE AND UNCERTIFIABLE.

- Since only the overnight occupancy of the Camp is considered in preparing documents for this project, traffic from day use of the camp is not included in the Environmental Impact Report (EIR). Both the Initial Study/Mitigated Negative Declaration (IS/MND) and the EIR created the fiction of "occupancy" being based on the number of beds, and therefore, overnight guests at the camp. In order to gain approval of the project, the preparers of the Project Description, IS/MND, and EIR based the occupancy of the Camp on "overnight occupancy," and excluded day use occupancy as being di minimis or trivial.

This means that the Environmental Impact Report does not adequately describe the negative environmental impacts of the proposed Project as it understates the amount of traffic accessing the Camp both as a baseline and for the proposed use. The Traffic Study prepared by Trafficworks is inaccurate because it is based on the overnight occupancy numbers, as is the Noise Analysis prepared by Bollard Acoustical Consultants which relied on the Traffic Study for the Noise Analysis. The EIR must be based on the correct number of people coming to and leaving the project site. The Traffic and Noise Studies must be based on the correct number of people coming to and leaving the project site.

The California Environmental Quality Act (CEQA) requires that traffic and noise from the people attending or using the Camp during the day are not excluded in the traffic and noise

analyses. The occupancy figure should be based on the total number of attendees, in other words, people using the Camp (campers, staff, volunteers, bride and groom, wedding guests, concert attendees, day use attendees, horse clinic attendees, and all of the other attendees of events that will occur if this project is approved). Some of these events have been occurring for years at the Camp as is shown in Andy Warken, Camp Director blog. (See Attachment A).

This indicates that using the overnight occupancy figure skews all the studies done to support this project. When the total number of attendees is considered, the effect on traffic, noise, water use, septic, greenhouse gas, and services required are far different and far exceed that anticipated using either the 622 or 844 overnight occupancy.

- The “rotation theory” as mentioned during a question and answer session in the Revised Project Description is flawed. “Q. What is the total planned occupancy under the new Master Site Plan? A. With the recent purchase of 160 acres from Timbervest, Kidder Creek has expanded the proposed occupancy to 844 in its Use Permit application. This includes staff, volunteers and campers. However it is important to understand that Kidder Creek is designed to run numerous small programs that are scheduled on rotation. Many of our programs take campers out of our facility to experience wilderness and river rafting adventures.

Therefore, our capacity at any one time would not reach the total occupancy provided.”

There needs to be a metric to substantiate this rotation and rotation should not be allowed as it doubles the amount of traffic and noise due to there being more than one group of attendees who may or may not be in occupancy at any one time. It would just as much sense as if I wanted a permit to have 100 people come to my property under a use permit with some of them going off-site from time-to-time, but based the traffic count on 8, the number of available beds for overnight guests,

- The Environmental Impact Report (EIR) for the Kidder Creek Orchard Camp Zone Change and Use Permit (KCOC) (Project) (Camp) may be in compliance with CEQA because it has the Initial Study/Mitigated Negative Declaration (IS/MND) attached as an appendix. CEQA requires that the IS/MND be comprehensive, which it may be. But factual it is not. It is fatally flawed, inadequate and that would not be in compliance with the California Environmental Quality Act (CEQA). See the comments on Greenhouse Gas and Septic below.

- County Planning Staff ignored much of the Scott Valley Area Plan (SVAP) in order to state that the KCOC project is allowable under the SVAP. It is not because the SVAP clearly states that the density and intensity of the project is not allowable where the Camp is located. The project description goes far beyond a camp or recreation facility which Planning Staff calls the project and makes this an event center which is not in compliance with the SVAP. In order for this project to be a recreational facility that is in compliance with the SVAP, all events which are non-recreational must be deleted from the project. That means weddings, concerts, and public gatherings that aren't recreational must be removed from the project description.

Otherwise the project cannot be in compliance with the SVAP. There is nothing vague or misunderstandable about the SVAP as the Staff Report opines. We've lived with and understood the SVAP here in Scott Valley for years and we don't need an outsider reinterpreting it at this late date just to get this project approved.

- Since Alternative 4 based on 622 overnight occupancy is to be approved, the infrastructure allowed should be adjusted to that number so as not to allow a build out where more Paying Guests (PGs) can and will be housed or accommodated.

- The reliance on two letters of opinion by attorneys to prove that the Camp has both water rights which allow the proposed use of Barker Ditch water under the 1980 Adjudication and permission from the other Barker Ditch water users does not prove that either are verifiable or allowable. The letters are merely attorney opinions and most likely will not have standing in a court of law.

- The project proposes use of the emergency access road for private use by the Camp, its Staff and its guests as an ingress/egress route. Use for anything other than as an emergency access road requires CEQA compliant review. The statement by the Camp that the Camp does not have any plans to use the emergency access road for public access is meaningless. Any use that may occur as part of the project must be analyzed under CEQA.

From the Project Description:

"This road is available for use as an ingress/egress route in the event of emergency evacuation as well as for private use by the Camp, its staff and guests."

"KCOG does not have any plans to use this road as a public entrance for its guests and has a locked gate. However, there are occasions where Camp vehicles may utilize it for entry/exit when necessary."

- The Fire Plan is not in compliance with Federal law and does nothing to protect the occupants of surrounding residences. It cannot and will not be adequate to evacuate the Camp and allow for peaceful evacuation of surrounding neighbors using the same access routes.
- Location of the unapproved Zip Line must be disclosed on a map since the project includes a map of proposed uses of the project to determine the negative impact of noise on surrounding area/residences. This has not been done and the Zip Line, although unapproved, continues to operate.
- Because Siskiyou County does not have an established plan for Greenhouse Gas this item was not in the project was not analyzed. The statement in the IS/MND that of no impact and that the emissions from all the traffic wouldn't reach state levels is inane.
- There is no Mitigation Measure to require an engineered or alternative sewage system if it and when it becomes necessary. There can be no reliance on the IS/MND which states, "e) No Impact. Future development on the project site will be provided with sewer service from the MCSD. As such, there will be no impacts resulting from soils that are incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems." Whether the acronym "MCSD" refers to the McCloud Community Services District, the McKinleyville Community Services District, the Merced County School District, or the Marin County School District it is extremely doubtful that any of those entities will be coming to Scott Valley to provide sewer service for KCOG. This issue must be resolved.
- Based on the above factual statements, the No Approval Alternative is the best, and most logical, choice for this project.

Thank you for accepting my comments.

Sincerely,

Anne Marsh

Anne Marsh

Attachment A

2022 Year in Review at Kidder Creek

BY ANDY WARKEN

FEBRUARY 6, 2023

What a year 2022 was! Here are some insights about what exactly God did through Kidder Creek in 2022:

Campers

169 campers made first-time decisions to follow Jesus!

1,612 River Days (1 camper on the river for 1 day = 1 river day)

350 students from Siskiyou County in Spring Outdoor Ed Day Camps

6 weeks of Outdoor Day Camp in partnership with local schools where we had up to 40

students per day

31 Guest Groups served— Groups varied in size from 6—60 and enjoyed days on the river, in the mountains, and at camp.

826 Campers Served in Youth Camps— 457 in Adventure Camp, 105 in MTB and Wilderness, and 264 at Ranch Camp.

61 Day Campers attended our locals' day camp, our biggest day camp ever!

Over 1,000 people attended Fall Festival over two weekends.

When you add all that up we had 7,152 Camper Days over the course of the year! What an impact! (A camper day equals 1 camper or guest here for 3 meals and 1 overnight)

Staff and Volunteers

96 Staff— 6 Year Round staff, 26 seasonal hourly employees and 64 Summer Staff came together to carry out our mission. Thank you Staff!

250 Volunteers helped prune apple trees, check kids into camp, cook and BBQ, lead trail rides, make apple crisp for Fall Festival, rake, help with projects, and so much more! Thank you Volunteers!

Donors

\$268,898 raised from 644 individual gifts. Thank you Donors!

\$112,071 in Campership awarded to help kids come to camp.

Projects Completed and program items purchased:

New Aquaglide Pond Feature

2 new-to-us Vehicles

New Shed & Solar power station for Laser Tag

4 new Rafts, 1 Puma, and 2 Inflatable IK's

New more efficient pump system for our pasture irrigation system

Gaga Ball pits rebuilt

Office Porch Improvements

2 new BBQ Grills for the RV park and at the Orchard

2 new Trucks and Rebuilt Stagecoaches

Loss of revenue recovery due to the August Wildland Fires, which required us to close camp two weeks early.

“Thanks for a transformational week. Kidder Creek is a little glimpse of heaven. People loving each other and being kind. You've made huge fans out of our family. We'll be back!”

—Robbie, Week 1 camper

What a year! We praise God for all the families who joined us by sending their kids to camp, the staff, volunteers and donors who gave time and resources to make it happen but... Lives Transformed, that's what it's all about! It's stories like this one that inspire us to keep doing God's work of loving others and leading them to a full life in Jesus.

Yay God! Yay Friends! Yay Camp!

<https://blog.mounthermon.org/kidder-creek/2023/02/2022-year-in-review-kidder-creek/>

Anne Marsh
4628 Pine Cone Drive
Etna, CA 96027
530.598.2131
annie_marshall@hotmail.com

April 16, 2023

Siskiyou County Board of Supervisors
1312 Fairlane Road, Suite 1
Yreka, CA 96097

VIA EMAIL: wendy@sisqvotes.org

RE: Kidder Creek Orchard Camp Zone Change (Z-14-01) And Use Permit (UP-11-15) Public Hearing BOS Agenda Item 14(A)

Dear Honorable Supervisors:
Thank you for accepting my comments.

THE TERM "OCCUPANCY " MUST BE DEFINED AS THE DAY USE OCCUPANCY OF THE CAMP IS NOT INCLUDED IN THE ENVIRONMENTAL IMPACT REPORT!! THE EIR IS FLAWED, INADEQUATE AND UNCERTIFIABLE.

- Since only the overnight occupancy of the Camp is considered in preparing documents for this project, traffic from day use of the camp is not included in the Environmental Impact Report (EIR). Both the Initial Study/Mitigated Negative Declaration (IS/MND) and the EIR created the fiction of "occupancy" being based on the number of beds, and therefore, overnight guests at the camp. In order to gain approval of the project, the preparers of the Project Description, IS/MND, and EIR based the occupancy of the Camp on "overnight occupancy," and excluded day use occupancy as being di minimis or trivial.

This means that the Environmental Impact Report does not adequately describe the negative environmental impacts of the proposed Project as it understates the amount of traffic accessing the Camp both as a baseline and for the proposed use. The Traffic Study prepared by Trafficworks is inaccurate because it is based on the overnight occupancy numbers, as is the Noise Analysis prepared by Bollard Acoustical Consultants which relied on the Traffic Study for the Noise Analysis. The EIR must be based on the correct number of people coming to and leaving the project site. The Traffic and Noise Studies must be based on the correct number of people coming to and leaving the project site.

The California Environmental Quality Act (CEQA) requires that traffic and noise from the people attending or using the Camp during the day are not excluded in the traffic and noise

analyses. The occupancy figure should be based on the total number of attendees, in other words, people using the Camp (campers, staff, volunteers, bride and groom, wedding guests, concert attendees, day use attendees, horse clinic attendees, and all of the other attendees of events that will occur if this project is approved). Some of these events have been occurring for years at the Camp as is shown in Andy Warken, Camp Director blog. (See Attachment A).

This indicates that using the overnight occupancy figure skews all the studies done to support this project. When the total number of attendees is considered, the effect on traffic, noise, water use, septic, greenhouse gas, and services required are far different and far exceed that anticipated using either the 622 or 844 overnight occupancy.

- The “rotation theory” as mentioned during a question and answer session in the Revised Project Description is flawed. “Q. What is the total planned occupancy under the new Master Site Plan? A. With the recent purchase of 160 acres from Timbervest, Kidder Creek has expanded the proposed occupancy to 844 in its Use Permit application. This includes staff, volunteers and campers. However it is important to understand that Kidder Creek is designed to run numerous small programs that are scheduled on rotation. Many of our programs take campers out of our facility to experience wilderness and river rafting adventures.

Therefore, our capacity at any one time would not reach the total occupancy provided.”

There needs to be a metric to substantiate this rotation and rotation should not be allowed as it doubles the amount of traffic and noise due to there being more than one group of attendees who may or may not be in occupancy at any one time. It would just as much sense as if I wanted a permit to have 100 people come to my property under a use permit with some of them going off-site from time-to-time, but based the traffic count on 8, the number of available beds for overnight guests,

- The Environmental Impact Report (EIR) for the Kidder Creek Orchard Camp Zone Change and Use Permit (KCOC) (Project) (Camp) may be in compliance with CEQA because it has the Initial Study/Mitigated Negative Declaration (IS/MND) attached as an appendix. CEQA requires that the IS/MND be comprehensive, which it may be. But factual it is not. It is fatally flawed, inadequate and that would not be in compliance with the California Environmental Quality Act (CEQA). See the comments on Greenhouse Gas and Septic below.

- County Planning Staff ignored much of the Scott Valley Area Plan (SVAP) in order to state that the KCOC project is allowable under the SVAP. It is not because the SVAP clearly states that the density and intensity of the project is not allowable where the Camp is located. The project description goes far beyond a camp or recreation facility which Planning Staff calls the project and makes this an event center which is not in compliance with the SVAP. In order for this project to be a recreational facility that is in compliance with the SVAP, all events which are non-recreational must be deleted from the project. That means weddings, concerts, and public gatherings that aren't recreational must be removed from the project description. Otherwise the project cannot be in compliance with the SVAP. There is nothing vague or misunderstandable about the SVAP as the Staff Report opines. We've lived with and understood the SVAP here in

Scott Valley for years and we don't need an outsider reinterpreting it at this late date just to get this project approved.

- Since Alternative 4 based on 622 overnight occupancy is to be approved, the infrastructure allowed should be adjusted to that number so as not to allow a build out where more Paying Guests (PGs) can and will be housed or accommodated.
- The reliance on two letters of opinion by attorneys to prove that the Camp has both water rights which allow the proposed use of Barker Ditch water under the 1980 Adjudication and permission from the other Barker Ditch water users does not prove that either are verifiable or allowable. The letters are merely attorney opinions and most likely will not have standing in a court of law.
- The project proposes use of the emergency access road for private use by the Camp, its Staff and its guests as an ingress/egress route. Use for anything other than as an emergency access road requires CEQA compliant review. The statement by the Camp that the Camp does not have any plans to use the emergency access road for public access is meaningless. Any use that may occur as part of the project must be analyzed under CEQA.

From the Project Description:

"This road is available for use as an ingress/egress route in the event of emergency evacuation as well as for private use by the Camp, its staff and guests."

"KCOC does not have any plans to use this road as a public entrance for its guests and has a locked gate. However, there are occasions where Camp vehicles may utilize it for entry/exit when necessary."

