

# State of California, County of Siskiyou

## Board of Supervisors Minutes, April 18, 2023

The Honorable Board of Supervisors of Siskiyou County, California, met in regular session this 18<sup>th</sup> day of April 2023; there being present Supervisors Brandon Criss, Michael N. Kobseff, Nancy Ogren, Ray A. Haupt and Ed Valenzuela, County Administrator Angela Davis, County Counsel Edward J. Kiernan, and County Clerk and ex-Officio Clerk of the Board of Supervisors Laura Bynum by Deputy County Clerk Wendy Winningham.

The meeting was called to order by Chair Valenzuela. Pursuant to AB23, the Clerk announced that the Board members receive no additional compensation for sitting as members of the Siskiyou County Flood Control and Water Conservation District, County Service Area #3 and County Service Area #4. Supervisor Criss led in the salute to the flag of the United States of America.

**Closed Session** - Conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, significant exposure to litigation pursuant to Government Code §54956.9(d)(2), one case, commenced at 8:35a.m., concluded at 9:00a.m., with no action taken.

### Report on Closed Session

County Counsel Edward J. Kiernan announced that closed session concluded at 9:00a.m., with no reportable action taken.

**Invocation** - Siskiyou County Sheriff Chaplain Keith Bradley provided an invocation.

### Presentations from the Public

Siskiyou News representative Jay Martin appeared before the Board, advising of his plans to provide information to the public and spoke about various issues affecting the County.

Mt. Shasta guide/outfitter representative Caleb burns appeared before the Board, voicing concerns regarding the negative impacts associated with the closure and need for maintenance of Everitt Memorial Highway and Castle Lake Road.

Participation in public comments by various members of the public was provided by teleconference phone.

Caller Evan Chertkov shared concerns regarding the negative impacts associated with special assessments placed on property within the Lake Shastina Community Services District.

### Consent Agenda – Approved.

At Supervisor Ogren's request, item 7A, Community Development's addendum with Holy Smoke Incorporated, was pulled from the consent for discussion.

At Deputy County Clerk Wendy Winningham's request, item 7B, Community Development's master subscription agreement with Brightly Software, Inc., was pulled from the consent for discussion.

It was moved by Supervisor Criss, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Criss, Ogren and Valenzuela voting YES, that the following consent agenda is approved, and the Chair and/or clerk authorized to execute/record any necessary documents:

#### District Attorney

Approve contract between Carin Ishida and the County of Siskiyou for criminal grand jury court reporting and transcription services for the term of February 21, 2023, through June 30, 2024, with compensation at Rate .01.

#### General Services

Approve the contracts to move forward with the Engineering services needed for the County's infrastructure updates.

#### General Services

Approve the contract to move forward with the Replacement of the HVAC units at the Charlie Byrd location.

Continued...

## Consent Agenda – (continued)

### Health and Human Services - Public Health Division

Approve and authorize the Chair to sign the Governing Board Resolution 23-72 with the State of California – Health and Human Services Agency – California Department of Public Health (CDPH), for the California Strengthening Public Health Initiative (CASPHI) funding, authorize the County Administrator to act on behalf of the County to execute any and all program award documents as outlined in Section 2 of the Resolution and authorize the Auditor to establish budget appropriation and set expenditures per the agreement amendment guidelines, for the allocation of \$609,957.00, with spending authority through November 30, 2027.

### Health and Human Services - Social Services Division

Approve and the Chair sign the Contract for Services between Siskiyou County Health and Human Services Agency and the University of California at Davis, for the effective term of July 1, 2023 through June 30, 2024.

### Natural Resources

Approve submittal of the Groundwater Sustainability Plan 2022 Annual Report for the Tulelake Groundwater Basin.

### Probation

Approve contract renewal between Correction Software Solutions and Siskiyou County Probation for the term of July 1, 2023, to June 30, 2026.

### Health and Human Services - Behavioral Health Division

Approve and authorize the Chair to sign the standard agreement with DHCS and authorize the Department Head to sign the CCC and Civil Rights.

Transfer of Funds - Community Development Department - \$222,169. Resolution 23-73 adopted.

**Community Development** - Approve addendum to contract with Holy Smoke Incorporated to provide contractor/retailer services to the Community Development Block Grant (CDBG) Woodsmoke Reduction and Heating Replacement Program, increasing compensation by \$179,169 to a total not to exceed \$312,169. Approved.

This item was pulled from the consent agenda at Supervisor Ogren's request.

