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SISKIYOU COUNTY
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Siskiyou County Supervisors Meeting, 05/07/2024

RE: Appeal of Golden Eagle Charter School, Use Permit UP-23-08/Addendum to Certified Mitigated Negative Declaration

RE: Evidence for postponement of 5/7 appeal hearing

Board of Supervisors

May 2nd, 2024

As demonstrated in the attached documents, not only were the first two planning commission meetings on 1/17 and 2/21 not legally noticed, the *Notice of Public Hearing* for this appeal hearing is also not legally noticed. Please see the attached documents.

My records request status was shown as “complete” on 3/27/2024. I also emailed Janine Rowe in the planning department, and she confirmed that “*The Siskiyou County Community Development Department has provided you with all documents in our files that are disclosable.*” Yet, since 3/27/2024 the planning department has downloaded an additional 225 document files and has never notified me that they did this or changed the status. This includes five files on 5/1/2024, which I was notified of on 5/2, and 200 files on 4/30/2024, which I still have not been notified of. This does not allow adequate review time prior to submitting evidence by 5/2/24. The planning department claims these files are duplications due to file renaming, though I don’t believe anyone has taken the time to sort through them to verify this, including county counsel or the planning department. Either way, it’s an impossible way to view the files, unless the object is to just confuse and overload me with duplicates.

Trying to use the county portal for documents is also problematic. When attempting to download the 225 files, using a high-speed PC and internet connection, the system constantly jams and only wants to load one document at a time. How is this providing access to the files?

In addition, the 8,150 square foot “existing school building” was the Evangelical Free Church of Mount Shasta’s church building which was on the property when the Golden Eagle Charter School purchased the property. There is no existing private school on the property. A condition of the use permit for the Evangelical Free Church of Mount Shasta private school was that school operations had to cease when Church operations ceased - Condition 10 of UP-96-03, see attached. Church operations ceased in 2022 or sooner as the property was sold to the Golden Eagle Charter School with escrow closing in January 2023. The existing use permit for the property which “runs with the land” does not include “allowance of an existing K-8 school.”

While both the C-U and Res-1 zoning districts currently allow schools in both zones, schools were neither allowed by right nor conditionally allowed in 1996 when the Evangelical Free Church of Mount Shasta UP-96-03 was issued. That finding cannot be legally made. The Staff Report states, “Golden Eagle Charter School now owns the property and seeks to expand the school operations.” This is an impossibility because there are no

existing school operations to expand under the existing use permit for the property. There is only a use permit for a church in the use permit which “runs with the land.” This is inconsistent with the existing zoning.

Under the current zoning, C-U, permitted uses include service stations, car washes, repair garages, retail stores, grocery stores, boarding houses, etc. I suspect that if I purchased this building and converted it for any of these uses, not even adding 28,300 SF of new building, that I would receive tremendous push back from the neighborhood.

Sincerely,



Chris Marrone

Siskiyou County Supervisors Meeting, 05/07/2024

RE: Appeal of Golden Eagle Charter School, Use Permit UP-23-08/Addendum to Certified Mitigated Negative Declaration

Inadequacies of Public Notices for:
Planning Commission meeting, 1/17/24
Planning Commission meeting, 2/21/2024
Supervisors Meeting, 5/7/2024

At the 1/17/24 planning commission meeting, and by county planning staff and commissioners' own admissions, they acknowledge the need to "limit hours of construction, the need to provide a site map, ingress/egress routes, investigate signage and warning lights on the road, to include a timeframe for construction, and consult with Cal Fire regarding 4290 and 4291 standards on the property, and include fencing on Condition of Approval 12". These are not "minor technical changes" from UP-96-03 but "major changes" and as required by CEQA they must be addressed under a new MND at a minimum, allowing the public an opportunity to review and comment on them.

