

Siskiyou County Planning Commission
Regular Meeting
November 16, 2022

The Siskiyou County Planning Commission meeting of November 16, 2022, was called to order by Chair Lindler at 9:02 a.m. at the Board of Supervisors Chambers, 311 Fourth Street, 2nd Floor, Yreka, California.

Present: Commissioners Melo, Fowle, Veale, and Lindler

Absent: Commissioner Hart was absent at the time of roll call but arrived at the meeting at about 9:50 a.m.

Also Present: Rick Dean, Director, Community Development Department; Hailey Lang, Deputy Director of Planning; Rachel Jereb, Senior Planner; Shelley Gray, Assistant Planner; William Carroll, Deputy County Counsel; Natalie Reed, Assistant County Counsel; Janine Rowe, Commission Clerk

Minutes:

The Minutes from the October 19, 2022, Planning Commission meeting will be presented at the December 21, 2022, meeting.

Unscheduled Appearances: None

Conflict of Interest Declaration: Chair Lindler announced that she would be recusing herself from hearing the Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) project due to a conflict of interest.

Presentation of Documents, Availability of Public Records, and Public Hearing Protocol: The Chair asked those members of the public present in the meeting room as well as those present via teleconference to review these items on the Agenda.

Rights of Appeal Statement: The Chair directed those present to review the Right of Appeal Statement contained in the Agenda.

Changes to the Agenda:

Through the Chair, Commissioner Fowle requested that the Agenda be rearranged so that the Timberhitch Mine (SP-22-01) and Use Permit (UP-79-31) project could be heard first because Commissioner Hart would have recused himself from the project and it would allow time for him to arrive at the meeting.

It was moved by Commissioner Fowle, seconded by Commissioner Melo, that the Cortopassi Use Permit (UP-22-09) project be continued to a date uncertain, to be determined by Staff.

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present.

New Business:**Agenda Item 2: Timberhitch Mine (SP-22-01) and Use Permit (UP-79-31) / Categorically Exempt**

The project site is located within Butte Valley, a quarter-mile east of State Highway 97, and one mile south of Little Shasta/Ball Mountain Road on APNs 011-250-170 and 011-280-290; Township 45N, Range 2W, Sections 11,12 and 14 MDB&M; Latitude 41.594°, Longitude -122.407°.

This public hearing is intended to carry out the requirements identified in Article 14. - Expiration, Revocation, and Appeals of Permits and Variances within the Siskiyou County Municipal Code, in order to revoke the Use Permit (UP-79-31) associated with the Timberhitch Pit Surface Mine (CA Mine ID No. 91-47-0055). The activity allowed under UP-79-31 includes the operation of three gravel excavation sites.

**Categorically Exempt
Use Permit Revocation**

**Recommending Adoption
Recommending Approval**

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Lang.

Ms. Lang told the Commission that subsequent to the Planning Commission directing Staff to take action to cause forfeiture of Butte Creek Minerals (BCM) financial assurances, Staff took appropriate action to cause forfeiture of financial assurances. In accordance with Siskiyou County Code and the Surface Mining and Reclamation Act (SMARA), a letter was sent to the operator on June 28, 2022, giving them 60 days to commence reclamation. Mr. Clif McMillan Jr. told the County he had already begun removing some scrap metal. He then notified the County in September 2022 that the only other surviving partner of BCM passed away so he would not have authority to act on behalf of BCM, and he would not be pursuing mine reclamation. Planning Staff sent correspondence and notices to Mrs. Patsy McMillan, the other shareholder of BCM and has not received a response.

Ms. Lang told the Commission that the County is now required by law to reclaim the mine site in order to fulfill SMARA requirements and is beginning the process to revoke the use permit (UP-79-31) in order to move forward with reclamation.

Agency Input: None

The Chair opened the Public Hearing.

Public Comments: None

There being no comments, the Chair closed the Public Hearing.

Commission Questions/Discussion:

Commissioner Fowle asked if the County can seek restitution or compensation for its expenses in reclamation. County Counsel Bill Carroll explained that if there were a surviving shareholder of Butte Creek Minerals who holds any assets of BCM, the County may be able to file a lawsuit and obtain a judgment on those assets, but it would be a very long process. Discussion was held regarding the equipment that remains on the property, but it would not be a source to collect against if it is not owned by BCM.

