

Siskiyou County Planning Commission
Regular Meeting
August 17, 2022

The Siskiyou County Planning Commission meeting of August 17, 2022, was called to order by Vice Chair Fowle at 9:00 a.m. at the Yreka High School Old Gym, 413 Knapp Street, Yreka, California.

Present: Commissioners Hart, Melo, Veale and Fowle

Absent: Commissioner Lindler

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

Minutes:

July 20, 2022: It was moved by Commissioner Melo, seconded by Commissioner Veale, to approve the Minutes from the July 20, 2022, Planning Commission meeting as presented.

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

Unscheduled Appearances: None

Conflict of Interest Declaration: Chair Lindler declared a conflict of interest with the Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15), so she was not present for today's meeting.

Presentation of Documents, Availability of Public Records, and Public Hearing

Protocol: The Vice Chair reviewed the requirements for presentation of documents and the public hearing protocol with members of the public present in the meeting room as well as those present via Zoom. Vice Chair Fowle said those wishing to address the Commission would be allowed a maximum of three minutes due to the number of members of the public wishing to comment.

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

Changes to the Agenda: None

Old Business: None

New Business:

Agenda Item 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

A draft 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

Continued
Continued
Continued

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 gave a PowerPoint presentation to the Commission that discussed rezoning approximately 170 acres from timber production to rural residential. Also discussed was increasing the occupancy, increasing the physical size of the camp, and adding additional structures and recreational features including a seven-acre pond. Ms. Lang told the Commission it was anticipated that the expansion would occur over a 20-year period. Ms. Lang also said the use permit portion is intended to revoke all previous use permits in order to consolidate them into one use permit as well as one CEQA document which is an Environmental Impact Report.

Ms. Lang discussed some potentially significant impacts such as hazards and hazardous materials, air quality, biological and cultural resources, geology and soils, hydrology and water quality. All were reduced to less than significant by implementing mitigation measures.

Noise was noted as potentially significant. Even with the implementation of Mitigation Measures 12.1 and 12.2, it was still noted as significant and unavoidable. Ms. Lang told the Commission that when there is an environmental impact area that is noted as significant and unavoidable, the local agency is able to prepare a Statement of Overriding Considerations pursuant to CEQA Guidelines 15093. The Statement of Overriding Considerations notes that the local agency is aware that there is an unavoidable impact and has attempted to mitigate it, but it is still unavoidable. Therefore, based on a number of things such project benefits, community benefits, socio-economic benefits, the agency is able to certify that they’re taking that impact on through a Statement of Overriding Considerations.

Ms. Lang said that staff has received numerous public comments over the years. Comments in opposition were regarding traffic and transportation, access and ingress/egress, and wildfire. Other comments used the term industrial recreation, which is not defined in the County General Plan, Scott Valley Area Plan, nor any other County document, such as County Code.

As far as comments regarding noise were concerned, the County's General Plan describes a limit of 60 decibels, but the Plan is out of date. The industry standard is 65 which is why noise was noted as significant and unavoidable.

Increase in capacity was a concern, but Ms. Lang pointed out that the maximum capacity of 844 is over a 20-year timeframe. Other comments mentioned that the project is not consistent with the Scott Valley Area Plan, but Ms. Lang pointed out that there are policies in the Scott Valley Area Plan that are consistent with the project.

Additional comments were about overusing water and that the camp is a religious non-profit organization that doesn't pay taxes. Ms. Lang said that because the Planning Division is the land use authority, those issues are not under its jurisdiction.

Comments in support were about quality of life, community benefits, a place for youth and being family oriented. There are volunteer opportunities, and the camp serves the community.

Ms. Lang told the Commissioners that the proposed recommendations were to conditionally approve the use permit, and to recommend to the Board of Supervisors that they approve the zone change and the Environmental Impact Report, as well as accept and approve the Statement of Overriding Considerations.