- The Fire Plan is not in compliance with Federal law and does nothing to protect the occupants of surrounding residences. It cannot and will not be adequate to evacuate the Camp and allow for peaceful evacuation of surrounding neighbors using the same access routes.
- Location of the unapproved Zip Line must be disclosed on a map since the project includes a map of proposed uses of the project to determine the negative impact of noise on surrounding area/residences. This has not been done and the Zip Line, although unapproved, continues to operate.
- Because Siskiyou County does not have an established plan for Greenhouse Gas this item was not in the project was not analyzed. The statement in the IS/MND that of no impact and that the emissions from all the traffic wouldn't reach state levels is inane.
- There is no Mitigation Measure to require an engineered or alternative sewage system if it and when it becomes necessary. There can be no reliance on the IS/MND which states, "e) No Impact. Future development on the project site will be provided with sewer service from the MCSD. As such, there will be no impacts resulting from soils that are incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems." Whether the acronym "MCSD" refers to the McCloud Community Services District, the McKinleyville Community Services District, the Merced County School District, or the Marin County School District it is extremely doubtful that any of those entities will be coming to Scott Valley to provide sewer service for KCOC. This issue must be resolved.

●Based on the above factual statements, the No Approval Alternative is the best, and most logical, choice for this project.

Thank you for accepting my comments.

Sincerely,

Anne Marsh

Anne Marsh

Attachment A

2022 Year in Review at Kidder Creek

BY ANDY WARKEN

FEBRUARY 6, 2023

What a year 2022 was! Here are some insights about what exactly God did through Kidder Creek in 2022:

Campers

169 campers made first-time decisions to follow Jesus!

1,612 River Days (1 camper on the river for 1 day = 1 river day)

350 students from Siskiyou County in Spring Outdoor Ed Day Camps

6 weeks of Outdoor Day Camp in partnership with local schools where we had up to 40 students per day

31 Guest Groups served— Groups varied in size from 6—60 and enjoyed days on the river, in the mountains, and at camp.

826 Campers Served in Youth Camps— 457 in Adventure Camp, 105 in MTB and Wilderness, and 264 at Ranch Camp.

61 Day Campers attended our locals' day camp, our biggest day camp ever!

Over 1,000 people attended Fall Festival over two weekends.

When you add all that up we had 7,152 Camper Days over the course of the year! What an impact! (A camper day equals 1 camper or guest here for 3 meals and 1 overnight)

Staff and Volunteers

96 Staff— 6 Year Round staff, 26 seasonal hourly employees and 64 Summer Staff came together to carry out our mission. Thank you Staff!

250 Volunteers helped prune apple trees, check kids into camp, cook and BBQ, lead trail rides, make apple crisp for Fall Festival, rake, help with projects, and so much more! Thank you Volunteers!

Donors

\$268,898 raised from 644 individual gifts. Thank you Donors!

\$112,071 in Campership awarded to help kids come to camp.

Projects Completed and program items purchased:

New Aquaglide Pond Feature

2 new-to-us Vehicles

New Shed & Solar power station for Laser Tag

4 new Rafts, 1 Puma, and 2 Inflatable IK's

New more efficient pump system for our pasture irrigation system

Gaga Ball pits rebuilt

Office Porch Improvements

2 new BBQ Grills for the RV park and at the Orchard

2 new Trucks and Rebuilt Stagecoaches

Loss of revenue recovery due to the August Wildland Fires, which required us to close camp two weeks early.

“Thanks for a transformational week. Kidder Creek is a little glimpse of heaven. People loving each other and being kind. You’ve made huge fans out of our family. We’ll be back!”

—Robbie, Week 1 camper

What a year! We praise God for all the families who joined us by sending their kids to camp, the staff, volunteers and donors who gave time and resources to make it happen but... Lives

Transformed, that’s what it’s all about! It’s stories like this one that inspire us to keep doing God’s work of loving others and leading them to a full life in Jesus.

Yay God! Yay Friends! Yay Camp!

<https://blog.mounthermon.org/kidder-creek/2023/02/2022-year-in-review-kidder-creek/>

From: [Rick Dean](#)
To: [Janine Rowe](#)
Subject: FW: KCOC-Request for clarification #2
Date: Monday, April 17, 2023 7:35:20 AM
Attachments: [4445058.docx](#)

Also from Charnna

From: Charnna Gilmore <charnnagilmore@gmail.com>
Sent: Thursday, April 13, 2023 9:36 PM
To: Hailey Lang <hlang@co.siskiyou.ca.us>; Rick Dean <rdean@co.siskiyou.ca.us>
Cc: Michael Kobseff <mkobseff@co.siskiyou.ca.us>
Subject: KCOC-Request for clarification #2

Hello Hailey and Rick,

In Exhibit A-3: Findings of Fact Regarding Environmental Impacts (unsure of the author, see attachment), Siskiyou County appears to claim, as "Lead Agency" *"there is no substantial decrease in available groundwater since 2007 and groundwater levels have remained fairly constant over the last 40 years."* Could you provide me with the data which supports this claim?

Please feel free to respond to this email so Supervisor Kofseff can stay informed.

Again, thank you.

Charnna

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 Sections 21000, *et seq.* (“CEQA”), prepared an Environmental Impact Report (State Clearinghouse No. 201692016) for the Kidder Creek Orchard Camp Project (the “Project”). These findings of fact have been prepared and adopted pursuant to the requirements of CEQA, including the State CEQA Guidelines.

More than 11 years ago, in 2011, Kidder Creek Orchard Camp (KCOC) submitted an application to expand, upgrade and modernize its existing camp operations so that it can more effectively serve its ministry, accommodate more guests, and expand the spiritual, recreational, leisure, and social opportunities available at Kidder Creek Orchard Camp. The project is also intended to improve safety at the campsite by relocating the existing road to separate vehicle and pedestrian traffic, and adding another emergency access road for improved traffic flow in the event the site needs to be evacuated for any reason. The Project includes a Zone Change (Z-14-01), replacement of the existing use permits with a new Use Permit (UP-11- 15), an increase of allowable occupancy at the camp from 165 guests to a total occupancy of 844 (includes guests, staff, and volunteers), an increase the physical size of the camp from 333 to 580 acres, and the addition of a number of structures and recreation features, including a second pond and ancillary facilities. See EIR Figure 5, Proposed Project. KCOC has proposed a flexible project layout to accommodate phased construction. Phased construction will facilitate the project's ability to avoid sensitive areas, such as areas where nesting birds have been detected during nesting season.

The County prepared an Initial Study and draft Mitigated Negative Declaration and circulated it for a 30-day public review period beginning on September 9, 2016. EIR, pgs. 1-3 & Appendix. A. The County received 233 comments on the draft Mitigated Negative Declaration, including many from neighbors in the Scotts Valley area who raised concerns that were outside the scope of CEQA. EIR, pgs. 1-3 & Appendix. A. However, the comments did raise environmental concerns in the following five categories: (1) Agriculture and Forestry, (2) Hazards, (3) Noise, (4) Traffic, and (5) Water Use. EIR, pgs. 1-3 – 1-4 & Appendix. A. After reviewing the comments received on the Draft Mitigated Negative Declaration, the County decided to prepare a more in-depth level of CEQA analysis for those five impact categories. The Mitigated Negative Declaration therefore was not adopted.

Instead, consistent with State CEQA Guidelines Section 15082, the County issued a Notice of Preparation of an EIR for the Proposed Project. EIR, pgs. 1-10. The Notice of Preparation was distributed to responsible agencies and the public for a 30-day comment period, which began on August 31, 2018, and concluded on September 29, 2018. EIR, pgs. 1-10. A 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. EIR,

pgs. 1-10. Comments received in response to the NOP were considered during preparation of the EIR.

Consistent with Section 15063 of the State CEQA Guidelines, the County used the 2016 Initial Study and the comments received on the Mitigated Negative Declaration to determine the scope of the Draft EIR. "The purposes of the initial study are to provide information to the lead agency so it can determine whether to prepare an EIR or a negative declaration, to enable the lead agency to modify the project by mitigating adverse impacts to a less than significant level so it can prepare a mitigated negative declaration, and to assist in preparing and EIR if one is required, by focusing the EIR on significant effects, identifying the effects determined not to be significant, and explaining why potentially significant effects would not be significant. (CEQA Guidelines, § 15063, subd. (c)(1)–(3)(C).)" *Ocean St. Extension Neighborhood Ass'n v. City of Santa Cruz*, 73 Cal. App. 5th 985, 1002 (2021).

Consistent with this well-established CEQA practice, the County used the Initial Study and its analysis to focus the EIR's analysis on potentially significant effects of the Project, to identify the effects determined not to be significant, and to explain the bases for its conclusions that certain effects would not be significant. The effects that the County found not to be significant were then eliminated from further study in the Draft EIR. The EIR properly focuses on effects that the lead agency determines are potentially significant; insignificant effects need not be analyzed in EIR; see *also* State CEQA Guidelines § 15143 (effects dismissed "as clearly insignificant and unlikely to occur" need not be discussed further in the EIR).

The County therefore prepared a Draft EIR that focused on the following five impact areas: (1) Agriculture and Forestry Resources (project and cumulative), (2) Hazards and Hazardous Materials (project and cumulative), (3) Noise (project and cumulative), (4) Traffic (project and cumulative), and (5) Water (project and cumulative). DEIR, pgs. 1-4. The County determined that all other impact analysis areas analyzed in the Initial Study (Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Land Use / Planning, Mineral Resources, Population / Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities / Service Systems, and the Mandatory Findings of Significance) were less than significant or could be mitigated below a level of significance and therefore could be eliminated from further study in the Draft EIR. See DEIR, pgs. 1-4. The mitigation measures identified in the Initial Study for these impact categories have been incorporated into Project as project design features, are reflected in the mitigation measures listed in the Draft EIR and are included in the Mitigation Monitoring and Reporting Program. See DEIR, pgs. 1-4 – 1-10.

The County completed the Draft EIR and distributed it to public agencies and the general public for review and comment on August 7, 2019, through September 20, 2019. The County distributed copies of the Draft EIR to those responsible and trustee public agencies that have jurisdiction by law with respect to the Project, as well as to other interested persons and agencies, including federal agencies, and sought comments from them. There was a 45-day public review period for comments on the Draft EIR and comments were solicited from state agencies through the State Clearinghouse (SCH # 2016092016).

Following the close of the public comment period, the County evaluated the comments received and determined that the comments included significant new information. Therefore, consistent with State CEQA Guidelines Section 15088.5(a), the County determined to partially revise the Draft EIR's analyses for the following subject areas: (1) Hazards and Hazardous Materials (specifically, wildland fire hazards), (2) Hydrology and Water Quality, and (3) Noise.

Under State 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." Consistent with Section 15088.5(c), the County revised only those three sections of the Draft EIR identified above; all other analyses included in the DEIR, including the Agriculture and Forestry Resources and Traffic analyses, were not modified and were not included in the Partial Recirculated DEIR.

The County circulated the Partial Recirculated Draft EIR for a 45-day public review period from May 5, 2022, to June 20, 2022. Consistent with State CEQA Guidelines Section 15088.5(f)(2), the County limited review and comment on the Partial Recirculated DEIR to the revised analyses, (1) Hazards and Hazardous Materials (specifically, wildland fire hazards), (2) Hydrology and Water Quality, and (3) Noise.

The County subsequently discovered an unintentional error related to traffic counts used to prepare the Environmental Noise Assessment for the Partial Recirculated DEIR. To correct those errors, the County revised the Noise analysis and prepared a Second Partial Recirculated Draft EIR consistent with State CEQA Guidelines Section 15088.5(c). The Noise analysis was the only section of the DEIR that was revised in the Second Partial Recirculated Draft EIR; the Hazards and Hazardous Materials and Hydrology and Water Quality sections of the Partial Recirculated Draft EIR were not changed, nor were any of the analyses of the Draft EIR that had not been superseded by the Partial Recirculated Draft EIR, such as the Agriculture and Forestry and Traffic analyses. The County circulated the Partial Recirculated Draft EIR for a 45-day public review period from June 23, 2022, through August 8, 2022.

The Draft EIR is a project-level EIR prepared pursuant to CEQA Guidelines Section 15161 and consists of: (1) the Draft Environmental Impact Report released for public review on August 7, 2019 (the Draft EIR) with Appendices A through I; (2) the Partially Recirculated Draft Environmental Impact Report (the "PRDEIR") released on May 5, 2022 with Appendices E and J through O; and (3) the Second Partially Recirculated Draft Environmental Impact Report (the "PREIR #2") released on June 23, 2022.

The Final Environmental Impact Report dated August, 2022 (the "Final EIR"), consists of the following: the Draft EIR; comments received on the Draft EIR; a list of persons, organizations, and public agencies commenting on the Draft EIR; the Partially Recirculated Draft EIR; comments received on the Partially Recirculated Draft EIR; a list of persons, organizations, and public agencies commenting on the Partially Recirculated Draft EIR; the Second Partially Recirculated Draft EIR; comments received on the Second Partially Recirculated Draft EIR; a list of persons, organizations, and public agencies commenting on the Second Partially Recirculated Draft EIR; responses of the County to significant environmental points raised in the review and consultation process; and revisions to the EIR. The minor revisions that were made to the Final EIR did not substantially alter the analysis or the conclusions of the Draft EIR and

they do not trigger the requirements for recirculation. State CEQA Guidelines § 15088.5 (recirculation is not required when new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an EIR).

The EIR evaluates the environmental effects associated with the Project that the County determined had the potential to be significant and warranted further analysis. These Findings address the categories of impacts that were addressed in the EIR, including the Partially Recirculated EIR and the Second Partially Recirculated EIR, as well as the impacts that the County determined could be mitigated below a level of significance that were not included in the EIR.

1.1 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. The Project site currently has one access road for ingress and egress from the Property.

1.2 PROJECT OBJECTIVES

The Projective objectives are as follows:

1. Expansion and improvement of existing facilities and accommodations to allow the Project applicant to support and expand its ministry, thereby offering increased spiritual, recreational, leisure, and social opportunities to greater number of visitors.
2. Modernization of facilities to enhance the visual perception of the camp property.
3. Increased water recreation opportunities across the property.
4. Improve site safety by separating vehicle and pedestrian traffic and adding an emergency access road for improved traffic flow if site evacuation is required.
5. Create a flexible layout that accommodates phased construction.

1.3 PROJECT DESCRIPTION

The Project presently occupies approximately 333 acres, which have been used for recreational 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 310 campers, staff, and volunteers. The Project applicant proposes to expand the use of the site through a new use permit and to 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). As initially proposed, the Project would have increased the occupancy of the Property from 310 (existing permitted total of guests, staff, and volunteers) to 844. As explained in more detail below, the environmental review process revealed that the

traffic generated by this level of occupancy would result in significant and unavoidable noise impacts. The Project applicant then agreed to proceed with Project Alternative #4, Reduced Occupancy which is a refinement of the Reduced Density alternative, and also decreases the occupancy to 622. These findings analyze the Project as proposed by the applicant, and the Alternatives discussion explains the Reduced Occupancy Alternative that was developed to avoid the significant and unavoidable impacts that the CEQA analyses identified for the Project at the 844-occupant level initially proposed.