Community Development Director Rick Dean and Project Coordinator Kristen Lackey appeared before the Board. Mr. Dean provided a brief overview of the Woodsmoke Reduction and Heating Replacement Program, advising that Ms. Lackey could provide additional information regarding the Program and the contract with Holy Smoke Incorporated.

Ms. Lackey provided an overview of the Program to utilize Community Development Block Grant (CDBG) funding to replace older, inefficient wood stoves for homeowners living in the unincorporated areas of the County and Holy Smoke Incorporation's participation in the Program.

It was moved by Supervisor Ogren, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Criss, Ogren and Valenzuela voting YES to approve the first addendum to contract with Holy Smoke Incorporated for Contractor/Retailer services to increase the compensation \$179,169 for a total not to exceed amount of \$312,169, authorize the Board Chair to execute the addendum and authorize the Auditor to establish budget appropriations.

**Community Development** - Approve master subscription agreement with Brightly Software, Inc., to provide software services in the Building, Planning and Environmental Health Divisions, in an amount not to exceed \$76,690.57, for a term expiring February 28, 2026. Dropped from the agenda.

This item was pulled from the consent agenda at Deputy County Clerk Wendy Winningham's request.

At Ms. Winningham's request, the Chair advised that this item was dropped from the agenda.

**County Clerk** - Discussion, direction and possible action re first reading of an Ordinance amending Title 2, Chapter 12, Section 2-12.101 of the Siskiyou County Code regarding County Clerk fees with regard to Confidential Marriage Licenses. First reading approved; public hearing for second reading set on May 16, 2023.

Deputy County Clerk Wendy Winningham provided an overview of the request to update the County Clerk's fee ordinance to correspond with a State fee that would increase the amount of a Confidential Marriage License from \$78 to \$79.

It was moved by Supervisor Kobseff, seconded by Supervisor Haupt and carried, following a roll call vote with Supervisors Haupt, Kobseff, Criss, Ogren and Valenzuela voting YES, to introduce, waive, and approve the first reading of the Ordinance of the County of Siskiyou Amending Title 2, Chapter 12, Section 2-12.101 of the Siskiyou County Code regarding the County Clerk Fees and direct the Clerk to schedule a public hearing for the second reading of the ordinance on May 16, 2023.

**Probation** - Presentation of an update on current operations and activities within the Probation Department. Presentation and discussion only.

Chief Probation Officer Michael Coley appeared before the Board and introduced recently appointed Assistant Chief Probation Officer Stacey Jackson.

Ms. Coley and Ms. Jackson summarized the Department's mission, various positions in the Department, and associated duties, the evidence based practices utilized in the Department and recent legislation and the associated impacts to the Department.

Mr. Coley and Ms. Jackson provided an overview of a pre-trial program available to eligible offenders, the current status of the Day Reporting Center (DRC) activities/services post-COVID pandemic and the future closure of the Department of Juvenile Justice and the anticipated impacts to Siskiyou County.

Discussion followed between members of the Board, Mr. Coley and Ms. Jackson regarding plans to present the Department's annual report, current staffing level, recent recruitment efforts, the Secure Youth offender classification and various possible proactive options to keep youth out of the system.

**Office of Emergency Services** - Discussion, direction and possible action re request to direct sell six surplus 2020 FEMA trailers, identified in the staff report, to survivors of the McKinney Fire who are experiencing homelessness. Approved.

Office of Emergency Services Director Bryan Schenone appeared before the Board and provided an overview of the request to offer surplus trailers to McKinney Fire survivors experiencing homelessness.

Discussion followed between members of the Board and Mr. Schenone regarding the recreational vehicle trailers that the County received from the Federal Emergency Management Agency (FEMA) during the COVID pandemic that were no longer being used for that purpose, the process being utilized to move the trailers from their current locations and the criteria being used to identify those eligible to purchase a surplus trailer.

It was moved by Supervisor Haupt, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Criss, Ogren and Valenzuela voting YES that per Government Code Section 25504, authorize the County Purchasing Agent to direct sell six (6) surplus FEMA trailers to McKinney Fire survivors experiencing homelessness due to the fire.

**Public Hearings** - Community Development – Continued public hearing to consider the first reading of an Ordinance reclassifying land in the unincorporated community of Greenview from Timber Production Zone (TPZ) to Rural Residential (R-R) on APN 025-370-380; Township 42 North, Range 10 West, Section 01, MDB&M; adopt Resolution 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 for the Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) project. First reading approved; public hearing continued to May 2, 2023 for second reading and possible Resolution adoption.