Discussion was held about when reclamation would begin and if there was a cost estimate for reclamation. Community Development Director Rick Dean said beginning reclamation would be weather dependent. Mr. Dean also said that the scrap metal would have to be removed and dirt replaced. Public Works provided an estimate of \$8,000 for the dirt. As far as the scrap metal was concerned, it would depend on prices at the time. Commissioner Fowle said he thought prices for scrap metal had gone up.

Commissioner Fowle asked about the procedure after the County does the reclamation and how they would be compensated.

The meeting went off record at approximately 9:20 a.m. due to technical difficulties with Zoom

The meeting was resumed at approximately 9:22 a.m.

Mr. Carroll said after the reclamation goes forward and if the County incurs substantial costs, the likely path would be to go to the Board of Supervisors for direction as to whether or not to proceed with a lawsuit. He didn't think the Planning Commission would be directly involved. Commissioner Fowle said if the Commissioners were in agreement, he would like Staff to let the Board of Supervisors know that the Commission felt strongly that the County should take all measures necessary to result in a zero net loss and expense for the recovery and reclamation of this project.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Veale, to Adopt Resolution PC 2022-028, A Resolution of the Planning Commission of the County of Siskiyou, Recommending that the Siskiyou County Board of Supervisors Revoke the Use Permit of Timberhitch Mine (UP-79-31), Make All Necessary Findings Required Under the Siskiyou County Municipal Code and Determine the Project Exempt from the California Environmental Quality Act (CEQA).

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present on the following roll call vote:

Ayes: Commissioners Melo, Fowle, Veale, and Lindler

Noes:

Absent: Commissioner Hart

Abstain:

Agenda Item 1: Shasta Creek LLC Use Permit (UP-22-09) / Categorically Exempt

The project is a proposed conditional use permit to allow a short-term vacation rental use within an existing single-family dwelling. The project is located at 1200 W A Barr Road, southwest of the city of Mt. Shasta; APN: 036-500-041; Township 40N, Range 4W, Section 21; Latitude 41.2953°, Longitude -122.3222°.

**Categorically Exempt
Use Permit**

**Adopted
Approved**

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Jereb.

Ms. Jereb told the Commission that the proposed vacation rental is a 3,155-square-foot, two-story house on a 3.17-acre parcel that is zoned Planned Development with Rural Residential uses allowed. The project is consistent with the General Plan and zoning for its area. The project was inspected by the Building and Environmental Health Divisions. The six required parking spaces are adjacent to the house. Four bedrooms and a bonus room are proposed as sleeping quarters, and the current septic system is only adequate for six persons. Ms. Jereb said Staff recommended that upon upgrade of the septic system and approval by Environmental Health that occupancy be increased to a maximum of eight persons.

Ms. Jereb said the project was exempt from CEQA per Section 15301, existing facilities and with no unusual circumstances or future activities that might reasonably result in the project having a significant effect on the environment. No public comments were received prior to the Staff Report being published, but a comment in opposition to the project was received the day before the Planning Commission meeting and was provided to the Commission. Ms. Jereb said Staff recommended adopting the categorical exemption and approving the use permit.

Agency Input: None

Commission Questions: Discussion was held regarding the capacity of septic system.

The Chair opened the Public Hearing.

Public Comments: None

There being no comment, the Chair closed the Public Hearing.

Commission Discussion: None

Motion: Following discussion, it was moved by Commissioner Melo, seconded by Commissioner Veale, to Adopt Resolution PC2022-026, a Resolution of the Planning Commission of the County of Siskiyou, State of California, Approving the Shasta Creek LLC Use Permit (UP-22-09) and determining the Project Exempt from CEQA.

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present.

Agenda Item 3: Hickey Zone Change (Z-22-04) / Categorically Exempt

The project is a proposed zone change of approximately 9.95 acres from Non-Prime Agricultural (AG-2) to Highway Commercial (C-H). The zone change is proposed to match the zoning to the historical use of the property, which contains Deer Mountain Lodge. The project is located at 17604 State Highway 97, approximately 13 miles northeast of the city of Weed; APNs: 019-080-080, 019-080-090, 019-080-060; Township 43N, Range 3W, Section 9; Latitude 41.5859°, Longitude -122.1938°.