Ms. Lang noted that due to the number of last-minute comments received, Staff was not able to produce a Final EIR. But because the project has been many years in the making and is very controversial, Staff wanted to present everything to the Commission today for discussion.

Commission Questions:

Commissioner Veale had questions about the EIR process, and Ms. Lang explained that if there are any modifications to the document, it would be packaged as a Final EIR and presented to the Planning Commission in September and then presented to the Board of Supervisors for approval.

Vice Chair Fowle said it was his understanding that Staff was saying to proceed with the hearing and hear public comment. Once public comment was completed, public comment would be closed and the Commission would then make a motion to postpone the project to the September Planning Commission meeting. Because the EIR was not complete, the Commission would be receiving additional public comments based on the Final EIR and proceed. Deputy County Counsel William Carroll confirmed those statements.

Agency Input: None

The Vice Chair opened the Public Hearing.

Public Comments in Support:

The following people spoke in support of the project:

Mr. Cliff Munson of Etna said he is in favor of the expansion. He said Kidder Creek Orchard Camp (KCOC) is a great asset and helps kids. He doesn't believe they're trying to harm the environment, but it will impact the community in a positive way overall.

Mr. Loran Burke of Fort Jones said he believes Kidder Creek Orchard Camp has been a good neighbor to nearby residents. They have responded to issues identified in the EIR. KCOC has had positive impacts on kids.

Mrs. Marilyn Seward of Etna said she and her husband started Kidder Creek Orchard Camp with Dick and Norma Jones, and the camp grew over the years. The camp had a solid rule to always abide by the law.

Ms. Linda Uwekoolani of Etna said KCOC is a haven for youth which is needed in today's world.

Ms. Amy Mathis of Fort Jones said KCOC changes the lives of kids, and they learn new things. She said expanding KCOC will expand their impact on youth.

Ms. Pam Malmberg of Ashland, Oregon, said she and her husband Norman were part of the group that started KCOC with the Swards and the Joneses. In later years, KCOC merged with Mount Hermon which provided their expertise and money to support KCOC. KCOC is a 501c3 organization.

Mr. Andy Warken of Greenview said he is the director of KCOC. KCOC has been a nonprofit since 1976, and their commitment is to serve the community. Mr. Warken talked about how they financially help kids so they can attend the camp, and he described the kinds of activities that are offered. Mr. Warken said KCOC impacts the lives of kids in a positive way.

Mr. Terry Munn of Fort Jones said he has been involved with KCOC for 26 years. He said the camp impacts kids' lives in a positive way.

Ms. Julie Webster of Etna said her parents were involved with KCOC in the mid-1970s. She attended her first camp and went on her first backpacking trip in 1979. As a result, she developed a love for the mountains. Now her siblings and their families all go to the camp together. Ms. Webster said there is a lot of misinformation flying around and asked that people get their facts straight.

Mr. Morgan Buck of Medford, Oregon, said he believes the project was given to the Planning Commission to come up with the best of the resources. He said that KCOC is an ambassador for Northern California.

Ms. Freedom Fernald of Redding said she has been going to camp since 2014 and now returns as a counselor. She described some of the activities and believes the camp helps traumatized children.

Ms. Jennifer Ely of Anderson said she loves KCOC and its staff. She talked about the benefits the camp offers.

Mr. Michael Burke of Redding said KCOC is a good place for traumatized kids to go. The camp brings revenue to the County.

Mr. Scott Eastman of Yreka talked about the benefits of KCOC and the things they teach kids.

Mr. Jeremy McVae of Yreka said he has witnessed the positive impact KCOC has on kids.

Ms. Corrie Johnson of Montague described her experiences at KCOC, and she sends her kids every summer.

Mr. Phillip Johnson of Montague said he developed a connection to the Scott Valley community because of his summers working at the camp. He said updating the use permit will help KCOC to continue to provide opportunities.