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## **Public Hearings - Community Development – (continued)**

This was the time set for a continued public hearing to consider the first reading of an Ordinance reclassifying land in the unincorporated community of Greenview from Timber Production Zone (TPZ) to Rural Residential (R-R) on APN 025-370-380; Township 42 North, Range 10 West, Section 01, MDB&M; adopt Resolution 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 for the Kidder Creek Orchard Camp (KCOC) Zone Change (Z-14-01) and Use Permit (UP-11-15) project, having been continued from March 21, 2023.

The Chair opened the continued public hearing.

Planning Director Hailey Lang appeared before the Board and presented a powerpoint regarding the Kidder Creek Orchard Camp zone change and use permit project, including a summary of the project to expand the Camp's occupancy over a 20 year timeframe, increase the physical size of the camp, add various recreational features and to change zoning on one parcel from Timber Production Zone (TPZ) to Rural Residential (R-R). Ms. Lang advised that staff determined that the appropriate zoning was identified in the County Code as recreation facility, private. Ms. Lang continued the powerpoint, including a summary of compatible and incompatible land uses, an overview of the project site, various Scott Valley Area Plan (SVAP) policies taken into consideration during project review, California Environmental Quality Act (CEQA) process as part of the project's review, the timeline associated with development of the KCOC Environmental Impact Report (EIR) and the environmental setting as the baseline for determining significance of impacts.

Ms. Lang continued the powerpoint, including a summary of various mitigation measures in the project's Mitigation Monitoring and Reporting Program (i.e. air quality, biological and cultural resources, noise, water, geology, etc.). Ms. Lang advised that the project's original occupancy of 824 was reduced by the Planning Commission to 622 due to certain significant and unavoidable noise impacts. Ms. Lang further advised that the current occupancy of 622 could be further modified by the Board of Supervisors.

Continuing the powerpoint, Ms. Lang advised that additional information related to fire behavior would be presented by the County's Office of Emergency Services (OES) and a KCOC representative and summarized public comments made in support and in opposition to the project. Ms. Lang requested that two typos in the Resolution approving the Use Permit be made prior to approval.

In response to Ms. Lang regarding adoption of the Resolution, County Counsel Edward J. Kiernan advised that the Resolution should be adopted at the Ordinance second reading.

Brief discussion followed between members of the Board and Ms. Lang regarding clarification that the suggested maximum occupancy of 622 includes KCOC staff and visitors, to be over a 20 year timeframe.

Office of Emergency Services Director Bryan Schenone appeared before the Board and presented a powerpoint, including an overview of the process to model fire behavior for the KCOC project, including various Kidder Creek Emergency Operations Plan recommendations with regard to the actions (evacuations, etc.) necessary when the Fire Danger Burn Index of 97 percentile (dry, hot, windy weather conditions) fire conditions are in place. Additionally, Mr. Schenone advised that a Memorandum of Understanding (MOU) between KCOC and the County was being developed outlining the actions needed during 97 percentile condition days.

Discussion followed between members of the Board and Mr. Schenone regarding the area's fire history, the fire models utilized, the anticipated fire response department(s), anticipated specifics in the MOU, enforceability of the MOU, OES's role as a monitoring agency rather than an enforcement agency, the anticipated process to notify campers/staff participating in off-site locations around the Camp during emergencies.

Brief discussion followed between Ms. Lang and Supervisor Kobseff regarding the anticipated 'phase in' process for increasing KCOC occupancy over 20 years.

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## **Public Hearings - Community Development – (continued)**

County Fire Warden Darryl Laws, CalFire Scott Valley Battalion Chief Jake Burgess and Community Development Rick Dean appeared before the Board and discussion followed regarding evacuation routes, defensible space inspection process, possible grant funding opportunities for vegetation management, the anticipated local, state and federal fire response options, potential negative impacts associated with fire crews going in and campers/guest coming out of a fire area, California Public Resource Code §4290 and §4291 (related to ingress/egress and defensible space regulations), various regulations/rules to be met before a Use Permit can be issued and CalFire enforcement actions for non-compliance with 4290 and 4291.

KCOC Director Andy Warken appeared before the Board and presented a nine-page document related to the powerpoint concerning the Camp's Fire Emergency Plan. Included in the powerpoint was an overview of the consultation efforts with CalFire staff to develop the emergency plan, the various fire simulations that created and analyzed, the anticipated amount of time each simulation provided for evacuations, etc., the various prevention and fuel reduction work KCOC staff would provide at the Camp, the anticipated communication/notification process should a fire break out near the property and the identified evacuation areas, safety zones and procedures associated with fire simulation scenario.