1.4 PURPOSE OF FINDINGS

The purpose of the Findings of Fact is 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.

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects," that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects," and that "in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

Public Resources Code section 21002 is implemented, in part, through the requirement that agencies adopt findings before approving projects for which EIRs are required. See Public Resources Code § 21081(a); State CEQA Guidelines § 15091(a). For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges 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." State CEQA Guidelines § 15091(a)(1). The second permissible finding is that "[s]uch 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." State CEQA Guidelines § 15091(a)(2). The third potential conclusion is that "[s]pecific 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." State CEQA Guidelines § 15091(a)(3). Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors."

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. State CEQA Guidelines § 15091(a), (b).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, nevertheless may approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." State CEQA Guidelines §§ 15093, 15043(b); see also Public Resources Code § 21081(b).

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 (if any), which, in the Board's judgment justify approval of the Project despite its environmental effects. These Findings constitute the County's best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these Findings conclude that various proposed mitigation measures outlined below are feasible and have not been modified, superseded or withdrawn, the County hereby binds itself to implement these measures.

A Mitigation Monitoring and Reporting Program (MMRP) was prepared for the Project and was approved by the County in the same resolution that adopted these findings. See Public Resources Code § 21081.6(a)(1); State CEQA Guidelines § 15097. The County will use the MMRP to track and ensure compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

The Board of Supervisors now makes the findings and determinations set forth below concerning the Project. 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. The potentially significant impacts of the Project are described in more detail in Chapter 3 of the Draft EIR (Agriculture and Forestry Resources, Traffic), Chapter 3 of the Partially Recirculated Draft EIR (Hazards and Hazardous Materials, Hydrology and Water Quality), and Section 3.4 of the Second Partially Recirculated Draft EIR (Noise).

2 RECORD OF PROCEEDINGS

For purposes of CEQA and these Findings, the record of proceedings for the Project consists of the items listed in Public Resources Code § 21167.6(e). The record of proceedings for the County's decision on the Project includes the following documents, at a minimum:

- *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) dated August 31, 2018, for the preparation of the Draft EIR;
- All other public notices issued by the County in conjunction with the Proposed Project;
- 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*, May 2022 (including Appendices E and J through O);
- The County's *Second Partial Recirculated Environmental Impact Report for the Kidder Creek Orchard Camp*, June 2022 (including Appendix E);
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR, the Partially Recirculated Draft EIR, and the Second Partially Recirculated Draft EIR;
- All comments and correspondence submitted to the County with respect to the Project;
- The County's *Final Environmental Impact Report for the Kidder Creek Orchard Camp*, August 2022;
- The Mitigation Monitoring and Reporting Program for the Project;
- All reports, studies, memoranda, maps, staff reports and other documents relating to the Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the Project;
- Any other documents incorporated by reference or cited in the Final EIR or these Findings;
- **Board of Supervisors Resolution No. _____** adopting these Findings, and minutes of the meeting of the Board of Supervisors at which that Resolution was considered and adopted;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;
- Any and all other resolutions adopted by the County regarding the Proposed Project, and all minutes of the meetings at which those resolutions were adopted as well as 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 Public Resources Code §21167.6(e).

Location and Custodian of Documents: The documents constituting the record of proceedings are available for public review by appointment during normal business hours at the offices of the County of Siskiyou, Community Development Department, 806 Main Street, Yreka, CA 96097.

The Deputy Director of the County's Community Development Department, Hailey Lang, at the above-listed address 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, 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 above and incorporated herein by reference.

The Board now makes the findings and determinations set forth below for the significant and potentially significant environmental impacts of the Project. The following analysis summarizes the potentially significant environmental impacts. The impacts are described in more detail in Chapter 3 of the Draft EIR, Chapter 3 of the Partially Recirculated Draft EIR, and Section 3.4 of the Second Partially Recirculated Draft EIR.

3.1 HAZARDS AND HAZARDOUS MATERIALS

Wildland Fire Hazards (Impact 3.2.1): Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

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.*

Mitigation Measure 8.2: *Should a wildfire occur near KCOC, and the Camp be put under an 'Evacuation Warning', the Camp shall be immediately evacuated. KCOC will enter into an MOU with Siskiyou County OES memorializing this requirement.*

Mitigation Measure 8.3: *When fire conditions exceed the Fire Danger Burn Index of 97 percentile, the Camp will provide for additional and adequate transportation onsite. KCOC will enter into an MOU with Siskiyou County OES memorializing this requirement.*

Significance After Mitigation: The Project's impacts on wildland fire hazards are less than significant with the incorporation of Mitigation Measures 8.1, 8.2 and 8.3.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: A wildfire is an uncontrolled fire spreading through vegetative fuels, posing danger and causing destruction to life and property. Wildfires can occur in undeveloped areas and spread to urban areas where structures and other human development are more concentrated. 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). To protect people and structures from risk of wildfire, the California Building Code, Fire Code and Public Resource Code Section 4291 contains regulations as to structural safety and the creation of defensible space. The Project will be required to comply with all of these regulations. Presently, the Camp has a single road access as shown in Figure 6 of the EIR. To reduce the risk of exposing people or structures to wildfire, the County is requiring two points of emergency access to the Project site. Easements through private property that would enable a second access route to the Project site are 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 fire safety regulations in accordance with Public Resource Code Section 4290. CAL FIRE would inspect the road for compliance with all pertinent safety regulations. Thus, as compared to existing conditions, the project will improve emergency ingress and egress from the Project Site. The Project will facilitate, and not impair or physically interfere with, implementation of any emergency response plan or emergency evacuation plan.

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. Cal Fire has confirmed that they have no significant concerns about the wildfire risk associated with the Project; the risk faced at the Project site will be the same as the risk faced throughout the Scott Valley by all residents of that area, and the Project incorporates a Wildland Fire Emergency Plan that has been deemed adequate by the Siskiyou County's Operation of Emergency Services. See Appendix. J, K to FEIR. Unlike residences, guest facilities such as hotels and campsites generally are evacuated immediately upon recommendations or warnings (rather than orders) from emergency services officials. As stated in the approved Fire Emergency Plan, KCOC will comply immediately with any instructions to evacuate the camp. The Board finds that adopting Mitigation Measures 8.1, 8.2, and 8.3, as well as the regulations under the California Building Standards Code and those under Public Resource Code Section 4291, will mitigate the impact related to the exposure of people or structures to wildland fires to a less-than-significant level.

3.2 HYDROLOGY AND WATER QUALITY

Water Quality Standards/Waste Discharge Requirements (Impact 3.3.1): Would the project violate any water quality standards or waste discharge requirements?

Mitigation Measure 4.5: *Where structures, buildings, or other land disturbing activities are proposed to be located less than 200 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.

Significance After Mitigation: The Project's impacts on water quality standards or waste discharge requirements are less than significant with the incorporation of Mitigation Measure 4.5.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: Short-Term (Construction) – Construction-related activities can cause sediment releases that violate water quality standards because removal of vegetation and ground-disturbing activities can cause loose soils to be mobilized by rainfall/runoff or wind. Construction activities can also cause the release of other pollutants such as waste construction materials; chemicals, liquid products, and petroleum products used in building construction or the maintenance of heavy equipment; and concrete-related waste streams.

The Proposed Project would be covered under the General Permit for Discharges of Storm Water Associated with Construction Activity (General Permit). The General Permit requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP will require Best Management Practices (BMPs) to prevent construction activities from discharging any pollutants into a water body, thereby ensuring that construction activities do not violate any water quality standard or waste discharge requirement. Mitigation Measure 4.5 requires a SWPPP to be completed by a Qualified SWPPP Developer for the Proposed Project, which will ensure that the SWPPP includes all BMPs that are applicable to construction activities on the Project site. Mitigation Measure 4.5 also requires that any stormwater associated with impervious surfaces created as a result of the Project construction shall be retained, detained, or directed away from said waterways or water bodies in order to avoid any discharges of pollutants into waterways. With the implementation of Mitigation Measure 4.5, water quality impacts from the Proposed Project during construction would be less than significant.

Long-Term Operations of the Proposed Project - The Project will result in alterations to the existing site conditions due to the construction of 65,384 square feet of new buildings (see Table 2-2 of EIR) and other hard surfaces. Additionally, the Proposed Project would increase the RV camping and parking areas. Once this construction is completed, the impervious surface area of the site will be increased. Impervious surface areas, RV camping and parking lots can collect deposits of oil and grease, heavy metals, chemicals, and other pollutants. For this reason, Mitigation Measure 4.5 requires that all stormwater runoff from newly created impervious surfaces be retained, detained, or directed away from said waterways or water bodies. This measure would ensure that runoff from any of the Project site's impervious surfaces does not become a source of contaminated water flowing into the existing waterways.

Consequently, with the imposition of Mitigation Measure 4.5, the Project will not violate any water quality standards or waste discharge requirements, and its impacts on water quality would be less than significant.

Groundwater (Impact 3.3.2): Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Finding: Less Than Significant

Explanation: With development of the Project, groundwater demand is estimated to increase by 20.5-acre feet per year (20.3-acre feet for camp and .02-acre feet for special events) as compared to current conditions. This represents an increase of 0.005 percent of the available groundwater in the Scott River Valley Groundwater Basin. According to records from DWR (see Partially Recirculated Draft EIR, Table 3.3-1) there has not been a substantial decrease in available groundwater since 2007 and groundwater levels have remained fairly constant over the last 40 years. At the Project site, the per capita groundwater use is about 45 gpd. All pumped groundwater that is used for washing, food preparation, and toilets returns to the groundwater supply via the septic system. This means that about 40 gpd per capita (about 90 percent) ends up back into the groundwater supply. The well drained soils and the shallow water table (about 20 feet) allows this water to return to the water table on the Project site rapidly (in less than a day or two). Thus, the net extraction of a domestic well under these conditions is less than 3 gpm even when the well produces about 20 gpm. The very small increase in groundwater demand caused by the Project will not result in any measurable depletion in the aquifer volume, nor will it lower the local groundwater table level of the Scott River Valley Groundwater Basin in any measurable amount. Likewise, it will not cause any drop in the production rate of pre-existing nearby wells.

Drainage Patterns (Impact 3.3.3): Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site?

Finding: Less Than Significant

Explanation: Figure 8c., Natural Drainage, illustrates the various natural drainages on the Project site. As shown, one natural stream, Kidder Creek, and three artificially created drainage ditches have flowing water at any time. The Project will not alter the course of Kidder Creek, nor will the Project substantially alter the drainage pattern of the Project site or area. The Project proposes construction of new facilities, most of which will be located within or along existing roadways, roadway shoulders, or on access roads along flood control channels. Some grading of the Project site will be required to accommodate the 65,384 square feet of new buildings (see Table 2-2) and other construction, but this would only represent an alteration to approximately 0.25% -- one-quarter of one percent -- of the total site.

Although the Partially Recirculated Draft EIR discusses Barker Ditch (which flows through the Project site) and the pond that the applicant proposes to construct using the water rights that it

takes from Barker Ditch, the Scott River Decree adjudicates that Barker Ditch is a water diversion ditch. See Scott River Decree, p. 18 (identifying Barker Ditch as "(Diversion 445)"). A water diversion ditch is a means of conveying water from a stream to its place of use. See e.g., *Hargrave v. Cook* (1895) 108 Cal. 72, 79, 41 P. 18, 20 (plaintiff diverted his ditch full of water "whenever there was water in the stream to fill it," thereby developing a water right superior to defendant's); *Jurupa Ditch Co. v. County of San Bernardino* (1967) 256 Cal.App.2d 35, 41 ("Water is not owned until it is taken in a receptacle by the hand of man, or through works of man transferring water from the stream into some facility such as a pond, ditch, flume or pipeline."), as cited in *Siskiyou Cty. Farm Bureau v. Dep't of Fish & Wildlife* (2015) 237 Cal.App.4th 411, 437. In contrast, the purpose of a drainage ditch is to accept storm runoff during or after rain events. *Callens v. County of Orange* (1954) 129 Cal.App.2d 255, 259 (drainage improvements "entail no diversion of the waters. . ."); see also *Heil v. Sawada* (1960) 187 Cal.App.2d 633, 636. Since Barker Ditch is a diversion ditch, not a drainage ditch, alterations to the flow of water through Barker Ditch at the Project site have no bearing on the drainage of the Project Site. Further, even if the 7-acre pond were included as a drainage feature, the total site alteration would amount to only 1.5% of the Project Site. Consequently, the amount of alteration caused by the proposed Project will not substantially alter the existing drainage patterns of the Project site in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.

Stormwater Runoff and Flow Rates (Impact 3.3.4): Would the project create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Mitigation Measure 4.5: *Where structures, buildings, or other land disturbing activities are proposed to be located less than 200 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.*

Significance After Mitigation: With the incorporation of Mitigation Measure 4.5, the Project would not create or contribute runoff water or provide substantial additional sources of polluted runoff, and its impacts on stormwater runoff and flow rates would be less than significant.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: As described above, the Proposed Project would convert naturally vegetated open space to 65,384 square feet of new buildings and other hard surfaces. The Project site does not include stormwater drainage systems, and the Proposed Project does not plan to construct any. Rather, all stormwater drainage on the Project site is natural. Thus, the Proposed Project would not create or contribute runoff water that would exceed the capacity of any existing or planned stormwater drainage system. Moreover, the Proposed Project is

located on a large area (580 acres), and the impervious surfaces represent an extremely small portion of the area, so the Project site's existing drainage will easily accommodate the increase in runoff caused by the additional impervious surfaces. The Project will not provide substantial additional sources of polluted runoff because Mitigation Measure 4.5 requires that stormwater runoff associated with newly created impervious surfaces on the Project site be retained, detained, or directed away from waterways or water bodies. Thus, with the incorporation of Mitigation Measure 4.5, the Project's impacts on stormwater runoff and flow rates will be less than significant.

Other Water Quality (Impact 3.3.5): Would the project otherwise substantially degrade water quality?

Mitigation Measure 4.5: *Where structures, buildings, or other land disturbing activities are proposed to be located less than 200 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.*

Significance After Mitigation: With the incorporation of Mitigation Measure 4.5, the Project would not substantially degrade water quality, and its impacts on water quality would be less-than-significant.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: The Proposed Project would result in an expanded camp and recreational facilities, and the Kidder Creek Orchard Camp would continue to operate in the same manner as it does now. The existing camp operations do not have water quality issues. Mitigation Measures 4.5, as shown above, will ensure that the stormwater from the Project site will be retained, detained, or directed away from waterways or water bodies, thereby ensuring that the Project and the expanded operations at the camp will not create any water quality issues. Thus, with the incorporation of Mitigation Measure 4.5, the Project will not substantially degrade water quality, and the Project's impacts on water quality will be less than significant.

100-Year Flood Hazard Area (Impact 3.3.6): Would the project place within a 100-year flood hazard area structures that would impede or redirect flood flows?

Finding: Less Than Significant

Explanation: The FEMA Flood Insurance Rate Map (Map No. 06093C2000D) shows that the Project Site is not within a Flood Zone, an area of minimal flood hazard and outside of the designated floodplain. Thus, the Project would not place any structures within a 100-year flood hazard area.