Mr. Christian Burch of Mount Shasta said he was part of the founding group of KCOC. He is the director of the outdoor science program through Siskiyou County Office of Education. He said the expansion will help to allow more kids to participate in the program.

Mr. Brett McMorris of Etna said KCOC is a good influence on kids. KCOC staff live in the area and pay property taxes.

Ms. Danna Ayers of Etna said she lives across the street from KCOC. The camp provides help to troubled children.

Ms. Anna Freudenberg of Yreka said she grew up camping at KCOC and has seen firsthand that kids' lives have been transformed.

Mr. Scott Linkeman of Fort Jones said KCOC transforms lives. He said they have gone above and beyond to comply with codes and laws.

Mr. Mark Claussen of Fort Jones said noise and traffic issues come up everywhere and that KCOC will have traffic and noise made by people having fun. He said he believes the intentions of CEQA can also be used as a weapon.

Mr. Mark Freudenberg of Yreka said he has seen kids' lives transformed, and the camp provides employment for young people. The camp brings people from out of the county, and they spend money in the county.

Vice Chair Fowle called for a break at 10:45 a.m.

The Vice Chair resumed the meeting at 10:51 a.m.

Ms. Lily Warken of Greenview said she worked at the camp for nine years and it was a huge part of her life. She said she has seen many kids' lives positively impacted at camp.

Ms. Georgie Bass of Mount Shasta said she and her husband worked at the camp for six summers and has seen good things happen to youth. She said the camp respects its neighbors, speed limits, and noise is off at a set time. Growth of the camp will reach more people.

Ms. Toni Lynn Downey of Fort Jones said she takes her kids to camp and said there are good role models at the camp.

Ms. Monique Birch of Mount Shasta said she was involved with KCOC for 29 years and was part of the Birch Family that was part of the Marilyn Seward generation and folks who started KCOC. She said the camp positively impacts children.

Mr. Tim Lloyd of Etna has worked at KCOC for 22 years. He said people have been critical of the camp's merger with Mount Hermon, but the camp would not survive financially without their help.

Mr. Lloyd said they have communicated with the public and government agencies, and they have modified and adjusted their plans accordingly to meet requirements and to address concerns expressed by the community. Mr. Lloyd talked about what they did to mitigate issues related to traffic, trespassing, noise, etc., and they have worked with government officials and agencies in order to stay in compliance.

Ms. Jana Gliatto of Montague said she was a counselor at the camp in the 1980s and it was a positive experience for her.

Mr. Bryan Hayes of Mount Hermon said he is the vice president of finance and administration and works closely with KCOC operations and finances. Mr. Hayes said camper fees don't cover expenses, but Mount Hermon is committed and supports the KCOC mission, and its purpose is to protect and preserve KCOC programs.

Mr. Ben Bishop of Etna said he cares about KCOC and the people that run it. He works for KCOC and provides farrier services and removes dead and dying trees. He said KCOC is a good example of an outfit that positively impacts young people and adults in the community. He said he can hear the rodeo, football games and street dances from Denny Bar but doesn't mind.

Mr. Pete Morrill of Montague said he was a close neighbor of KCOC for 27 years and spent almost 20 years on staff. He said he helped orchestrate the merger between KCOC and Mount Hermon. Mr. Morrill said KCOC has gone to significant expense to make sure their plans are environmentally friendly and has minimal impact, and that they have tried hard to mitigate issues in conflict with the local area. Mr. Morrill said no individuals or organizations profit from revenue generated by KCOC programs. He believes the expansion plan is good for the County and the community and kids.

A man who did not give his name spoke on behalf of Jacob Njaa and Jamie Allen who represent public schools. Both sent students to the 6th grade outdoor school. He said it was great to see kids not on their screens but together in a community in a beautiful place with a values-based curriculum.