Supervisor Haupt shared concerns regarding the use of the term safety zone, advising that the term is used differently from a wildland firefighter safety zone, and suggested using the term collection point or temporary refuge or something similar.

Further discussion followed, including Mr. Burgess and Mr. Warken regarding the anticipated process for using a temporary refuge in an extreme fire emergency and to wait for rescue, concerns regarding anticipated multiple bus/vehicle trips to safely escort all affected KCOC campers, staff and volunteers to safety, plans to continue to evaluate the emergency/evacuation plan, various possible means of egress out of the area and communication options during an emergency and plans to provide emergency drills for Camp participants.

Additional discussion followed regarding the anticipated methods for the County to monitor changes to the emergency operations plan in the future, suggested placement of the emergency plan on the KCOC website, potential mitigation measures related to fire that could be added to the KCOC project and the details in the Use Permit related to future operations.

Following a lunch break, the public hearing was continued.

In response to Chair Valenzuela, Deputy County Clerk Wendy Winningham summarized the correspondence that the County Clerk's Office received regarding this item from: Shari Witmore/NOAA Fisheries, Charnna Gilmore (11 documents), Michael Stapleton (six documents), Paul Buchter/Scott Valley Fire Protection District, Mary Roehrich, Dee Jones, Melinda Perlman (two documents), Linda Branson, Peter Morrill, David Chilcott, Danna and Bob Ayers, Pam Malmberg, Dave Nelson, Brenda Phillips, Betsy Stapleton, Marsha Burch, Glen Pearson, Jennifer Buckman/Bartkiewicz, Kronick & Shanahan PC (two documents), Anne Marsh, Scott Eastman and Karen Wresch.

Participation in this item by the Proponent and various members of the public was provided via teleconference phone.

Proponent/Mount Herman-KCOC representative Jennifer Buckman summarized two letters emailed to the Board that responded to complaints/comments in opposition to the KCOC Project. In addition, Ms. Buckman advised that the KCOC was subject to the Federal Religious Act statute as the existing camp was religious in nature.

Caller Anne Marsh voiced concerns that the KCOC Project regarding the Project not meeting SVAP standards, the anticipated emergency/evacuation routes, day use traffic statistics and anticipated total occupancy numbers.

KCOC representative Tim Lloyd appeared before the Board, advising that there were several KCOC employees in the audience, should the Board need further information/answers.

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## **Public Hearings - Community Development – (continued)**

Scott Valley resident Melinda Perlman shared concerns regarding the potential for wildfire in the Patterson Creek area and negative impacts should a wildfire happen near/at the Camp.

Scott Valley resident Dee Jones voiced concerns regarding the potential for wildfire and negative impacts associated with increasing the Camp occupancy on groundwater supplies and requested denial of the Use Permit request.

Mr. Warken spoke in support of the proposed KCOC Project.

Audience member Glen Pearson advised that he wrote the surface water interaction report for the KCOC EIR, which concluded that there was no significant impact to local groundwater.

Audience member Mark Claussen spoke in support of the KCOC Project as a positive avenue for youth in the County.

Local resident Michael Stapleton presented and summarized a 101-page packet, including a copy of the Scott Valley Area Plan, sharing concerns regarding the planned expansion of the KCOC and potential for associated negative impacts. In addition, Mr. Stapleton submitted a seven-page letter to the Board from Betsy Stapleton.

Audience member Johanna Buck spoke in support of the KCOC Project and the benefits associated with the Camp and its programs.

Participation in this item by various members of the public was provided via teleconference phone.

Caller Charnna Gilmore shared concerns regarding the KCOC's anticipated water usage, advising that usage was not well reviewed/researched in the EIR.

In response to Supervisor Haupt, Mr. Warken advised that the maximum 622 occupancy level was determined following discussions with neighbors of the KCOC.

Brief discussion followed between Supervisor Haupt and Mr. Warken and Ms. Lang regarding the anticipated process and timeframe necessary to phase in the occupancy levels.

In response to Supervisor Criss, Ms. Lang advised that the Planning Commission's vote to recommend approval of the KCOC Project to the Board was 4/1, with one Commissioner recused.

Supervisor Ogren shared concerns regarding the potential for negative impacts associated with wildfire, suggesting the possibility of KCOC providing programming off-site rather than increasing capacity at the Camp.