Flood as a Result of a Levee or Dam Failure (Impact 3.3.7): Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

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.*

Significance After Mitigation: With the incorporation of Mitigation Measure 9.1, the Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, and its impacts resulting from risk of flooding would be less than significant.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: As shown above, the Project will not significantly impact the drainage on the Project site, so that aspect of the Project will not expose people or structures to a significant risk of loss, injury or death involving flooding. Likewise, the Project is not located in any designated floodplain, and there are no levees or dams adjacent to or upstream of the Project site to create a risk of flooding to the Project Site as a result of the Project. However, the Project does propose a seven-acre pond with a water barrier of up to six feet at the spillway point. If the dam or levee impounding the pond were to fail, the pond could expose people or structures downstream of the pond to flooding, which would be a potentially significant impact. Mitigation Measure 9.1 requires all aspects of the pond, including the six-foot water barrier, to be designed by a qualified engineer and approved by Department of Water Resources, Division of Safety of Dams. If the dam is small enough that it is not subject to the jurisdiction of the Division of Safety of Dams, its design must be reviewed and approved by the County. In either case, the pond will be designed by a qualified engineer, and the structural design of the dam will be reviewed to ensure that the proposed dam is structurally adequate and not designed or constructed in a way that it would be at risk of failing. Design and approval of the dam's structural design and construction will ensure that the structure will not fail and expose people or structures to a significant risk of loss, injury or death involving flooding. Thus, with the imposition of Mitigation

Measure 9.1, the Project's potentially significant impacts related to exposure of people or structures to a significant risk of loss, injury or death involving flooding because of the onsite pond will be reduced to a less than significant level.

3.3 AIR QUALITY

Expose sensitive receptors to substantial pollutant concentration (IS Impact § 4.3): Would the Project expose sensitive receptors to substantial pollutant concentrations?

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.*

Significance After Mitigation: With the incorporation of Mitigation Measure 3.1, the Project would not expose sensitive receptors to substantial pollutant concentration, and its air quality impacts resulting from exposure of sensitive receptors would be less-than-significant.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: Parts of the Project site are classified as being susceptible for erosion and there is a potential for fugitive dust to be released into the air during land-disturbance activities. Grading associated with Project construction will disturb the soils, and soil disturbance has the potential to release dust (particulate matter) into the air. Mitigation measure 3.1 imposes standard mitigation on the construction at the Project site, including the use of water to suppress dust emissions, cessation of operations when visible dust is generated, revegetation, and tarping to reduce wind erosion of stockpiled dirt. With this mitigation, the Project will not expose sensitive receptors, i.e., children, the elderly, and people with illnesses or others who are especially sensitive, to the effects of air pollutants. The Project site is in a sparsely developed area. In the proximity of the Project site, there are no hospitals, schools, or convalescent facilities where sensitive receptors are present. The nearest homes are located 600 – 900 feet from the existing entrance to the camp but are more than 1,800 feet from the proposed construction. These mitigation measures will minimize the release of dust and dirt from the Project site during construction, and grading operations must be suspended when sustained wind speeds are 25 mph or more. These measures, combined with the significant distance to the nearest sensitive receptors, will prevent any dust released by grading at the Project site from reaching sensitive receptors in substantial concentrations. Thus, with these mitigation measures, the Project's impact on air quality for sensitive receptors would be reduced to less than significant levels.

3.4 BIOLOGICAL RESOURCES

Effect on special status plants (IS § 4.4(a)): Would the Project 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 U.S. Fish and Wildlife Service?

Mitigation Measure 4.1:

- a) *Prior to any ground-disturbing activity, a qualified botanist shall survey the area identified as containing the two populations of *Shasta chaenactis*. 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, construction fencing shall be erected to provide a buffer of at*

least 100 feet to protect the Shasta chaenactis 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 plant's status as a special status species. A description of the plant's 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.

Significance After Mitigation: With the incorporation of Mitigation Measure 4.1, the Project would not have a substantial adverse effect on Shasta chaenactis or any other plant species identified as a candidate, sensitive, or special status species, and the Project's impacts on candidate, sensitive, or special status plant species would be less than significant.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: Botanical surveys performed on the Project Site found two populations of a special status plant species, Shasta chaenactis (*Chaenactis suffrutescens*). Shasta chaenactis is a perennial herb that is native to California; most of the extant populations are found in Siskiyou and Trinity counties. See <https://www.calflora.org/app/taxon?crn=1909>. Wherever climate and garden conditions are suitable, a perennial will live—growing larger and blooming each year—for years. However, many perennials die down to the ground at the end of the summer growing season, remain dormant and out of sight for the winter, and then grow new stems and leaves at the start of the next growing season in spring. See <https://www.sunset.com/home-garden/annuals-perennials-common-questions#:~:text=Perennial%3A%20Distinguished%20from%20an%20annual,lack%20of%20woody%20plant%20parts>. It is therefore important that the botanical survey to determine whether Shasta Chaenactis is present at the Project Site be conducted during the months when the plant is typically not dormant. According to the ranking system developed by the California Native Plant Society and relied upon by the California Department of Fish & Wildlife, Shasta chaenactis has a rank of 1.B.3, meaning that the plant is rare, but it is not very threatened in California. See https://map.dfg.ca.gov/rarefind/view/RF_FieldDescriptions.htm#CA_RARE_PLANT_RANK. (*Chaenactis suffrutescens* is not listed under either the federal Endangered Species Act or the California Endangered Species Act. See https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd496375.pdf; <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109390&inline>). Both populations of Shasta chaenactis detected by the surveys were located above the intake area of the proposed 7-acre pond. The mitigation measure requires that the area of the plants be marked before any ground-disturbing activities, and protective fencing be erected with a buffer of at least 100-feet around the plant populations. The buffer and the fencing will keep these sensitive plant populations physically separated from the construction activities so that they are not disturbed. The mitigation measure also provides for signs to be placed around each of the identified populations to educate camp visitors and staff about the plant's status as a special species. This

mitigation measure will warn people not to pick or trample upon the Shasta chaenactis. With the imposition of these mitigation measures, the Shasta chaenactis will be protected, and the Project's potential impact on this sensitive plant species will be reduced to a less than significant level.

Effect on special status animal species (IS § 4.4(a)): Would the project have a substantial adverse effect, either directly or through habitat modifications, on any animal 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 Wildlife or the United States Fish and Wildlife Service?

Finding: Less than Significant

Explanation: During wildlife surveys at the Project site, a Pacific fisher was identified near the camp entrance. The Pacific fisher (*Martes pennanti*), also known as also known as the fisher (*Pekania pennanti*), is a carnivorous member of the weasel family whose habitat includes Douglas fir, redwood and mature conifer forests, and aspen meadowlands.

<https://www.pacificforest.org/species/pacific-fisher/#:~:text=About%20the%20Pacific%20Fisher,few%20specialized%20hunters%20of%20porcupines>. Despite their name, fishers do not eat fish but rather rabbits, rodents, birds, and porcupines. Although the Southern Sierra Distinct Population Segment of the Pacific fisher is listed as endangered under the federal Endangered Species Act (<https://ecos.fws.gov/ecp/species/3651>) and as threatened under the California Endangered Species Act (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline>), that listed population is located entirely to the south of the Merced River. However, the Board of Supervisors and the applicant recognize that the Pacific fisher could become listed while the Project is being constructed, or thereafter. Therefore, in an abundance of caution, the Board of Supervisors has proposed, and the applicant has agreed to implement, the following mitigation measures, portions of which were initially suggested by California Department of Fish and Wildlife.

Mitigation measure 4.2: *For Pacific fishers (Martes pennanti, alt. known as Pekania pennanti):*

If construction or land disturbance activities that involve the removal of vegetation take place during the fisher 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. 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.

Mitigation measure 4.3: *To reduce potential impacts to Pacific fishers (Martes pennanti, alt. known as Pekania pennanti) 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.*

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.

The Board of Supervisors finds that the mitigation measures related to the Pacific fisher are not required to mitigate any potentially significant impacts of the proposed Project because the West Coast Distinct Population Segment of the Pacific fisher has not been determined to have any special status at this time. However, these mitigation measures will be included in the Mitigation Monitoring and Reporting Program, and enforced by the County against the applicant, because the applicant has agreed to them.

Effect on the movement or breeding of fish and wildlife (IS § 4.4(d)): Will the Project 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?

Mitigation Measure 4.4: *In order to avoid impacts to nesting migratory birds and/or raptors, including osprey (*Pandion haliaetus*), protected under the Migratory Bird Treaty Act, and to comply with 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.*

Mitigation Measure 4.8: *Prior to the implementation of the fuel loads reduction plan, a biological survey will be conducted by a qualified professional to account for the Spotted Owl.*

Mitigation Measure 4.9: *Prior to the implementation of the fuel loads reduction plan, a biological survey will be conducted by a qualified professional to account for the Bald Eagle.*

Significance After Mitigation: With the incorporation of Mitigation Measure 4.4, 4.8 and 4.9 the Project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, nor will it impede the use of native wildlife nursery sites. The Project's potential impacts on movement of wildlife and wildlife nursery sites have been mitigated to a less than significant level.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: The Project Site includes habitat that provides suitable foraging and nesting opportunities for migratory birds, including osprey (*Pandion haliaetus*), which are one of the designated types of migratory birds protected under the Migratory Bird Treaty Act (MBTA).

During wildlife surveys at the Project site, an osprey was identified in a Douglas fir tree near the existing pond. Protected migratory birds that are present on the Project site may be impacted by construction activities related to the Project. While construction will not interfere substantially with movement of any birds or fish, it could potentially impact nesting activity. Numerous trees located within the Project Site have the potential to support nesting activity, and if trees were removed during the nesting season as a result of Project implementation, it could result in significant impacts to wildlife nursery sites being used for nesting by migratory birds. Mitigation Measure 4.4 will ensure that Project construction does not remove any vegetation that supports an active nest until after the young have fledged. The Board finds that this mitigation measure will ensure that the Project does not impede migratory birds' use of native wildlife nursery sites, and thus will reduce the Project's potential impact on migratory birds to a less than significant level.

Effect on riparian habitat or other sensitive natural community protected in a plan (IS § 4.4(b)): Will the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or the United States Fish and Wildlife Service?

Mitigation Measures 4.5: *Where structures, buildings, or other land-disturbing activities are proposed to be located less than 200 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.*

Mitigation Measure 4.7: *A no-disturbance buffer of 150-feet from the active channel of Kidder Creek.*

Significance After Mitigation: With the incorporation of Mitigation Measures 4.5 and 4.7, the Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or the United States Fish and Wildlife Service, and the Project's potential impacts on riparian habitat have been mitigated to a less than significant level.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: The Project Site does not contain any area that has been identified as a sensitive community in any local or regional plan, policy, or regulation, nor does it have any areas that have been identified as a sensitive community in any adopted 4(d) Rule or other regulation promulgated by the California Department of Fish and Wildlife or the United States Fish and Wildlife Service. The Project Site does contain some riparian zones. Riparian zones are lands that occur along the edges of rivers, streams, lakes, and other naturally occurring water bodies.

See National Park Service, "Riparian Zones: It's All About the Water," available at https://www.nps.gov/articles/000/nrca_glca_2021_riparian.htm#:~:text=Riparian%20zones%2C%20or%20areas%2C%20are,by%20the%20presence%20of%20water. Examples include streambanks, riverbanks, and flood plains. Riparian zones are different from the surrounding uplands because the soils and vegetation within the riparian zones are shaped by the presence of water. The northwest portion of the Project Site is traversed by Kidder Creek. Additionally, a number of ephemeral waterways, and a seasonally wet meadow are located on the site. The Department of Fish and Wildlife recommended a 150-foot buffer around the riparian zone to protect all onsite waterways and floodplain and prevent impacts to riparian resources. The Board finds the 150-foot buffer imposed under Mitigation Measure 4.7 will protect the riparian habitat on the Project site from any impacts associated with the construction of the Project, and that Mitigation Measure 4.7 will ensure that no riparian habitat is lost as a result of the Project. Furthermore, the Board finds that Kidder Creek and the naturally occurring ephemeral streams on the Project Site will be protected from any potential pollution as a result of Project development through the SWPPP and the requirements imposed under Mitigation Measure 4.5 that stormwater be directed away from the riparian habitat. These mitigation measures ensure that the Project's impacts on riparian habitat will be less than significant.

Effect on any federally protected wetlands (IS § 4.4(c)): Will the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Mitigation Measure 4.6: *Federally protected wetlands, as regulated by the United States Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act, shall be avoided; or if complete 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 wetlands. Where complete avoidance is not possible measures shall be implemented to minimize unavoidable impacts, and to restore, create, or enhance wetlands, to ensure no net loss of wetland extent or function.*

Significance After Mitigation: With the incorporation of Mitigation Measure 4.6, the Project will not a significant impact on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, and the Project's potential impacts on federally protected wetlands have been mitigated to a less than significant level.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: A wetlands survey was prepared for the Project. See Attachment C to the Initial Study, Appendix A-1 to Draft EIR. The Project's drainage and wetlands that are potentially subject to federal protection under Section 404 of the federal Clean Water Act are shown in Figure 4.4.1 of the Initial Study. Mitigation Measure 4.6 requires that the Project applicant obtain a Section 404 permit from USACE prior to any land disturbance activities that would result in the dredge, fill, or alteration of hydrology to any jurisdictional wetlands, if it not possible to avoid the wetlands completely. Further, Mitigation Measure 4.6 requires the Project applicant to

implement measures to minimize any unavoidable impacts, as well as to restore, create, or enhance wetlands in order to ensure no net loss of wetland extent or function. The Board finds that Mitigation Measure 4.6 reduces the Project's potential impact on federally protected wetlands below a level of significance by ensuring that USACE approves of any unavoidable impact to wetlands and requires mitigation sufficient to ensure no net loss of federally protected wetlands occurs as a result of the Project.

3.5 CULTURAL RESOURCES

Effect on archaeological resources (IS § 4.5(b)): Will the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Mitigation Measure 5.1: *If, during the course of project implementation, archaeological resources (e.g., prehistoric sites, isolated artifacts, or 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 the professional archaeologist and implement a measure or measures that the County deems feasible and appropriate to ensure no significant impacts occur to the archaeological resources. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.*

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: The Project Site was visited by Resource Management archaeologists in 2010 and 2013. No prehistoric or historic resources or 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 archaeological resources or paleontological resources, including Native American or early European burial sites and “tribal cultural resources”. Mitigation Measure 5.1 will ensure that if any as-yet-unrecorded archaeological resources are discovered during Project construction, the fossil remains are recovered and not lost to grading and excavation activities. With this mitigation, the Project will not cause a substantial adverse change in the significance of an archaeological resource, and the Project will have a less than significant impact on archaeological resources.