**Categorically Exempt
Zone Change**

**Recommending Adoption
Recommending Approval**

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Jereb.

Ms. Jereb told the Commission that the project is a proposed rezone of approximately 10 acres spread out on three parcels from Non-Prime Agricultural (AG-2) to Highway Commercial (C-H) in order to bring the zoning into conformance with the historic use of the property. The property is surrounded by privately owned timberland properties that are zoned either Non-Prime Agricultural or Rural Residential Agricultural (R-R).

Ms. Jereb said Staff proposed that the project be found consistent with the zoning and the General Plan. Because there is no substantial evidence that the proposed zone change may have a significant effect on the environment, it was recommended that the project be found exempt from CEQA pursuant to the common sense exemption as well as pursuant to the existing facilities exemption since it's already developed.

Ms. Jereb said a comment was received from the Siskiyou County Assessor/Recorder which was included in the staff report. Comments from Caltrans and Siskiyou County Air Pollution Control District were submitted after the staff report was printed and distributed. Caltrans commented regarding the need for a new encroachment permit any time the property changed ownership and noted that the current property owner does not have a permit for the road connection. They also noted that should a draft plan be developed for the site, they would have to review it to determine if there were any other Caltrans permitting requirements. Air Pollution Control District commented regarding the need for an authority to construct permit should the historic use of the property for a gas station recommence. No comments from the public were received.

Ms. Jereb said that Staff recommended that the Planning Commission adopt the resolution recommending that the Board of Supervisors approve the zone change and determine the project exempt from CEQA.

Agency Input: None

Commission Questions: None

The Chair opened the Public Hearing.

Public Comments: None

There being no comment, the Chair closed the Public Hearing.

Commission Discussion:

Discussion was held regarding the Assessor's letter indicating there were no permits for the structures listed in their records. Ms. Jereb said that permits would have been required, but she was unable to locate any.

Discussion was held regarding whether or not the project would come before the Planning Commission if the property owner proposed to reopen the restaurant, lodge, gas station, etc.

Ms. Jereb explained that if the zone change is approved by the Board of Supervisors and if the property owner were to propose something that required a use permit, it would be presented to the Planning Commission. Otherwise reopening the restaurant, etc., is allowed by right and the property owner would just have to meet current building codes, environmental health codes, and planning codes.

Commissioner Fowle questioned the letter from Caltrans that said a new owner would need an encroachment permit for ingress/egress to Highway 97, and he wanted to know if it was grandfathered in for the parcel in question. Ms. Jereb said the current property owner does not own any portion of Highway 97 so it was her understanding they would need an encroachment permit. Commissioner Fowle was concerned about the State making requirements that are not within their purview. Ms. Jereb said that zone changes cannot be conditioned on anything and there are no conditions that require the property owner to get an encroachment permit. Ms. Jereb said she updated the Notations and Conditions of Approval to include some notations regarding Caltrans' requirements.

Motion: Following discussion, it was moved by Commissioner Fowle, seconded by Commissioner Melo, to Adopt Resolution PC2022-029, A Resolution of the Planning Commission of the County of Siskiyou, State of California, Recommending that the Siskiyou County Board of Supervisors Determine the Project Exempt from the California Environmental Quality Act and Approve the Hickey Zone Change (Z-22-04) by Adopting a Draft Ordinance Rezoning 10 Acres (APN 019-080-060, 019-080-080, 019-080-090) from AG-2 to C-H.

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present on the following roll call vote:

Ayes: Commissioners Melo, Fowle, Veale and Lindler

Noes:

Absent: Commissioner Hart

Abstain:

**Chair Lindler left the meeting at 9:45 a.m. at which time
Vice Chair Fowle took over the meeting and called for a break**

Commissioner Hart arrived at the meeting at approximately 9:50 a.m.

The meeting resumed at 10:00 a.m.