Public Comments in Opposition:

The following people spoke in opposition to the project:

Ms. Elizabeth Dee Jones of Greenview said she has lived in her home for 18 years and is 150 feet from the road. She said she has lost pets to speeding vehicles and is concerned about traffic. She said the camp's own study says there will be 1,200 to 1,800 cars per day in front of her house when the camp is in full operation at 844 max capacity. Ms. Jones said she was concerned about water quality because onsite water treatment has not been addressed other than to say it will be septic. She said the septic is above her and will run downhill into her well.

Ms. Melinda Perlman of Greenview said she was concerned about the number of cars projected year-round. She is concerned about water and that the camp will turn into a city bigger than Fort Jones and neighbors' wells going dry. Ms. Perlman said she was concerned about fire and how people would be able to get out safely. She said a separate fire exit hasn't been built yet. Ms. Perlman said she thinks the project is procedurally flawed.

Ms. Freda Walker of Etna said she supports KCOC's mission but is opposed to the expansion in its current form. She thinks a lower occupancy would reduce impacts on traffic, water, and fire safety.

Mr. Larry Brown of Greenview said he lives about a mile from KCOC. He said he isn't opposed to the work the camp is doing but doesn't like the size and scope of the proposed development.

Mr. Felice Pace of Klamath submitted a late written comment and requested that it be read at the meeting. In summary, Mr. Pace's letter focused on impacts to flows in Kidder Creek and Scott River and the resulting take of Coho and Chinook salmon.

Mr. Eddie Behle of Etna said he knows what good church camps do, but he said he is directly impacted by the noise from the camp. He said the noise doesn't end at 9:00 p.m.

Ms. Anne Marsh of Etna said the Planning Commission meeting was being held in violation of CEQA. She said she refutes the 20-year plan and that everything in the proposal will be done when the conditional use permit is approved. Ms. Marsh said the staff report was incorrect in stating the property is owned by Mount Hermon, and she said the County Assessor's records reflect that the property is owned by Kidder Creek Orchard Camp, Inc. Ms. Marsh said the camp has no integrity because they built their cabins and increased their occupancy prior to the use permit being approved. Ms. Marsh said the second access road has not been improved. She said she moved to Scott Valley for peace and quiet and doesn't want to hear amplified noise from two amphitheaters. She said the project is not in compliance and the Draft EIR is inadequate and flawed.

Vice Chair Fowle invited rebuttal comments, and the following consultants introduced themselves and said they were available to answer questions from the Commission. The project consultants present at the meeting were Mr. Paul Bollard (noise), Mr. Chris Cummins (wastewater), Mr. Loren Chilson (traffic engineer), and Mr. Glen Pearson (groundwater and surface water analysis).

Mr. Paul Bollard of Auburn is the Acoustical Consultant and part of the KCOC consulting team. Mr. Bollard said they understand the neighbors have concerns about noise, and they did their best to analyze noise from all aspects of the project. Mr. Bollard said responses were provided to all the noise-related comments that came up.

Mr. Chris Cummins of Anderson is a Civil Engineer and provided the Onsite Wastewater Feasibility Study. He said he could summarize the main points of the studies and then rebut items that have come up so far.

Mr. Warlen of KCOC said they brought their experts to address concerns and to answer questions from the Commission.

Mr. Glen Pearson of Red Bluff is a Professional Geologist and Certified Engineering Geologist. Mr. Pearson prepared the Supplemental Groundwater and Surface Water Analysis and its revisions. He said he rebuts the statements made about groundwater availability.

Mr. Cummins said as far as the camp's septic system is concerned, soil and depth of soil are key factors. Tests noted in the study are not conducive to the lateral transfer of soil.

There being no further comments, the Vice Chair closed the Public Hearing for today's meeting. The Vice Chair reminded those in the meeting that because the Environmental Impact Report is still a draft, the project will be continued to the September Planning Commission meeting at which time public comments may once again be provided.

Commission Discussion/Questions:

Commissioner Melo said that in a 20-year build out, everything has to be permitted. He also wanted the definition of industrial recreation.