Effect on paleontological resources (IS § 4.5(c)): Will the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Mitigation Measure 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 the professional paleontologist and implement a measure or measures that the County deems feasible and appropriate to ensure no significant impact occurs to the paleontological resources. Such*

measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: As explained above in the discussion related to archaeological resources, scientifically important paleontological resources (including tribal cultural resources) could be discovered during ground-disturbing activities on the Project Site. Mitigation Measure 5.2 will ensure that if any as-yet-unrecorded archaeological resources are discovered during Project construction, the resources will be recovered and not lost to grading and excavation activities. Implementation of Mitigation Measure 5.2 will ensure that the Project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, and this mitigation measure reduces the Project's impacts on paleontological resources to a less-than-significant level.

Effect on human remains (IS § 4.5(d)): Will the project disturb any human remains, including those interred outside of dedicated cemeteries?

Mitigation Measure 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.*

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: As explained above in the discussion related to archaeological resources and paleontological resources, ground-disturbing activities on the Project Site could reveal previously unknown human graves, including graves of Native American tribal members. Mitigation Measure 5.3 will ensure that if any human remains are discovered during Project construction, tribal authorities will be notified as appropriate, and the remains will be treated properly and respectfully. With implementation of Mitigation Measure 5.3, the Project's impacts on human remains will be less than significant.

3.6 GEOLOGY AND SOILS

Erosion (IS Impact 4.6(d)): Will the project result in substantial soil erosion or the loss of topsoil?

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.

Finding: Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the EIR.

Explanation: The Natural Resource Conservation Service has identified the Project site as containing soil types that exhibit a low or moderate potential for water erosion. There will be limited land disturbances from future development on the Project Site. To address potential impacts due to erosion, Mitigation Measure 6.1 requires that disturbed land be revegetated with native plantings, or adequate ground cover be provided and maintained. This mitigation measure will ensure that the Project does not leave loose soils that would be subject to water erosion. With implementation of this mitigation measure, the Project will not result in substantial erosion or loss of topsoil, and the potential impacts of the Project on soil erosion will be reduced to a less-than-significant level.

3.7 NOISE

Effects related to potential exposure of persons to noise in excess of standards established in the local general plan or other noise ordinances/regulations – Project construction, DEIR Section 3.4: Would construction of the project result in the 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 standards of other agencies?

Finding: Less than Significant

Mitigation Measure 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.*

Explanation: During Project construction, heavy equipment would be used for grading excavation, paving, and building construction, which would increase ambient noise levels during use. At the nearest residence, located approximately 400 feet away, maximum noise levels from construction activities would attenuate to approximately 60 dBA Lmax. This level is not expected to exceed existing maximum noise levels currently received by nearby residences. In addition, the majority of project construction operations would occur at distance greater than 400 feet, thereby resulting in even lower noise exposure at the nearest residences. Finally, the analysis of construction noise does not include consideration of excess attenuation of construction noise by intervening vegetation (pine trees), or intervening topography, both of which would further reduce construction noise at the nearest residences. Moreover, the County does not have a maximum noise standard for construction activities. Nevertheless, the County has imposed Mitigation Measure 12.1, which will limit construction noise levels to times that the County

deems reasonable. Project construction would not result in noise levels exceeding any standards established in the County's General Plan or noise ordinance, nor would it result in any significant increase in the exposure of nearby residences as compared to existing maximum noise levels at those locations, and the impact is less than significant.

Effects related to potential exposure of persons to noise in excess of standards established in the local general plan or other noise ordinances/regulations – Project camp operations, DEIR Section 3.4:

Would the project operations result in the 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 standards of other agencies?

Mitigation Measure 12.2: *The use of loud or amplified sound (e.g., 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.*

Finding: Less than Significant

Explanation: Zip line and pond operations at KCOC would not increase operational noise levels to a level which would result in a significant impact. Activities associated with the amphitheaters will generate a computed maximum sound level of approximately 43 dBA at the nearest residence, which translates to an Ldn of well below 40 dBA and is within compliance with County noise standards. Mitigation Measure 12.2 will limit the potential hours of operation for the amphitheaters, further reducing the scope of potential adverse noise impacts associated with the amphitheater operations. Operations of KCOC will not result in the 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 standards of other agencies, and the impact is less than significant.

Effects related to potential exposure of persons to noise in excess of standards established in the local general plan or other noise ordinances/regulations – Project operations traffic, DEIR Section 3.4:

Would traffic generated by project operations result in the 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 standards of other agencies?

Finding: The Board finds that the impact of traffic noise on nearby residences may be addressed by a reduction of persons occupying the camp.

Explanation: Project operations at the 844-person occupancy level will, according to the 2nd Partial Recirculated DEIR, generate 1,448 daily trips during peak Saturday Project operation hours. This level of trips will increase traffic noise levels from 5 to 7 dBA Ldn, although the increase in overall baseline ambient noise levels would be considerably lower (i.e., less than 3 dB). In addition, Table 7 of the FEIR indicates that the predicted worst-case Saturday traffic noise levels would be below the Siskiyou County 60 dBA DNL 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 the 5 dBA significance threshold during worst-case Saturday project trip generation conditions, although they would most likely

be only 1-2 dBA. Due to the potential for traffic to exceed the 5 dBA significance threshold on Saturdays, this impact is significant. Off-site mitigation of traffic noise impacts, such as construction of off-site noise barriers, reductions in posted speed limits, relocation of the roadway or residences to create larger setbacks is infeasible due to the Project applicant not owning the land necessary to install noise barriers or relocate residences or the roadway, and reducing the speed limit on Kidder Creek Road would be inconsistent with the road's designated status within the transportation and circulation element of the General Plan. Because no mitigation is possible and the traffic noise has the potential to exceed the threshold in certain instances, the Project's increases in off-site traffic noise levels at existing residences located along South Kidder Creek Road is considered a significant and unavoidable impact.

The following significant adverse effects of the Project with respect to Noise is described in the 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.

The Board finds that a reduction in allowable occupancy for the Project, from 844 persons to 622 persons, would reduce the impact of noise due to traffic to a less than significant level.

Effects related to Exposure to Groundborne Vibration or Noise: Would the project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Finding: Less than Significant

Explanation: Project operations will not generate any groundborne vibration or noise. During Project construction, ground vibration generated by heavy-duty equipment at 50 feet would not be anticipated to exceed approximately 0.042 in/sec PPV. Therefore, the use of virtually any type of construction equipment would most likely not result in a groundborne vibration velocity level above 0.2 in/sec and predicted vibration levels at the nearest structures would not exceed recommended criteria. Additionally, this would be a temporary impact and would cease completely when construction ends. The Project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels, and it would have a less than significant impact regarding construction vibration levels.

Effects Related to Permanent Increase in Ambient Noise Levels – Project Operations:

Would the project operations result in the substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Finding: Less than Significant

Explanation: For this Project, noise impacts would be considered potentially significant if the increase in ambient conditions resulting from a noise source consisting primarily of speech or music is 3 dBA or more. For all other noise sources, the threshold of significance used to evaluate project noise impacts is 5 dBA. Because the Proposed Project is an expansion of the

existing Kidder Creek Camp, sounds of campers playing, swimming, and engaging in various outdoor activities are currently part of the baseline noise environment. As shown in the FEIR, no significant adverse noise impacts are anticipated to result from Project operations associated with the ponds, zip line, or amphitheaters because none of these operations will exceed the applicable noise thresholds. Project operations will not result in the substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project, and the impacts are less than significant.

Effects Related to Permanent Increase in Ambient Noise Levels – Project Traffic: Would the traffic generated by project operations result in the substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Finding: The Board finds that the impact of traffic noise on nearby residences may be addressed by a reduction of persons occupying the camp.

Explanation: As shown above, at the 844-person occupancy level, the number of trips generated would lead to predicted increases in traffic noise levels at the nearest residences to South Kidder Creek Road that could exceed the 5 dBA significance threshold during worst-case Saturday project trip generation conditions. Because the mitigation for traffic noise impacts is infeasible, this impact is significant and unavoidable. Traffic generated by project operations could result in the substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, causing a significant and unavoidable impact of the 844-person occupancy Project.

The Board finds that a reduction in allowable occupancy for the Project, from 844 persons to 622 persons, would reduce the impact of noise due to traffic to a less than significant level.

Effects Related to Temporary Increase in Ambient Noise Levels: Would the project result in the substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Finding: Less than Significant

Explanation: The Project may cause temporary increase in ambient noise levels when construction activities are occurring. However, noise levels from construction operations decrease at a rate of approximately 6 dB per doubling of distance from the source. At the nearest residence, located approximately 400 feet away, maximum noise levels from Project construction activities would attenuate to approximately 60 dBA Lmax. This level is not expected to exceed existing maximum noise levels currently received by nearby residences. Therefore, the Project would not result in the substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the Project, and the Project's temporary noise impacts are less than significant.

Nighttime noise levels: Will the project expose persons to or generate significant nighttime noise levels that will cause sleep disturbance?

Finding: Less than Significant

Mitigation Measure 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.*

Explanation: A comment on the Revised Partial DEIR raised the potential that the Project would generate noise that resulted in potential sleep disturbance impacts. The Project does not propose any nighttime activities and the overwhelming majority of project traffic is predicted to occur during daytime hours (conservatively assumed to be 95% of project traffic). As shown above, the Project's only potentially significant noise impacts result from Project-related trip generation and traffic at the 844-occupant level. To avoid any nighttime noise impacts associated with Project-related traffic, Mitigation Measure 12.3 requires that the Project enforce quiet hours between 10 pm and 7 am and arrange for drop off and pick up so that traffic is not increased during those hours. Implementation of this mitigation measure would keep traffic-related Project noise from impacting nighttime sleeping hours. The Project will not expose persons to or generate significant nighttime noise levels that will cause sleep disturbance, and Mitigation Measure 12.3 will ensure that the traffic generated by the Project does not contribute to nighttime noise. This impact is less than significant.

Noise – traffic noise levels and cumulative noise impact (Impact 3.4.1 and Impact 3.4.6):

Will the project's incremental contribution to permanent noise levels results in a permanent increase in ambient noise levels that is cumulatively considerable?

Finding: The Board finds that the impact of traffic noise on nearby residences may be addressed by a reduction of persons occupying the camp.

Explanation: As indicated above, traffic that is generated by the Project is expected to increase based on an assumed 844 persons at the Camp if the Project proceeds. 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, which would make the noise impact on those residences significant. Further, the 2nd Partial Recirculated DEIR identifies that off-site mitigation measures, including reduction in posted speed limits, relocation of the roadway or residences, or off-site noise barriers are all infeasible.

The Board finds that a reduction in allowable occupancy for the Project, from 844 persons to 622 persons, would reduce the impact of noise due to traffic to a less than significant level.

4 FINDINGS REGARDING PROJECT ALTERNATIVES

Section 15126.6(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.”

Public Resources Code § 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The CEQA Guidelines provide that “the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” CEQA Guidelines § 15126.6(a). However, the alternatives to be discussed in detail in an EIR should be able to “feasibly attain most of the basic objectives of the project.”

When a significant impact can be mitigated below a level of significance with the imposition of mitigation measures, the agency has no obligation to consider alternatives that would mitigate the impact to a greater degree. Public Resources Code § 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403. A lead agency is not required to consider the feasibility of implementing an alternative to a project unless the alternative will avoid or substantially lessen a significant impact caused by the project. CEQA Guidelines § 15126.6(a) [alternatives must focus on significant impacts of the project and the ability of the alternative to avoid or substantially lessen such impacts].

When a proposed project will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, even after the adoption of all feasible mitigation measures, the agency should consider alternatives to the proposed project. An alternative may be rejected if the lead agency determines it to be infeasible. The lead agency's decisionmakers may determine that an alternative is actually infeasible even if the EIR included the alternative in its discussion of potentially feasible alternatives. *California Native Plant Soc'y v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 981, 999. As noted in above, under CEQA, “[f]easible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” CEQA Guidelines § 15364; see also CEQA Guidelines §15126.6(f)(1).

An alternative may also be rejected for its failure to meet the identified project objectives. *California Native Plant Soc'y*, 177 Cal.App.4th at pp. 992, 1000-1003 [alternative's failure to fully satisfy project objectives determined to be important by decisionmakers, or to promote policy objectives of concern to decisionmakers, is grounds for rejection]. Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of a proposed project as mitigated, the decisionmakers may reject the alternative based on its failure to satisfy fully the project objectives.

During the screening process, an alternative to construct the Project on an alternate site in the general area of the Proposed Project was considered but rejected due to: (1) it being economically and practically infeasible for the Project proponent to assemble and purchase acreages of the size of the Project, (2) legal infeasibility due to insufficiency of other vacant lots zoned to accommodate a project of this type, and (3) an alternate site would essentially double the number of camps as the existing camp would continue to operate, and therefore would not reduce or avoid any significant impact associated with the Project. Additionally, variations of the

Reduced Project Development alternative that would have called for less construction were considered but ultimately were eliminated from further analysis because these variations: (1) would not avoid or substantially lessen one or more significant impacts of the proposed Project, and (2) would not meet as many of the proposed Project objectives because they would not allow for the modernization of existing camp facilities. See DEIR, Chapter 4, pgs. 4-5.

As required by CEQA Guidelines §15126.6, three (3) alternatives to the Project were selected for evaluation in the EIR:

- No Project Alternative
- No Pond Alternative
- Reduced Project Development Alternative

The Board finds that that a good faith effort was made to evaluate in the EIR a range of reasonable alternatives to the Project that could feasibly obtain most of the basic objectives of the Project, even though some of the alternatives selected for analysis could impede the attainment of some of the Project objectives or be more costly than the proposed Project as mitigated. CEQA Guidelines §15126.6(b). As a result, the scope of alternatives analyzed in the EIR is reasonable. See, e.g., Draft EIR, Chapter 4, pgs. 4-2 to 5-17.

The Draft EIR identified and compared the environmental effects of the three (3) project alternatives listed below with the environmental impacts resulting from the Project (after incorporating the mitigation called for in the EIR). See Draft EIR, Chapter 4, pgs. 5-5 through 5-16. The Reduced Occupancy Alternative, originally recommended by the Planning Commission, is a refinement of the Proposed Project which was developed to avoid the significant noise impacts identified in the 2nd Partially Recirculated EIR. The Board has independently reviewed, analyzed, and considered the information on alternatives provided in the EIR, the Reduced Occupancy Alternative developed in the environmental review process to avoid the Project's significant environmental impacts, and other information in the administrative record.

4.1 ALTERNATIVE PROJECT NO. 1 (NO PROJECT ALTERNATIVE):

CEQA Guidelines § 15126.6(e) requires the “No Project” alternative be evaluated along with its impacts.

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.

Findings: The Board rejects the No Project Alternative or the following reasons: The No Project alternative would not accomplish any of the basic project objectives section forth in

Section 1b above. The camp would remain operating under the existing permit and therefore the expansion of the ministry would be prohibited and none of the other remaining project objects could be developed.

4.2 ALTERNATIVE PROJECT NO. 2 (NO POND ALTERNATIVE)

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.