Old Business:

Agenda Item Number 1: Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) / Environmental Impact Report

The Project site is located on 580-acres at the west end of South Kidder Creek Road, approximately 2 miles west of State Hwy 3, south of the community of Greenview in the Scott Valley, Assessor Parcel Numbers (APNs) 025-370-040 and 380; 024-440-140, 150, 310, 320 and 330; 024-450-390, 400 and 590). The Proposed Project includes a request to expand the use of the site and requires a

new use permit (UP-11-15). The Project also includes a request for a zone change (Z-14- 01) to rezone approximately 170 acres from Timberland Production District (TPZ) to Rural Residential Agricultural, 40-acre minimum parcel size (R-R-B-40). The expanded use permit would allow an increase of allowable occupancy at the camp from 310 to a total occupancy of 844 (guests, staff, and volunteers), an increase the physical size of the camp from 333 acres to 580 acres, and the addition of a number of structures and recreation features, including a second pond and ancillary facilities. The project would be developed over a 20-year period.

An Environmental Impact Report (EIR) has been prepared for this project. (see Public Resources Code § 21061 defining “Environmental Impact Report”).

Environmental Impact Report
Zone Change
Use Permit

Recommending Certification
Recommending Approval
Conditionally Approved

Vice Chair Fowle announced that the public hearing would be reopened after Staff provided an updated report.

Staff Report:

The previously circulated Staff Report was reviewed by the Commission, and a presentation of the project was provided by Ms. Lang.

Ms. Lang provided a PowerPoint presentation which gave a recap of the project. She said the project is required to be analyzed under CEQA because it is discretionary. Ms. Lang described the various environmental reviews that the project has gone through since 2016, the final being the Environmental Impact Report which is what is being considered by the Planning Commission at today’s meeting.

Ms. Lang said a mitigation measure had been added after the August 17, 2022, Planning Commission meeting which was Mitigation Measure 4.7 (MM-4.7) related to biological resources which was strongly recommended by California Department of Fish and Wildlife (CDFW) in their recent comment. MM-4.7 is similar to MM-4.5 and MM-4.7 in that a no disturbance buffer of 150 feet from the edge of a bank, edge of the floodplain, or outer edge of the riparian drip line shall be established to specifications of CDFW. The project shall result in no net loss of riparian habitat.

Ms. Lang said that noise was evaluated through the environmental analysis which identified the project would generate substantial permanent increase in ambient noise levels and the project would likely have significant cumulative impact due to traffic noise sources when considered with future development. Both were identified as significant and unavoidable, and Ms. Lang said the lead agency and government decision makers have some options, one of which was a document called a Statement of Overriding Considerations. The Statement of Overriding Considerations identifies that the lead agency is aware there is a significant and unavoidable impact in an environmental area, but based on project impacts and benefits to the community, the lead agency is still certifying the EIR document.

Ms. Lang said that Staff was recommending that the Planning Commission conditionally approve the use permit and that the Planning Commission recommend to the Board of Supervisors that the zone change request be approved, recommend that the Board of Supervisors certify the final

Environmental Impact Report, and recommend that the Board of Supervisors accept and approve the Statement of Overriding Considerations.

Ms. Lang said that the project applicant would be providing a presentation regarding their fire emergency plan to address concerns expressed regarding wildfire. She said that Cal Fire was present to answer questions.

Ms. Lang also noted that a comment letter was received after business hours the night before the Planning Commission meeting from the Law Office of Marsha Burch, and County Counsel had reviewed it and had a response to the letter. County Counsel William Carroll said he had reviewed the letter but had not had time to prepare a response to all the points. One of the issues raised was regarding the fact that a draft mitigated negative declaration (MND) was done and ultimately Kidder Creek Orchard Camp (KCOC) went ahead with the EIR to address certain areas that were still potentially significant. Mr. Carroll said the Burch letter states KCOC can't have a draft MND and do an EIR. Mr. Carroll said there is a case that says KCOC can have mitigated measures and leave those aside and deal with only those with questionable significant environmental effects in the EIR, so he believes there is caselaw to proceed.

Discussion was held about the organization Ms. Burch said she represents, Keep Scott Valley Rural, and whether or not is a legal entity. Vice Chair Fowle said he was not familiar with the organization.