As a result of a question by Commissioner Veale, a lengthy discussion was held about how it was decided that Sundays would be no work days. County Counsel William Carroll said the mitigation measures are all addressing significant environmental issues, and the noise and exposure from construction is listed as significant. Mr. Carroll said that if any of the mitigation measures are revised, care must be taken that they aren't being put back into the significant environmental impact category.

Commissioner Veale pointed out that Condition of Approval 18 says no fireworks or campfires are allowed unless otherwise approved by the Planning Commission. Discussion was held that permits for campfires and fireworks are obtained through the US Forest Service. Mr. Warken said when the Forest Service restricts fires, KCOC also restricts fires in their campgrounds.

After further discussion, the Commission directed Staff to amend Condition of Approval 18 to read, "No fireworks or campfires shall be utilized on site unless otherwise approved by the local fire jurisdiction."

Vice Chair Fowle adjourned the meeting for lunch at 12:23 p.m.

The Vice Chair reconvened the meeting at 1:30 p.m.

Discussion was held regarding what the Planning Commission's parameters are under the CEQA process. Mr. Carroll said the Commission can add mitigation measures that are more stringent than the existing rules and regulations. Mr. Carroll further stated that there are two major documents under review, which are the Draft Environmental Impact Report and the Conditions of Approval. The Conditions of Approval are not constrained by CEQA. The Commission can add more Conditions of Approval. Mr. Carroll said the Commission can adjust mitigation measures in the EIR so long as they are not less stringent.

Commissioner Hart said there have been competing studies which raised some questions, and a layperson has to determine who has the best science. Discussion was held regarding the fact that the Planning Commission has to determine who has the best science. Mr. Carroll said that whatever science is backed up by substantial evidence is what the Planning Commission can use in making its decision.

Discussion was held regarding water rights.

Due to technical difficulties, the meeting went off the record at approximately 1:50 p.m.

At approximately 1:52 p.m., the meeting went back on the record.

Discussion was held that Kidder Creek, Inc., owns the property on which the camp is located.

Also discussed at length among the Commission and the project consultants were the potential for additional wells being approved should the camps' 10 parcels be sold in the future, water rights, construction of new roads being compliant with 4290 regulations, noise, and traffic.

Discussion was held that KCOC could reduce the number of proposed occupants from 844. Discussion was held that KCOC has a timber harvest plan in place.

Mr. Dean asked if there should be comment on the letter from the Sierra Club. Mr. Pearson provided a detailed explanation about how he came up with the data in his report. Mr. Pearson stated that based on his professional opinion and the study that he did on the available data, the impacts on nearby wells, the impacts on the creek, and the impact on downstream users further down Kidder Creek is not significant.

Commissioner Veale asked Mr. Warken if KCOC would consider scaling back their occupancy, and Mr. Warken said it their original figure was 622, and it was originally not their intent to have 844.

Motion: Following discussion, it was moved by Commissioner Hart, seconded by Commissioner Veale, to continue the Kidder Creek Orchard Camp Zone Change (Z-14-01) and Use Permit (UP-11-15) project to the September 21, 2022, Planning Commission meeting for adoption of the Final Environmental Impact Report and either pass or reject the Resolution, and then forward it to the Board of Supervisors. Public comments will remain open to respond to all new information.

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

Items for Discussion/Direction: None

Miscellaneous:

- 1. Future Meetings:** The next regular meeting of the Planning Commission is scheduled for Wednesday, September 21, 2022, at 9:00 a.m.
- 2. Correspondence: None**
- 3. Staff Comments: None**
- 4. Commission Comments:** Commissioner Veale asked about the status of the Timberhitch Quarry project (SP-22-01), and Mr. Dean responded that Butte Creek Minerals has been given permission to go onto the property and begin reclamation.

Adjournment: The meeting was concluded at approximately 4:00 p.m.

Respectfully submitted,

Signature on file

Hailey Lang, Secretary