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

4.3 ALTERNATIVE PROJECT NO. 3 (REDUCED PROJECT DEVELOPMENT ALTERNATIVE)

Description of the Reduced Project Development Alternative: Under this Alternative, the proposed seven-acre pond, amphitheaters, equestrian area, roadways, trails, and emergency access would be the same as in the proposed Project, but occupancy would be reduced to a maximum of 622 persons instead of 844 persons, with a corresponding reduction in accommodations. The Reduced Project Development Alternative decreases the development and maximum occupancy levels by approximately 44% as compared to the proposed Project, and it would include a smaller number of new buildings and RV parking areas. As with the Proposed Project, Alternative 2 would also require a rezone from TPZ to R-R-B-40 and a new use permit. The reduction in traffic to 729 new trips under the Reduced Project Development alternative would reduce associated noise to a less than significant level. Thus, the Reduced Project Development alternative is environmentally superior to the proposed Project. Overall, this alternative project would still meet some of the Project's objectives.

Findings: The Board rejects this alternative because it is not environmentally superior to the Reduced Occupancy alternative (which also avoids the Project's significant noise impacts) and because it does not meet as many of the basic Project objectives as the Reduced Occupancy alternative does.

4.4 ALTERNATIVE PROJECT NO. 4 (REDUCED OCCUPANCY)

Description of the Reduced Occupancy Alternative. This alternative is essentially a modification of Alternative Project No. 3 and reduces the allowable occupancy to 622 persons while maintaining all the proposed infrastructure. The Reduced Occupancy Alternative is the environmentally superior project alternative because it avoids the Project's significant noise impacts while meeting most of the basic Project objectives. In respect to wildland fires, the Reduced Occupancy alternative would expose less people to this hazard; the water quality impacts and groundwater demand would be less; less solid waste would be produced; and, the reduction in traffic under an occupancy of 622 persons, as described in the 2nd Partially Recirculated EIR and the Environmental Noise Assessment completed in 2017 and updated in 2021, would change the impact of noise to less than significant.

Findings: The Board of Supervisors finds that the Reduced Occupancy Alternative meets all the physical infrastructure objectives of the project and a substantial portion of the project objective to increase the ministry and associated spiritual, recreational, leisure and social opportunities. Further, this Alternative is an environmentally superior alternative as set forth in its description and reduce all impacted areas to less than significant with the mitigation measures otherwise set forth in the EIR.

5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The Draft EIR concludes that the No Project Alternative is the environmentally superior alternative. The No Project Alternative would reduce or avoid all the identified impacts of the Project. However, the No Project Alternative would not meet any of the Project objectives.

Under CEQA Guidelines §15126.6(e)(2), if the environmentally superior alternative is the No Project Alternative, another environmentally superior alternative must be identified. The No Pond Alternative would not avoid any of the significant and unavoidable impacts related to the proposed Project and therefore is not environmentally superior to the Project, with the mitigation measures adopted in these Findings. The Reduced Project Development Alternative is environmentally superior to the Project because it would avoid significant noise impacts of the Project, but it would not meet Project objectives related to improving the camp's facilities to the extent that the Reduced Occupancy alternative would.

On the other hand, the Reduced Occupancy alternative, with all the mitigation identified in these findings, is environmentally superior to proposed Project, the No Pond Alternative, and the Reduced Project Development alternative analyzed in the EIR, and the Reduced Occupancy alternative meets more of the basic Project objectives than the Reduced Project Development does. Thus, to avoid the significant impacts identified in the EIR, the Board adopts the Reduced Occupancy alternative.

From: [Janine Rowe](#)
To: [Janine Rowe](#)
Subject: FW: Comments: KCOC Expansion
Date: Monday, April 17, 2023 9:54:13 AM
Attachments: [KCOC Bos 4 18 23 BS Comments .docx](#)

From: Michael Kobseff <mkobseff@co.siskiyou.ca.us>
Sent: Sunday, April 16, 2023 9:01 AM
To: Wendy Winningham <wendy@sisqvotes.org>; Rick Dean <rdean@co.siskiyou.ca.us>
Subject: FW: Comments: KCOC Expansion

Thank you,

Michael N. Kobseff
Siskiyou County Supervisor for District 3

----- Original message -----

From: Betsy Stapleton <5104stapleton@gmail.com>
Date: 4/16/23 7:46 AM (GMT-08:00)
To: Ray Haupt <rhaupt@co.siskiyou.ca.us>, Brandon Criss <bcriss@co.siskiyou.ca.us>, Michael Kobseff <mkobseff@co.siskiyou.ca.us>, Wendy Winningham <wendy@sisqvotes.org>, dist2sup@sbcglobal.net
Subject: Comments: KCOC Expansion

Dear Clerk and County Supervisors,

I hope to be present to share my thoughts on the Kidder Creek Orchard Camp expansion in person at the Tuesday April 18 Board of Supervisors, however I have some obligations that limit my availability to a few hours on that day. Therefore, I am submitting my comments in writing for your consideration in case the issue does not come before you during my attendance. Please give them your usual deep consideration and officially enter them into the record.

Sincerely,

Betsy Stapleton

4/14/2023
Betsy Stapleton
5104 French Creek Rd
Etna, Ca 96027

Board of Supervisors

Re: Zone change of APN 025-370-380 from Timber Production Zone (TPZ) to Rural Residential (RR) for the Kidder Creek Orchard Camp project. Certify the Final Environmental and approval the Mitigation Monitoring Report in accordance with CEQA Guidelines Section 15097.

Good Day Siskiyou County Supervisors,

I am writing in **opposition** to the Kidder Creek Orchard Camp (KCOC) Zone change and updated Use Permit. I ask you to **reject** the application, and if you allow it to proceed, to set **clear and enforceable mitigation and monitoring measures regarding occupancy**. Siskiyou County Planning Department staff identify an occupancy limitation as the primary mitigation measure that substantially lessens the significant environmental effects of the project, thereby allowing it to proceed. Therefore, occupancy requires clear definition and enforceable measures to support its use as a mitigation measure. At this time there is no monitoring or mitigation measure specifically for occupancy to be found in any of the documents associated with the project.

There are many factual errors and errors in interpretation of law in the EIR and Findings of Fact which have been pointed out by many in the community. Even more fundamentally, allowing this massive expansion to proceed overrides the desire widely expressed across the community to keep our Scott Valley Rural. The will of the citizens has been repeatedly evidenced since the adoption of the Scott Valley Area Plan, which was supported in 1980 by an overwhelming majority of the citizens of Scott Valley and Siskiyou County as whole. The intent to enforce the will of the document is manifested currently by the fact that there has been dedicated, consistent opposition to the KCOC expansion plan by tax paying members of the community over the past 14 years.

I will focus my detailed comments only on the primary mitigation of occupancy. First off, I will make clear the extent of the proposed expansion, even under the “reduced occupancy” option selected as the preferred alternative. The Exhibit A-3: Findings of Fact Regarding: Environmental Impacts (Section 1.3 Page 4-5) states:

“As initially proposed, the Project would have increased the occupancy of the Property from 310 (existing permitted total of guests, staff, and volunteers) to 844. As explained in more detail below, the environmental review process revealed that the traffic generated by this level of occupancy would result in significant and

unavoidable noise Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) impacts. The Project applicant then agreed to proceed with Project Alternative #4, Reduced Occupancy which is a refinement of the Reduced Density alternative, and also decreases the occupancy to 622. These findings analyze the Project as proposed by the applicant, and the Alternatives discussion explains the Reduced Occupancy Alternative that was developed to avoid the significant and unavoidable impacts that the CEQA analyses identified for the Project at the 844-occupant level initially proposed.”

However, the actual increase in occupancy that could occur under the proposed use permit is much larger than that implied in the stated increase between 310 to 622 (approximately 100%). The old use permit capped annual occupancy to 3,340, whereas the new permit has no cap on annual occupancy and the project description makes it clear that many (the exact number is not identified) facilities will be upgraded to allow year around occupancy, declaring KCOC’s intention to operate on that basis. If one takes a 622 daily occupancy and multiplies it by 365 days in a year, a potential of 227,030 occupancy days arises- that is a 6,800% increase in occupancy and associated impacts. The magnitude of this increase was not analyzed in the EIR, thereby making the **entirety of the analysis fundamentally flawed.**

A specific example of this is the noise impact, which was determined by staff to be the only impact that could not be mitigated below the level of significance without an occupancy reduction, and the reason that the “reduced occupancy” option was selected. However, the baseline noise level for the analysis was that of drop off and pick up during the summer season, and the increase that was analyzed was that of increased traffic at that time. What was not analyzed was an increase of noise during fall, winter and spring, seasons where residents now experience relief from KCOC impacts and can sleep quietly, hear birds, walk safely on the road and generally enjoy their rural lifestyle. There is no barrier to KCOC running year around and entirely alerting noise levels, and every other impact, every day of the year.

Let’s further consider the issue of occupancy as it is structured in the current use permit. However, doing so is problematic, as there is no definition of the term. Is it a person who is simply on the premises, or does it require staying overnight? There is nothing in the use permit (including the Monitoring and Mitigation Measures) that defines or limits physical presence on the greatly enlarged physical campus and infrastructure if occupancy is defined as an overnight stay. Thousands of people could be on the premises every single day of the year, a level of usage that was not analyzed in the Environmental Impact Report, again **rendering it fundamentally flawed.** If the intention of the Use Permit is to limit physical presence (and associated impacts) to 622 people, then there must be a clear declaration of such in the Use Permit. The problem of conflicting interpretations around terms like occupancy is evidenced in the KCOC’s own history. The previous use permit was for 165 campers and students which somehow turned into guests, volunteers and staff for a current baseline occupancy 310 for this analysis. If KCOC chooses to interrupt “occupants” as only those who stay overnight and invite thousands for day use, do we end up with a new baseline of two or three thousand people in a new use permit application in 5 years?

The selected preferred alternative allows KCOC to build out their campus to the extent requested in the original application. Why are facilities for 844 people required for an “occupancy” of 622? There is an expression “Build it and they will come”, and it applies to this situation. Even if KCOC does house “occupants” (defined as those staying overnight) only in the buildings that allow them to do so on campus, there is the strategy of buying residences nearby and using them to house guests and staff and allowing them day use of the enlarged communal facilities. There will be the newly enhanced road into the Patterson subdivision to allow easy access from those homes to the KCOC campus. We have seen this strategy play out at JH where neighbors are driven to sell their rural homes by noise, rude and aggressive camp guests riding ATVs through their yards, and other impacts, allowing JH to buy up homes at values reduced by their impacts then having guests and staff housed in them. The County has declared to JH neighbors that they have no ability to regulate or manage this growth strategy, nor will they be able to do so at KCOC if the current use permit is accepted as written.

Now is the only time to construct a permit that would allow the County to effectively manage occupancy. The findings document declares:

“To the extent that these Findings conclude that various proposed mitigation measures outlined below are feasible and have not been modified, superseded or withdrawn, the County hereby binds itself to implement these measures.”

But how will the County do so for occupancy? The term is not defined and on review of the “Mitigation Monitoring and Reporting Program” document there is not a single monitoring and mitigation measure regarding occupancy. I believe that the EIR is fundamentally flawed due to an inadequate analysis of the increase in annual occupancy proposed in the project, and the project should be rejected on that basis, but if it is allowed to proceed, the County has a responsibility to construct clear and enforceable monitoring and mitigation measures. I will offer some potential examples of some for occupancy:

- Occupancy should be explicitly defined as a physical body on the KCOC campus or enrolled in a program (in other words, no enrolling 1200 people and shuttling 600 to off-campus activities as off-campus activities have large community impacts which have not been analyzed at all- another fundamental flaw in the EIR).
- There should be an annual and seasonal cap on occupancy so that residents and wildlife can experience the baseline conditions that currently exist during spring, fall and winter.
- It should be clear that there are no “special events” allowed with hundreds to thousands in attendance, as the impact of these events was not analyzed in the EIR and have outsized impacts on the neighborhood and environment.
- There needs to be a mechanism whereby the County can fulfill its responsibility to enforce the terms of the use permit in terms of occupancy- perhaps KCOC being required to submit monthly logs of people on Campus/enrolled in programs or KCOC paying for 4 times a year random inspections by County staff on physical occupancy.

The current mitigation measure that appears to be an attempt to address these issues is:

“The Board finds that a reduction in allowable occupancy for the Project, from 844 persons to 622 persons, would reduce the impact of noise due to traffic to a less than significant level.

*Noise – traffic noise levels and cumulative noise impact (Impact 3.4.1. and Impact 3.4.6): Will the project incremental contribution to permanent noise levels results in a permanent increase in ambient noise levels that is cumulatively considerable?
Finding: The Board finds that the impact of traffic noise on nearby residences may be addressed by a reduction of persons occupying the camp.”*

For the reasons discussed in this letter this measure, as it is currently written, does not ensure mitigation of impacts below the level of significance. From reading the documents, it is clear that KCOC intends to expand its usage from a summer camp to a year around operation. It is building facilities to accommodate at least 844 people, and creating a situation where day use from homes in the Patterson Creek subdivision from residents pushed out by impacts is easy and that an unlimited number of very large day use events are allowed. The foundation for the KCOC day use intent and permission to do so is found in the following statement in the “Findings” document:

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. Under that section specifically are allowed “recreational facilities privately operated” and “public celebrations.” The use of “public celebrations” has historically within the County been used to permit uses such as wedding venues. As to “recreational facilities privately operated”, staff previously indicated that was the general category to which the KCOC project would otherwise fit under.”

The statement: *“The use of “public celebrations” has historically within the County been used to permit uses such as wedding venues”* has absolutely no specificity or enforceability, leaving the barn door open to major impacts based on an unlimited number of events “similar” to weddings.

I have lived adjacent to JH for many years and have spoken to you, our County leaders, about the impacts that organization has had, only to see you be equally frustrated as the JH neighbors by poorly constructed permit terms in your desire to manage them. Please take this opportunity to learn from that mistake and either reject the KCOC application due to its fundamental flaws or, at a minimum, construct a clear and enforceable permit and set of monitoring and mitigation measures regarding occupancy.

Sincerely,

Betsy Stapleton

From: [Janine Rowe](#)
To: [Janine Rowe](#)
Subject: FW: KCOC Expansion - Letter of Opposition
Date: Monday, April 17, 2023 9:59:15 AM
Attachments: [KCOC BOS Opposition Gilmore 230417.pdf](#)

From: Michael Kobseff <mkobseff@co.siskiyou.ca.us>
Sent: Monday, April 17, 2023 7:49 AM
To: Rick Dean <rdean@co.siskiyou.ca.us>; Hailey Lang <hlang@co.siskiyou.ca.us>; Natalie Reed <nreed@co.siskiyou.ca.us>; Wendy Winningham <wendy@sisqvotes.org>
Subject: FW: KCOC Expansion - Letter of Opposition

Thank you,

Michael N. Kobseff
Siskiyou County Supervisor for District 3

----- Original message -----

From: Charnna Gilmore <charnnagilmore@gmail.com>
Date: 4/17/23 7:02 AM (GMT-08:00)
To: Michael Kobseff <mkobseff@co.siskiyou.ca.us>
Subject: KCOC Expansion - Letter of Opposition

Dear Honorable Siskiyou County Board of Supervisors,

Attached is my letter requesting that you deny Mount Hermon's application for a major expansion of the Kidder Creek Orchard Camp.