Discussion was held regarding Ms. Burch's reference to Section 15168 in her letter which is in regard to program EIRs. Mr. Carroll pointed out that the KCOC project is a simple EIR and Ms. Burch should have referred to Section 15161. Mr. Carroll said that Staff should correct the section number contained in the Findings.

Commissioner Hart asked about Ms. Burch's reference to a Federal habitat improvement plan along Kidder Creek. Discussion was held between Commissioner Hart and Vice Chair Fowle that neither were familiar with such a plan and had never seen it.

At this point, Andy Warken of KCOC provided a presentation that covered their wildfire emergency plans. Mr. Warken said KCOC met with Cal Fire multiple times, and they ran multiple simulations of various fire behaviors. Mr. Warken said they are working with a forester and their neighbors in doing fuel reduction around the camp.

Mr. Warken said there are multiple lookout sites watching for fire starts in the area, and they have trained their staff to keep an eye out for dangerous situations including fire. KCOC staff use apps to monitor any active fires in the area.

Mr. Warken said the Camp's primary evacuation route would go out Taylor Divide and connect with Patterson Creek Road. The portion of that road that is not completed will be once the use permit is approved. He provided a map that showed the evacuation route down South Kidder Creek Road or out Taylor Divide Road. Evacuation locations would be the Scott Valley Berean Church as well as a church in Yreka if necessary. Mr. Warken provided details regarding the length of time evacuation would occur, the number of campers being evacuated, and the modes of transportation that would be utilized. He also talked about the Camp's safety zone if evacuation was not an option.

Mr. Warken discussed benefits to the community as a result of their wildfire safeguard prevention and the secondary access road available to neighbors. There is a staging area for firefighters in the

existing safety zone, and the camper cabins would be available for use by Cal Fire personnel or others staged at the Camp.

Agency Input:

Vice Chair Fowle invited representatives from Cal Fire to speak. Assistant Chief Greg Roath of the Siskiyou Cal Fire unit stepped to the podium, and Vice Chair Fowle asked him to describe his relationship and discussions with KCOC over the course of the project. Assistant Chief Roath said he has been involved since 2016 making recommendations regarding 4290 requirements, evacuation plans, etc. A discussion was held about KCOC's evacuation plans and being as prepared as they can be.

Jeremy Ravenscroft, vegetation forester with Cal Fire Siskiyou Unit, answered questions about fuel break work in the area of Kidder Creek and being part of a larger project going towards Callahan.

Commissioner Hart said he didn't see anything referencing water storage tanks that can be accessed by firefighting vehicles. Keith Dietz, Fire Prevention Bureau Chief, Cal Fire Siskiyou Unit, said the initial permits were processed in 2016 so the 4290 regulations current at that time would have been applied.

Commissioner Hart said he recalls projects that required having an extra supply of water for firefighting. Chief Roath said one of the factors looked at is the availability of water tenders nearby, and he said that Scott Valley Fire Protection District along with Etna Fire Department probably have the most water tenders for a fire department in Siskiyou County so that negates the requirement to have a water source/water tank on site. This requirement is for protecting structures and does not include wildland fires.

Discussion was held about a recent project that required water tenders to be on site during events held on the property. Chief Dietz said that requirement is not included in the 4290 regulations.

Discussion was held between Commissioner Hart and Mr. Carroll that the Planning Commission can make conditions and mitigation measures stronger than what the code says if the Commission believes there is something that requires a more stringent standard.

Discussion was held among Vice Chair Fowle, Chief Roath and Chief Dietz regarding 4291 inspections. Chief Roath said those inspections would be included in the inspections they try to do every year or every other year in Siskiyou County.

Discussion was held regarding wind direction from June through August.

Discussion was held between Vice Chair Fowle and Chief Roath regarding whether there were any additional steps that could be taken to reduce threat and increase survivability of living beings and structures and whether Cal Fire feels they have a relationship with KCOC to address future concerns. Chief Roath said they've been working with KCOC since 2016 and they have been receptive to recommendations.