Supervisor Kobseff advised of the need for mitigated vegetation removal, onsite evacuation and fire suppression equipment, formalized evacuation plans and a method for enforcing the rules within the Use Permit.

In response to Supervisor Kobseff, Mr. Kiernan advised that the Religious Land Use statute would not be applicable for the KCOC Project.

Discussion followed, including Mr. Kiernan regarding the anticipated processes to merge the old Use Permit with the proposed Use Permit, possible code enforcement actions needed should the Use Permit be violated, possible additional mitigations to add to the Use Permit related to occupancy beyond the agreed upon levels, evacuation transport during wildfire events and water usage monitoring, the goal of the SVAP to protect agricultural lands, the need to identify emergency evacuation vehicles as belonging to KCOC, the process to include suggested mitigations into the Use Permit for consideration at a later Board meeting and the need for information regarding the phased in occupancy numbers.

In response to Mr. Dean, it was consensus of the Board to set the maximum occupancy at 622 in 20 years.

Ms. Lang and Mr. Dean appeared before the Board and read into the record the additional conditions to be added to the Use Permit, with regards to the 622 maximum occupancy at one time, except for their annual fall festival, required compliance to PRC §4290 and 4291 and the groundwater well usage for domestic use only, identification of KCOC vehicles for emergency evacuation.

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## **Public Hearings - Community Development – (continued)**

Additional discussion followed, including Deputy County Counsel William Carroll regarding various issues that could be incorporated into the anticipated MOU between the County and KCOC, with regards to fire evacuation vehicles and adding County review of the Use Permit after being in place for five years.

It was moved by Supervisor Haupt, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Criss, Ogren and Valenzuela voting YES to introduce, waive, and approve the first reading of the ordinance, changing the zoning of APN 025-370-380 from Timber Production Zone (TPZ) to Rural Residential (RR) and schedule a second reading of the ordinance; and continue the public hearing for the second reading and to consider the Resolution approving: (1) the Kidder Creek Orchard Camp use permit application, (2) certifying the project's Environmental Impact Report and adopt Project Alternative Number 4 (reduced occupancy), and (3) adopting a mitigation and monitoring reporting plan to May 2, 2023.

**Closed Session** - Personnel pursuant to Government Code §54957, conference with legal counsel, anticipated litigation pursuant to Government Code §54956.9, initiation of litigation pursuant to Government Code §54956.9(d)(4), one case, commenced at 12:20p.m., concluded at 1:30p.m., with no action taken.

### **Report On Closed Session**

County Counsel Edward J. Kiernan announced that closed session concluded at 1:30p.m., with no reportable action taken.

**Appointments** - County Clerk - Appointment of one member and one alternate for Supervisorial District 5, to the scheduled vacancies on the Siskiyou County Fish and Game Commission for terms ending January 4, 2027. Darrel Harris appointed representative for Supervisorial District 5.

Deputy County Clerk Wendy Winningham provided an overview of the request advising that Scott Valley resident Darrel Harris was interested in serving as representative on the Siskiyou County Fish and Game Commission.

It was moved by Supervisor Haupt, seconded by Supervisor Kobseff and carried, following a roll call vote with Supervisors Haupt, Kobseff, Criss, Ogren and Valenzuela voting YES, to appoint Darrel Harris to the scheduled vacancy on the Siskiyou County Fish and Game Commission, representing Supervisorial District 5, for a term expiring January 4, 2027.

### **Board and Staff Reports**

Supervisor Ogren advised of her attendance at the California State Association of Counties (CSAC) Legislative Conference.

Supervisor Kobseff advised of his attendance at the Klamath Water Users Association Annual meeting.

Supervisor Haupt reported on his attendance at an American Forest Resource Council Conference.

Supervisor Criss advised of his attendance at the Klamath Water Users Association Annual meeting and that he was guest speaker at a Dorris Lions Club meeting.

Supervisor Valenzuela advised of his attendance at the California State Association of Counties (CSAC) Legislative Days event and Board meeting.

**Minute Approval** - April 4, 2023. Approved.

It was moved by Supervisor Kobseff, seconded by Supervisor Ogren and carried, following a roll call vote with Supervisors Haupt, Kobseff, Criss, Ogren and Valenzuela voting YES, to approve the April 4, 2023 minutes as presented.

**Adjournment** - There being no further business to come before the Board of Supervisors, the meeting was adjourned.

Attest:  
Laura Bynum, County Clerk

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Ed Valenzuela, Chair

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