Please do not hesitate to reach out if you have any questions based on the information provided.

Charnna Gilmore
Scott Valley Community Member
850 Highland Street
Etna, CA 96027
530-598-2733

April 17, 2023

Siskiyou County Board of Supervisors
1312 Fairlane Rd
Yreka, CA 96097

RE: Mount Hermon's Application for Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15)

Dear Honorable Siskiyou County Board of Supervisors,

I respectfully submit this letter in **opposition** and ask you to **deny** Mount Hermon's application to expand the Kidder Creek Orchard Camp (KCOC) from 165 occupancy to 622 or 844 occupancy or to change the zoning to allow the camp to expand from 330 acres to 580 acres based on an abundance of justifiable reasons, some of which are highlighted in this letter.

As you know, you are being asked to approve a resolution on April 18, 2023 that will fundamentally change Scott Valley forever. If approved, the integrity of the Scott Valley Area Plan and the County's ability to regulate growth will be greatly compromised and therefore "camps" such as this, maybe not of religious affliction, will have the foundation to build from.

In today's letter, I am not addressing the serious issues around fire, roads, septic, and water quality, all issues that in and of themselves should give enough cause to deny this application. Instead, I am going to focus on two salient points that I ask you to consider carefully before casting your vote:

- 1.) The definition that KCOC is a "recreational facility, private" is not supported in the County of Siskiyou Municipal Code or General Plan, nor is it supported by the Scott Valley Area Plan.
- 2.) KCOC's Environmental Impact Report established a faulty baseline and therefore has not adequately evaluated the magnitude of impact, and it failed to account for the totality of future groundwater that will be used.

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.

(The bulleted portions below are terms set within the resolution that you are being asked to consider and adopt.)

- *“increase occupancy from **310** to 844 guests, staff, and volunteers..”* (emphasis added)

The resolution must reflect the last Land Use Permit which was a maximum occupancy of 165 and confirmed by Exhibit A-3: Findings of Fact Regarding Environmental Impacts also stating the *“allowable occupancy at the camp from 165 guests”*. The Use Permit (UP-95-12) sets the *“maximum occupancy”* at 165. At no time do they state *“guests”* and *“combined camper and students per year to a maximum of 3,340 annually.”* It is hard to understand how 310 became the baseline and therefore a full justification should be in the record and understood before you cast your vote.

The following table shows the various Land Use Permits as they relate to the Scott Valley Area Plan and the Siskiyou County General Plan. Any statements claiming the current KCOC *“predates”* either plan is not true. The only clearly identified occupancy was set in 1977 and not changed until 1995 (Table 1).

Table 1. List of dates of Land Use Permits along with the years of both the Scott Valley Area Plan and the Siskiyou County General Plan. Maximum occupancy, maximum annual occupancy, and percentage of change from first use permit.

Year	Permit Number	Maximum Occupancy	Maximum Annual	Increase from original use permit
1977	UP-76-39	46	Not specified	
1980	Scott Area Plan			
1985	UP-84-37	Not Specified	Not Specified	0%
1988	Siskiyou County General Plan			
1996	UP-95-12	165	3340	72%
2023	UP-11-15	844/622	Not specified	95%/93%

In 1977, prior to the Scott Valley Area Plan, Kidder Creek Orchard Camp (KCOC) owned and operated by a local church in Etna, obtained a Land Use Permit that allowed for the following: *Base camp for youth backpacking, nondenominational and primitive in Nature....36 children with 8 counselors and 2 staff.* At that time, a Negative Declaration was approved to satisfy the environmental compliance requirements.

In 1985, after the Scott Valley Area Plan was adopted by Siskiyou County, KCOC was granted a second Land Use Permit for the purpose of *“To operate a private recreational facility for youths to include: Log Cabin Camp, Ranch Camp, Youth Camp, Whitewater Rafting, Backpacking and*

Scott Camp. An additional specific use is the annual auction for funding purposes on the Kidder Creek Orchard Camp property.” It goes on to say, “Activities shall be confined to camping with the exception of an allowable annual auction.”

Please note, this Land Use Permit did not change the occupancy from the 36 children with 8 counselors and 2 staff, for a total of 46 occupancies. It does however introduce the concept of a “private recreational facility.” It also is important to understand that at that time, KCOC was owned and operated by a local church and therefore may have had more of an argument to meet the basic qualifications that state, (*only open to the bona fide members and guests of such nonprofit.*) See full Sec. 10-6.3602.158 below. Today, KCOC is owned and operated by a non-profit out of Santa Cruz, California, and therefore their threshold to adhere to this definition lacks standing.

Recreation facility, private. - *"Private recreation facility" means a recreation facility operated by a nonprofit organization and open only to the bona fide members and guests of such nonprofit organization (bold & underline font added).*

- *“the project site is currently developed and operated as a private recreational facility;”*

If this is truly the case, a full definition should be added to the resolution which would state *"Private recreation facility" means a recreation facility operated by a nonprofit organization and open only to the bona fide members and guests of such nonprofit organization.*” This should be done so both KCOC and the public have full disclosure of the terms of the resolution. If there is an omission of the full meaning of what a private recreational facility means seems disingenuous and will lead to future conflict.

In the Staff Report, dated April 18, 2023, page 22, County staff also recognizes the lack of adherence to the “recreation facility, private” by stating *“even if KCOC is still not considered to fit “cleanly” within the definition of a “recreation facility, private” but it is not otherwise open to the public for the most part, and thus not a commercial recreational facility, then it otherwise appears KCOC aligns with the general scope of 106.1502(c) in terms of activities – resorts, amusement parks, recreational facilities and public celebrations.”*

This statement highlights the important fact that the current KCOC’s application does not “fit cleanly” within the definition of recreational facility, private” it then makes a completely erroneous statement by saying *“it is not otherwise open to the public for the most part...”*. This is simply not true. KCOC is 100% open to the public and with this expansion application, they will be adding gift shops, a large equestrian center, adult retreat centers, worship pavilions, and more (see page 2 of Staff Report dated April 18, 2023). One would merely need to go to their website, Facebook page, and blogs to see the services that are open to the public.

The County staff report provides the list of Project Features, “#11 RV Area – 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.” If this single feature is “not open to the public” it must be assumed the remaining 23 listed features are. Both you and I could visit Mount Hermon’s website today and sign up our child, grandchild, or family from one of their services (Figure 1). Again, to state that this camp is not open to the public is simply not true.

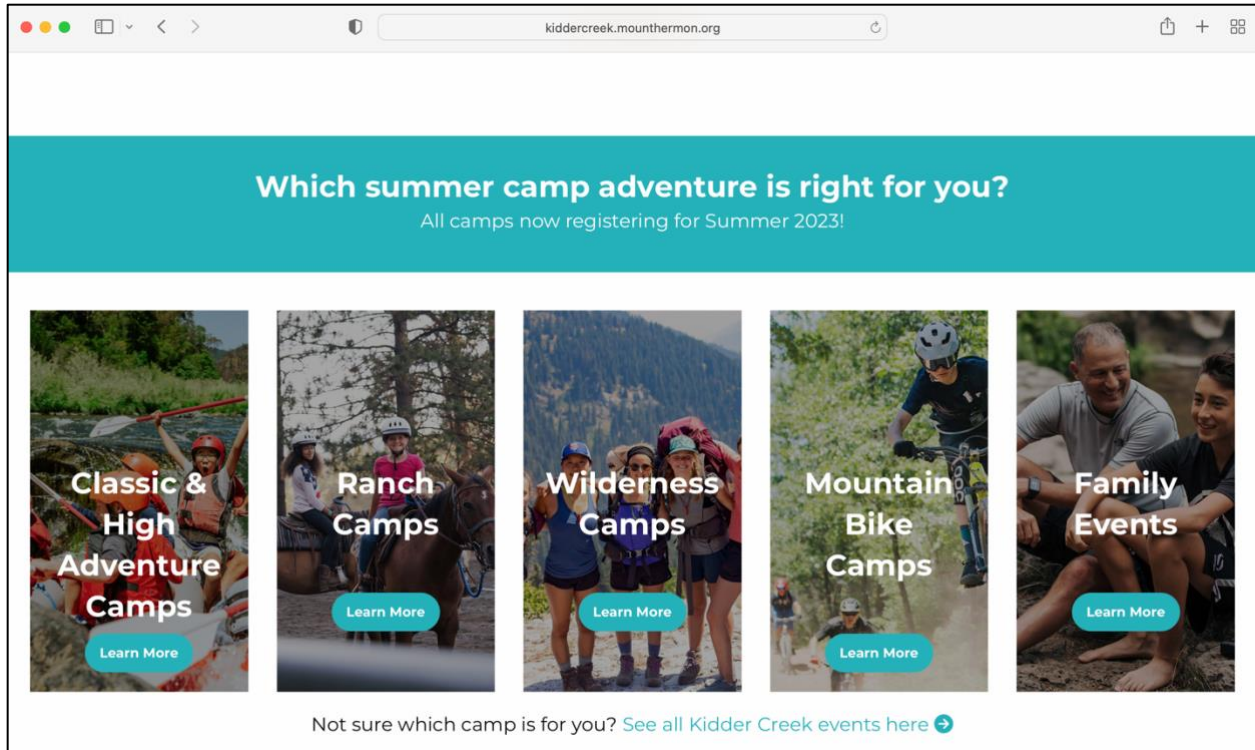


Figure 1. Screenshot of Mount Hermon's listed camps available to the public for the summer of 2023.

The staff’s assertion about “public celebrations” is alarming at best as there has been zero discussion or environmental impact on the impacts of those types of activities. Furthermore, if you look at the proposed uses the addition of a Welcome Center that will be outfitted with a dining facility, gift shop, and infirmary starts to paint the vision of what this application to increase the size of the “camp” to numbers larger than the Town of Fort Jones will look like. This also conflicts with the staff’s previous statement that “it is not otherwise open to the public for the most part...”

Besides not “cleanly” fitting into the private recreational facility category, KCOC does not remotely conform to the Scott Valley Area Plan. Below are the provisions that County staff used to substantiate this fact:

- Development Goal #6: All development in non-resource areas shall be of a **density or intensity that is compatible with the existing use of the land** (emphasis added).
- Development Goal #7: All development that is in non-resource areas shall be of a density or intensity that will channel all intense or dense development close to existing public

services; the impacts of this development should not overburden **existing public services, nor degrade water quality** (emphasis added).

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

Common sense would suggest that an application of 844/622, the number of daily occupancy that would be greater than all existing actual municipalities or areas with a higher density of people could not be considered “*small-scale*.” It is also obvious that a camp of this size will compete with limited public services such as roads and fire.

In 1995, another Land Use Permit was approved for the following purpose, “*The applicants are requesting approval of a Use Permit to expand Kidder Creek Orchard Camps, an existing private recreational facility. The total number of campers and students per year to a maximum of 3,340 annually at the end of ten years with a maximum occupancy of 165.*” For this Land Use Permit, there was some evidence that a more rigorous environmental analysis was done which found the following had “Potentially Significant Unless Mitigated”:

- Impacts to groundwater quality
- Violate an air quality standard or contribute to an existing or projected air quality violation
- Increased vehicle trips or traffic congestion
- Inadequate emergency access or access to nearby uses
- The creation of any health hazard or potential health hazard
- Increased fire hazard in areas with flammable breaks, grass, or trees
- Maintenance of public facilities, including roads
- Sewer and septic tanks

It is hard to imagine how these potentially significant impacts will improve with an additional 457 people which brings to light the current EIR and CEQA process (see below).

-
- “*Certify that 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*”
 - “*the Board of Supervisors, which reviewed and considered the information contained in the Final EIR prior to making a decision on the Project.*”

In KCOC's EIR states "*The 1996 use permit allows up to 165 guests. The 1996 use permit does not limit the number of staff and volunteers at the camp. Currently, the maximum daily occupancy, including guests, staff, and volunteers, at the camp is 310 persons, which is used as the baseline for this environmental review as it represents the current existing condition.*"

This statement is not true. In the Mitigated Negative Declaration (SCH#1985110397) done for the use permit in 1995 was performed on a maximum occupancy of 165. Therefore, the KCOC 2022 2nd Partial Recirculated Draft EIR failed to account for 145 people in its baseline. Based on this fact only, the report's findings are incomplete and lack the total impacts of KCOC's application and should be denied as it is impossible for you to certify "*Environmental Impact Report for the Kidder Creek Orchard Camp Project as adequate description of the impact of the Project in compliance with the CEQA, and the State CEQA Guidelines.*"

Furthermore, the EIR's groundwater analysis was solely predicated on the following statement: "*When looking at the impact of a domestic well on the groundwater supply, it is important to understand how the domestic use is different from other water uses from the aquifer. For the KCOC, the per capita water is about 45 gpd. This is mostly because all outside water use is accomplished by surface water from Barker Ditch.*"

This is simply not true. To succinctly summarize the KCOC's water right off of Barker Ditch merely has the rights to irrigate 37 acres and is for a total of 1 cubic feet per second (cfs) however drastically reduces during the summer months as flows decrease to less than ½ cfs. The idea that this minimal water right will supply water to 10 acres of ponds, acres of lawns, pastures, orchards, green belts, RV parks, and more is not within the legal rights from the Barker Ditch and therefore the BOS can't approve the EIR as it does not account for the all the other outdoor watering that will be necessary to sustain their business plan as outlined in their application.

Lastly, the entire study and report issued by Chris Cummings regarding the additional 7-acre pond was erroneous and therefore did not adequately determine the ability of how the addition of another pond that would bring a total of 10 acres of large ponds would impact the project. Not only was Mr. Cummings's conclusion incorrect but the delivery of water to the new 7-acre pond was also misrepresented within the application and numerous community outreach platforms.

In closing, as you know, the SVAP is contained within the General Plan which also includes the Conservation Element and collectively serves to preserve the rural nature of our community and protection of its natural resources. Most recently, the Scott Valley Groundwater Sustainability Plan (GSP) clearly acknowledges these founding principles: "*The Conservation Element of the General Plan recognizes the importance of water resources in the County and outlines objectives for the conservation and protection of these resources to ensure continued beneficial uses for people and wildlife....The objectives in the Conservation Element mirror the objective of the GSP, namely ensuring a sustainable water supply*".

It goes on to state *“The SVAP includes multiple goals and policies that align with those in the GSP. Specifically, the focus on managing growth in a sustainable way while protecting the prime agricultural land, priority habitat, and natural resources is an overarching theme in both the SVAP and the GSP. Given this alignment of the objectives in the GSP and General Plan, significant changes to current water supply assumptions are not anticipated.”* Evident by its own proclamation, it is unmistakable the GSP is relying heavily on the leadership of Siskiyou County to uphold these decision-guidance documents.

Just as those who served the Scott Valley in the late 1970s and who strategically attempted to preserve the rural nature of our community by developing the Scott Valley Area Plan (SVAP), you now have the fiduciary duty to lead us into the future. I am confident you will do so by taking into full account the magnitude of this decision and will base your vote on March 21st on the merit of the application, unbiased by any personal support of the KCOC’s mission.