Discussion was held regarding whether or not it would be beneficial to have a water tender on site at KCOC. Chief Roath said he didn't know that actually having a water tender on site would benefit fire suppression because with the potential of two ponds they have the ability to get water out of those ponds, and it also allows Cal Fire helicopters or US Forest Service helicopters to be able to dip out of those ponds. He said that Scott Valley Fire Protection District also provides a great deal of water tenders to Cal Fire throughout the County during fire season and are very active in their response. Discussion was held regarding the depths of the two ponds and whether they would be adequate.

Discussion was held among Commissioner Hart, Vice Chair Fowle and Chief Roath regarding 4291 regulations and whether Cal Fire looks at surrounding properties and whether they are also complying. Chief Roath said the regulations are only applicable to clearance around structures but do not apply to vacant lots. Discussion was held regarding Mitigation Measure 8.1 and frequency of inspections to be conducted by Cal Fire and what that would entail.

Discussion was held regarding whether or not Cal Fire has to obtain permission from landowners to access ponds located on their property for fighting fires.

The Vice Chair opened the Public Hearing.

Public Comments:

In Support:

Mr. Tim Lloyd, Site Manager of KCOC, said there was some misinformation being circulated in the community regarding the environmental document. He said the County has reviewed the documents and based on expert technical analysis prepared as part of the Environmental Impact Report, there is no basis to support some of the comments made against the project. Mr. Lloyd encouraged people to come to them with any questions.

Mr. Drew Travis of Fort Jones spoke in support of the project. He said has worked at KCOC since he was in 7th or 8th grade and has been associated with the Camp ever since in various capacities. He described some of the activities that occur at the Camp. He believes KCOC has been sensitive to the needs of the community and neighbors and that KCOC has a positive impact on the lives of children who attend.

Against:

Ms. Dee Jones of Etna spoke in opposition to the project. She said she didn't see anything in the fire escape plan that factored in evacuation of the 300 residents who live near KCOC. She asked Mr. Lloyd to provide more particulars regarding the misinformation he referred to. She said that Keep Scott Valley Rural is an association of mostly neighbors in the area surrounding South Kidder Creek Road and on the north side of Kidder Creek who are concerned about the issues regarding water and evacuation.

Vice Chair Fowle saw no one else online requesting to speak and asked Paul Bollard to come forward.

Neither for nor Against:

Mr. Paul Bollard, Acoustical Consultant, said he wanted to provide context on the unavoidable noise impact. They identified a significant impact because of the increase in noise that would result from the project, and this increase would be limited to their peak day on Saturdays which he understood to be the day when there is turnover at the Camp. The threshold for a finding of an impact is 5 decibels. The increase that they found was 6 to 7 decibels, so the magnitude of this impact is rather small since it's only 1-2 decibels above the threshold. Out of an abundance of caution they identified it as significant and unavoidable.

Through the Chair Ms. Jereb said an individual online was requesting to speak.

Against:

Ms. Anne Marsh of Etna spoke in opposition to the project. She said she is a member of Keep Scott Valley Rural even though she does not live near KCOC. She said she disagreed with County Counsel's comments about the EIR and that it could be focused the way it is. She said that was incorrect because she recalled that the MND identified traffic as one of the concerns, and she said the public made a fair argument which must be considered under CEQA. She said you cannot take mitigation measures from the MND and bring them into an EIR if the MND was not approved. Ms. Marsh went on to say that Ms. Burch's letter clearly identified the National Marine Fisheries as a federal agency that made comments but were not addressed in the EIR. Finally, Ms. Marsh said she disagreed with Cal Fire's statement that Scott Valley and Etna Fire Departments have plenty of equipment and personnel to protect KCOC, but she didn't think that was the case last summer because most of them were away fighting fires in other areas. She also wanted to know what KCOC would do about the neighbors if there were a fire.

Vice Chair Fowle called for a one-hour lunch break at 12:00 p.m.

The meeting resumed at 1:00 p.m.