Thank you for your service to Scott Valley and Siskiyou County as a whole.

Respectfully,

Charnna Gilmore

Scott Valley Community Member
850 Highland Street
Etna, CA 96027

From: [Janine Rowe](#)
To: [Janine Rowe](#)
Subject: FW: Board of Supervisors Meeting April 18, 2023 -- Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15)
Date: Monday, April 17, 2023 10:02:23 AM
Attachments: [2023.4.17 Comment on KCOC FEIR to BOS.pdf](#)

From: Marsha Burch <mburchlaw@gmail.com>
Sent: Monday, April 17, 2023 8:56 AM
To: Hailey Lang <hleng@co.siskiyou.ca.us>; Brandon Criss <bcriss@co.siskiyou.ca.us>; Ed Valenzuela <evalenzuela@co.siskiyou.ca.us>; Michael Kobseff <mkobseff@co.siskiyou.ca.us>; Nancy Ogren <nogren@co.siskiyou.ca.us>; Ray Haupt <rhaupt@co.siskiyou.ca.us>
Subject: Board of Supervisors Meeting April 18, 2023 -- Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15)

Please see attached comment letter.

-Marsha

MARSHA  A. BURCH
LAW OFFICE

131 S. Auburn Street
Grass Valley, CA 95945
530/272.8411
fax: 530/272.9411

mburchlaw@gmail.com
<https://www.marshaburchlawoffice.com>

THE INFORMATION CONTAINED IN THIS ELECTRONIC MAIL TRANSMISSION IS CONFIDENTIAL AND INTENDED TO BE SENT ONLY TO THE STATED RECIPIENT OF THE TRANSMISSION. IT MAY THEREFORE BE PROTECTED FROM UNAUTHORIZED USE OR DISSEMINATION BY THE ATTORNEY-CLIENT AND/OR ATTORNEY WORK-PRODUCT PRIVILEGES. If you are not the intended recipient or the intended recipient's agent, you are hereby notified that any review, use, dissemination, distribution or copying of this communication is strictly prohibited. You are also asked to notify us immediately by telephone at 530/272.8411 or reply by e-mail and delete or discard the message. Thank you.

Although this e-mail and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by the sender for any loss or damage arising in any way from its use.

MARSHA  A. BURCH
LAW OFFICE

131 South Auburn Street
GRASS VALLEY, CA 95945

Telephone:
(530) 272-8411

www.marshaburchlawoffice.com

mburchlaw@gmail.com

April 17, 2023

Via Electronic Mail

Siskiyou County Board of
Supervisors
806 South Main Street
Yreka, CA 96097
bcriss@co.siskiyou.ca.us
evalenzuela@co.siskiyou.ca.us
mkobseff@co.siskiyou.ca.us
nogren@co.siskiyou.ca.us
rhaupt@co.siskiyou.ca.us

Hailey Lang, Deputy Director
Community Development Department
County of Siskiyou
806 South Main Street
Yreka, CA 96097
hlang@co.siskiyou.ca.us

Re: Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use
Permit (UP-11-15)
Final Environmental Impact Report (SCH#2016092016)

Dear Supervisors and Ms. Lang:

This office represents Keep Scott Valley Rural (“Association”) with respect to the above-referenced Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) (“Project”) and the Final Environmental Impact Report (“FEIR”). The Association and others have submitted previous comments and these comments are meant to supplement, not replace, the comments of the Association, other members of the public, or of other experts or agencies.

After reviewing the Staff Report prepared for the April 18, 2023, meeting, we provide the following response to the Staff Report and the FEIR.

As noted in our previous comment, the EIR for the Project falls short of compliance with the California Environmental Quality Act (“CEQA”).¹ The decision makers continue to ignore the fatal flaw in the environmental review for the Project, as there is no legal way an agency may combine a mitigated negative

¹ Public Resources Code § 21000 *et seq.*

declaration (“MDN”) with an environmental impact report (“EIR”) for a single project. Even if this mix and match approach was allowed under CEQA, as noted in our previous comment letters, the analysis of impacts is inadequate.

In addition to violations of CEQA, the Project is inconsistent with the Siskiyou County General Plan and the Scott Valley Area Plan (“SVAP”), and these issues have also been largely ignored in the multiple staff reports for the Project.

A. The County has failed to adequately analyze wildfire risks.

The Staff Report attempts to address concerns raised regarding wildfire and cites to some modeling that staff asserts indicates that the camp will have “6-8 hours of evacuation time” in the event a fire starts near Cheeseville. These conclusions are not connected to the vague “data” attached to the staff report, and speculation regarding a fire starting near Cheeseville does not even begin to scratch the surface of what the Attorney General’s Guidance describes as adequate environmental review with respect to wildfire risks. The County persists in refusing to analyze the increase in ignition risk *at the camp* because of the staggering increase in occupancy. Previous comments submitted by this office have described what the Attorney General recommends and the County continues to ignore these recommendations.

There is no baseline information regarding fire risks, existing potential ignition sources, or estimated times for existing residents to evacuate. The Project will add hundreds (possibly thousands as noted below) of visitors, and there is no baseline information, the EIR simply cannot assess the impacts of the Project on increased ignition sources, time for residents *and Project visitors* to evacuate, or even any reduced fire risk from the proposed fuel reduction work. Further, the vague description of possible fuel reduction work in the future is not sufficient to support a conclusion that fire risk would be reduced in any way, as the work alluded to is not included as a mitigation measure and there is no baseline or performance standard in the EIR. The CEQA analysis of wildfire risks is scattered and entirely inadequate, and approval of the Project with this insufficient analysis will jeopardize the lives of Project visitors, nearby residents, as well as State fire resources and fire personnel.

The Staff Report attempts to excuse the County from performing an adequate or even marginally sufficient review of wildfire impacts by claiming that the Notice of Preparation for the project occurred before wildfire was added as an “independent” environmental impact area in 2019. **Wildfire risk has always been an environmental impact area under CEQA.** (CEQA Guidelines, Appendix G, § 8(h).) In 2019, additional guidance was provided to improve agency review of this critical impact. The Attorney General has been clear that no jurisdiction in California may shirk its responsibilities to analyze for fire risks to protect lives and respect the State firefighting resources and personnel. The

people of Siskiyou County deserve to have these risks analyzed in a robust way that protects their lives and property. Attempting to sidestep this responsibility with a technical argument is a shocking abdication of the elected decision makers' duty to the citizens.

The Staff Report wraps up the analysis of fire impacts by pointing to two mitigation measures requiring the camp to have transportation available onsite during extreme fire risk conditions, and to evacuate immediately during an "Evacuation Warning." Along with these measures, the Staff Report attaches some "modeling" of fire behavior done near the camp, with no information at all about what the modeling revealed about evacuation times, or any other factor relevant to the analysis. There is no substantial evidence in the record that either of these two measures will be feasible or effective. There is no baseline information regarding evacuation, and so there is also no way to analyze the efficacy of the measures.

B. The Project is inconsistent with the Scott Valley Area Plan.

The Staff Report goes on to discuss consistency with the applicable general plans, with no new information that would refute the dozens of comment letters pointing out the clear and serious conflicts with the applicable plans. approval of the Project would completely undermine the core objectives and policies of the SVAP. The Staff Report asserts that the use proposed at the camp is "recreational" for purposes of the SVAP, following that with the sweeping and unsupported conclusion that it is therefore "allowed." What the Staff Report omits is the language from Policy-31 stating that "Only agricultural, residential, open spaces, and *small-scale* commercial, industrial, recreation uses, and public or quasi-public uses may be permitted." (Emphasis added.) Also overlooked is Policy 32 stating: 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." (Emphasis added.) It is hard to imagine that the County would consider the use "small scale" with the request to go from a total annual occupancy of 3,340 persons to an occupancy with no real upper limit, just a note that the daily occupancy will be 622 people. If that daily occupancy occurred every day of the year, the annual occupancy could be 227,030 camp visitors and staff. There is not substantial evidence to support the conclusion that the proposed use is "small scale recreational."

C. The EIR fails to disclose the scope of the occupancy allowed by the permit and fails to analyze the full level of occupancy authorized.

The County is not proposing to place any limit on annual occupancy, and yet the analysis in the EIR does not reflect the kind of numbers that are possible without any limit.

The Updated Project Description released by the applicant on October 24, 2016, states as follows:

The Camp has been communicating to our neighbors that we do not plan to operate at full capacity. We have heard our neighbors and their concerns about the impacts that 844 daily occupants would have on the community. The camp has communicated its willingness to limit our daily occupancy to 622. This proposal cuts the occupancy level by 222 campers and staff, a 42% reduction of the proposed growth. The camping industry demonstrates that camps operate on average at 80% capacity on 35% of the calendar days. At 80% capacity of 622 we would regularly serve 497 campers. Thus reducing our impacts across the board on traffic, water usage, septic, etc. (Page 14.)

Under the applicant's description of the project, at 100% capacity, the neighbors can expect that the total *annual* occupancy of the camp would be 79,460 visitors and staff with "35% of the calendar days" being days the camp is occupied. There is nothing in the record indicating that the permit will be limited to 35% of the calendar days. Additionally, there is no disclosure in the EIR of the staggering increase from 3,340 annual visitors to 79,460. This failure infects every area of impact analysis. With no information on the total number of annual visitors there was no way the EIR could accurately assess environmental impacts. With 622 occupants 100% of the calendar days, the annual occupancy would be 227,030.

The Initial Study for the 1996 Use Permit described the proposed use as follows:

THE APPLICANTS ARE REQUESTING APPROVAL OF A USE PERMIT TO EXPAND KIDDER CREEK ORCHARD CAMPS, AN EXISTING PRIVATE RECREATIONAL FACILITY. THE TOTAL NUMBER OF CAMPERS UTILIZING THE CAMP IS PROPOSED TO INCREASED FROM APPRX. 1,802 COMBINED CAMPERS AND STUDENTS PER YEAR TO A MAXIMUM OF 3,340 ANNUALLY AT THE END OF TEN YEARS WITH A MAXIMUM OCCUPANCY OF 165. (Initial Study cover sheet.)

Notably, previous permits included an annual maximum occupancy. The existing permit allows for a maximum of 3,340 occupants annually, guests and non-guests included. The County has utterly failed to disclose and analyze the allowed increase of more than 20 times what is currently approved and has also failed to include any conditions in the approval that would prevent the applicant from having the maximum number of "daily occupants" on the property every single day of the year.

Despite the failure to include any limitation on annual occupancy, the environmental analysis *assumed* “summer occupancy.” For example, the Wastewater Feasibility Study assumes 844 persons for “summer occupancy” with an “occupancy reduction rate of 622 max summertime occupancy camp.” (Onsite Wastewater Feasibility Study, Attachment C.) It is not even clear what number of visitors and staff the Study used to project wastewater flows, but the vague allusion is to “622 max summertime occupancy.”

The EIR fails to disclose the full scope of impacts by failing to accurately describe the total occupancy allowed by the permit. This failure also undermined the impacts analysis by presenting a vague, unstable project description.

D. The combining of a Mitigated Negative Declaration and Environmental Impact Report violates CEQA.

The flaws and omissions in the environmental analysis for the Project are too many to count, and the fatal underlying flaw is that the County has determined to use two separate CEQA documents to review one project. The only explanation provided is in a Memorandum from Bill Carrol stating that an “EIR is most often prepared when there is either a fair argument that a mitigation measure may not be sufficient, or there is an environmental effect that cannot be mitigated to a less than significant level” and the County decided not to move forward with the MND and “instead prepare an EIR for those areas that appeared to potentially remain significant.” (Memo, p. 2, emphasis added.)

This is an inaccurate statement of the requirements of CEQA. “Under this test [fair argument test], the agency must prepare an [environmental impact report] whenever substantial evidence in the record supports a fair argument that a proposed project may have a significant effect on the environment.” (*Farmland Prot. All. v. County of Yolo* (2021) 71 Cal. App. 5th 300, 309.) There is nothing in CEQA that allows a lead agency to “elevate” select impact areas that “appear” to remain potentially significant to a “limited EIR.” This arbitrary process has no basis in the law. If there is a fair argument that the project may have significant impacts to the environment an EIR must be prepared. Period.

Mr. Carrol’s memorandum goes on to say that a recent unpublished Fourth District case found that a “focused” EIR may be prepared if the initial study is available in its entirety and incorporated into the EIR. (Memo, p. 3, citing *Save the Field v. Del Mar Union School Dist.* (2022) No. D079480, 2022 WL 4462698, at *14 (Cal. Ct. App. Sept. 26, 2022), *review filed* (Nov. 4, 2022).) The **unpublished** case is of no precedential value, and it is not analogous to the present situation. The issue in the *Save the Field* case was whether the judicial remedy ordered complied with CEQA. The Fourth District followed its own precedent in *Ocean Street*, and the reasoning is directly in conflict with repeated holdings by the California Supreme Court that the three-tier approach under CEQA is

Siskiyou County Board of Supervisors
Hailey Lang, Planning Director
April 17, 2023
Page 6 of 6

mandatory. (*Muzzy Ranch Co. v. Solano Cnty. Airport Land Use Com.* (2007) 41 Cal. 4th 372, 381, *as modified*; and (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 74, 118.)

It also bears noting that Siskiyou County is in the Third Appellate District's jurisdiction, a jurisdiction that has flatly rejected the mixing of environmental review tiers. The Supreme Court of California has explained in detail that CEQA has established a three-tier process. The first tier requires the agency to determine if the project is subject to CEQA. The second tier requires the agency to determine whether the project is subject to a CEQA exemption. "CEQA's third tier applies if the agency determines substantial evidence exists that an aspect of the project may cause a significant effect on the environment. In that event, the agency must ensure that a full environmental impact report is prepared on the proposed project. (CEQA Guidelines, § 15063(b)(1); see also Pub. Resources Code, §§ 21100, 21151; CEQA Guidelines, § 15080 et seq.)" (*Muzzy Ranch Co. v. Solano Cnty. Airport Land Use Com.* (2007) 41 Cal. 4th 372, 381, *as modified*, emphasis added.)

The Board of Supervisors should carefully consider the fact that there is not a single published case in California holding that a lead agency may mix-and-match CEQA documents, using a mitigated negative declaration for some impacts and an EIR for others. The two cases cited in Mr. Carrol's memorandum as support of this mix-and-match approach were both decided in the Fourth District and are not on point. One addressed a *full EIR* with some text from the initial study having been incorporated by reference, and the other addressed the issue of the propriety of a judicial remedy requiring a limited EIR. The Third Appellate District confirmed the three tiers of the CEQA process in the *Farmland* case, and the standard of review for procedural CEQA errors provides no deference to the agency determination. Making up a wholly unheard of CEQA procedure will likely not withstand judicial scrutiny.

The Supervisors should require a full EIR for the Project, along with a robust wildfire analysis that complies with the Attorney General's Guidance.

Sincerely,



Marsha A. Burch
Attorney

cc: Keep Scott Valley Rural