Public Comments Against (continued):

Ms. Freda Walker of Etna spoke in opposition to the project. She wanted to know why the County did not want to decrease the occupancy from 844 to 622 even though the Camp has stated they would be willing to do so. Ms. Walker wanted details on how KCOC would contribute to the economic vitality of Scott Valley. She wanted to know if the project is approved, would the Scott Valley Area Plan continue to have an impact on projects changing the rural nature of the Valley. Finally, Ms. Walker wanted to know about one of the conditions in Exhibit A1 stating that KCOC cannot sue the County and wanted to know if the County identified any weaknesses in the process that would open doors for entities suing the County. She concluded by saying she just wanted to see a decrease in the amount of people at the Camp.

Proponent Rebuttal:

Mr. Andy Warken addressed Ms. Walker's question about local economic impact and stated that out of 95 staff, 47 were from Siskiyou County. He said people coming from out of town would be spending their money locally.

There being no further comment, the Vice Chair closed the Public Hearing.

Commission Discussion:

Commissioner Veale said he would like to see the occupancy reduced to 622 and his request was noted.

Discussion was held regarding the project location and the fact that two parcels are owned by KCOC and the third is owned by Andrew and Emily Warken. A zone change/use permit is allowed to have multiple ownership of parcels as long as all owners agree to it. If any violation were to occur, the property on which the violation occurred would be responsible. Discussion was held about property ownership and liability against the County.

Discussion was held about occupancy. Mr. Warken said that when they first started the project, the County told them to put everything in the application that they could possibly want so the project wouldn't have to be revised if something were to come up later. The 622-person occupancy number comes from a list of summer camp programs and what they plan to do. If everything were to be used at once, the number would be 844 but there is no plan to have that many at Camp at any given time.

Discussion was held regarding the proposed new pond being in a FEMA designated floodplain and Ms. Lang said it was not. Therefore, an LSA permit was likely not needed. Discussion was held about the new pond and water rights and what the State would require. Discussion was held about the original pond being on the property when KCOC acquired it and that it is grandfathered into the water rights because it's been there for so long.

Discussion was held about Mitigation Measure 4.6 and whether or not ditches on the property were identified by the Army Corps of Engineers as wetland or designated as historical and not grandfathered in.

Discussion was held that the Commission wanted it reflected in Condition of Approval 10 and the Mitigation Measures that annual inspections of facilities, access, and ingress/egress are to be conducted by the Fire Marshal.

Discussion was held about wastewater disposal for the new dining hall and whether or not the County would conduct regular inspections to ensure that wastewater was being handled properly and that the existing infrastructure is able to handle the load without negative environmental impact. Mr. Dean said that the Environmental Health Division would do an organized camp inspection to identify if there is any surfacing sewage on the ground, but KCOC would be responsible for notifying Environmental Health if there were any issues in the meantime.

Discussion was held regarding the number of new trips back and forth to KCOC. At the time of the study, it was determined that Sundays would be the arrival days and Friday evenings would be the departure days. Discussion was held regarding traffic volume and what would require adding a right turn lane for southbound traffic on State Highway 3. Caltrans would have to make the determination whether any improvements needed to be done.

Another discussion was held about Ms. Burch's letter which claimed that the project is inconsistent with Federal habitat improvement plans along Kidder Creek, and Commissioner Hart pointed out that no plans have been presented as of today. Discussion was held regarding the fact that Kidder Creek is recharging the groundwater system.

Discussion was held regarding the fact that the wells on KCOC property are considered domestic and do not fall under the jurisdiction of the Groundwater Sustainability Agency (GSA). Through the Chair, Mr. Dean told the Commission that a lawsuit regarding the Public Trust Doctrine prompted the groundwater study, and NOAA's concerns have been addressed.

Discussion was held regarding CDFW's comment regarding dust abatement and safe ways to do it so as not to cause transmission to a waterway and that whatever would be used for dust control be nontoxic. Mr. Dean said Staff would make a recommendation to the Board of Supervisors to modify the mitigation measure.

Discussion was held about evacuation by foot and going through another property. Mr. Lloyd said that KCOC has a written agreement with the property owner. If the existing property owner were to ever sell and access to the pathway were no longer available, Mr. Warken said they can walk down the road that is on KCOC property which only add a couple of minutes.

Discussion was held regarding the purchase of a larger vehicle such as a bus or van in order to evacuate more people. Mr. Warken said it had been discussed but was not in the plan. He said they often have a bus on site anyway for other purposes.

Further discussion was held about the new pond and that water that goes into the new pond out of the Barker Ditch would go back into Barker Ditch.

Discussion was held about traffic and the speed limit on South Kidder Creek Road. Any changes would require a speed study and CHP would have the ultimate authority.

Vice Chair Fowle asked about the use permits issued in the 80s and 90s and there being no record of inspection reports because he wanted to know whether there had been any upgrades to the drinking water system. Mr. Dean said he would have to look at past records to see if they have any organized camp inspections done by Environmental Health.

Discussion was held about the Mitigation Monitoring and Reporting Program (MMRP) document not being ready and presented to the Planning Commission before the project moves on to the Board of Supervisors. Ms. Lang explained that the MMRP had not yet been completed and that the CEQA guidelines say that the MMRP is needed before the final EIR is certified by the State Clearinghouse. Thus, Staff is required to submit that document with the Notice of Determination.

Mr. Carroll said it had been discussed with Staff and it would make sense to include the MMRP with the EIR, but technically it is not part of the formal CEQA approval process. Ms. Lang said that the way the contract was written with the consultant who prepared the EIR was that they would provide the MMRP within five days of the Notice of Determination.

Vice Chair Fowle made a formal request that Staff provide the MMRP to the Commissioners before the project goes before the Board of Supervisors, and Ms. Lang said that would be done.

Discussion was held about modifying the Resolution to reflect that the project was being approved before the MMRP was available for review. Once the MMRP is prepared, Staff will send it to the Commissioners. If the Commissioners have any questions or concerns, they would contact Staff and their respective District's Supervisor.

A lengthy discussion was held about revisions to Exhibit A-3: Facts and Findings Regarding Environmental Impacts. The Statement of Overriding Conditions would not be necessary since the occupancy was being reduced from 844 to 622; thus, the traffic noise impact would no longer be significant.

Mr. Carroll went through the changes which are as follows:

Starting with the Resolution itself, the Whereas at the top of page 3 will be changed to read: "Whereas, although the EIR identifies mitigation measures..." and then it's going to read: "...that have been prepared and set forth..." and deleting "and a mitigation monitoring and reporting program."

On Exhibit A3, page 1, in the first paragraph Section 15168 will be changed to Section 15161 as a technical correction.

On page 2, the typographical error of 944 guests would be corrected to 844 guests.

On page 4, paragraph 3a.ii. Mitigation Measure 8.1 should read: "Prior to the initiation of construction of habitable structures." In the same paragraph in the last sentence, everything after the word "or" will be deleted so as to read "...and re-approved on an annual basis."

On page 17, Statement of Overriding Considerations, will be replaced by Alternative Project No. 4 (Reduced Occupancy) which will read: "The Planning Commission recommends reducing occupancy of the project to 622 persons, meets all the physical infrastructure of the project and a substantial portion of the project goal to increase the ministry. Further, then noise element would be reduced to less than significant by the reductions of persons occupying the camp and correspondingly generating less traffic."

Motion: Following discussion, it was moved by Commissioner Veale, seconded by Commissioner Melo, recommending that the Siskiyou County Board of Supervisors approve Kidder Creek Orchard Camp Zone Change (Z-14-01) and approve the Use Permit (UP-11-15), approve the project's Environmental Impact Report, make all findings required in the California Environmental Quality Act (CEQA) for the Kidder Creek Orchard Camp Zone Change (Z-14-01) and approve the Use Permit (UP-11-15), to include County Counsel's recommendation of Alternative Project No. 4, reduced occupancy.

Voted upon and the Chair declared the motion carried unanimously by those Commissioners present on the following roll call vote:

Ayes: Commissioners Hart, Melo, Veale and Fowle

Noes:

Absent: Commissioner Lindler

Abstain:

Items for Discussion/Direction: None

Miscellaneous:

- 1. Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, December 21, 2022, at 9:00 a.m.
- 2. Correspondence: None**
- 3. Staff Comments: None**
- 4. Commission Comments: None**

Adjournment: The meeting was concluded at approximately 4:26 p.m.

Respectfully submitted,

Signature on File

Hailey Lang, Secretary

\jr