On Thursday, 2/15/24, county staff released the staff report for the commissioners 2/21/24 meeting. There are significant changes recommended to the commissioners for adoption, yet the public would have only three working days to review and comment on such changes. The public is entitled to a 30-day review period, again violating CEQA requirements. These recommendations include a speed reduction that is technically a mitigation measure pursuant to CEQA. Again, not giving the public adequate time to review. This reduction in speed does not indicate where it stops or starts and is not based on any information or data provided by a traffic study. The staff report also suggests "based on the new occupancy there may be some need for additional parking, so Condition of Approval 9 states that the project must adhere to the parking standards identified in Section 10-6.5610 of the County Code." The additional parking is not detailed and again violates the public's right to review and comments on such changes.

The records portal for my records request status was shown as "complete" on 3/27. I also confirmed this directly with Janine Rowe on 3/27. Yet, as I prepare for the appeal, I see several know documents that are not included in my request. I have to speculate, what other documents are not in the records request? My appeal, and the associated fee, allows access to all disclosable documents. The documents below are all disclosable but are not in the portal. This denies me, and the general public, our rights to review all disclosable information related to the proposed project and make informed comments.

1. List of Agencies that were contacted by the Planning Department to review Project. Is there such a list? Typically, the Planning Department would make such a list, and it is useful to see which agencies were notified. (For example, I could find no correspondence with the California Department of Fish and Game in the files that were released.)

2. 2023-08-09 Document missing that was an attachment to an email dated 8-9-2023 from Nick Trover to Rachel Jereb, labeled "GECS traffic review.pdf". This document is not in the records portal.
3. 2023-12-06 3:08 PM. (Email from Nick Trover to Hailey Lang Re_ Golden Eagle Charter Use Permit. Mr. Trover states that he included a *diagram below* for reference (to the size of the new building which he erroneously identified as being 23,800 or 23,800+ (or larger) square feet in area. But that diagram is missing. That is important, because there is no document or calculation in the released documents that shows how that floor area was calculated. This diagram is also missing.
4. 2023-12-07 Email from Anne Marsh to Renee Dickerson about Public Records Request for UP-23-08 documents. This document is not in the records portal.
5. 2024-01-22. Email from Mt. Shasta Ranch Bed & Breakfast (David O'Shaughnessy) about Golden Eagle Charter School. This document is not in the records portal.
6. 2024-02-15 STAFF REPORT for the Feb. 21, 2024 Planning Commission public hearing. This document is not in the records portal.
7. 2024-02-19 EMAIL comment from Vicki Gold to Hailey Lang about a MND, not an Addendum. This document is not in the records portal.
8. 2024-02-20 Dale La Forest's Noise Comments to Planning Commission for Golden Eagle Project Addendum – 15 pages. This document is not in the records portal.
9. 2024-02-22 Notice of Determination - Golden Eagle – as filed by Siskiyou County. This document is not in the records portal.
10. 2024-03-04 APPEAL FORM & REASONS, appeal filed 3-4-2024. This document is not in the records portal.

The public notice that I received is inadequate. There are multiple deficiencies in the public notice, dated April 17, 2024, denying the public's right to know and ability to comment.

1. The Public Notice was published in a newspaper that fails to comply with California laws meant to provide adequate public notice of such an Appeal hearing. The Siskiyou Daily News does not have sufficient news and information pertaining to Siskiyou County (required by law to be at least 25%, but only having about 10%, and almost none about the Mt. Shasta community. There are alternative notification procedures if the required notifications cannot be met through publication in a local newspaper of general circulation.
2. The Public Notice was not printed large enough to garner public attention; it is not a "Display Ad" as required by law of at least 1/8-page size. (it is only about 1/12 of a page in size.
3. **The Public Notice fails to "describe the location of the property involved" and being appealed. (Violation of Gov. Code section 65094)**
4. The Public Notice fails to describe "a general explanation of the matter to be considered," i.e. what the Appeal is about. It does not even describe if the Planning Commission approved or denied the permit and CEQA Addendum. (Violation of Gov. Code section 65094)
5. The Siskiyou Daily Times is not available in Mt. Shasta at newstands, because it does not publish much if any Mt. Shasta News.

6. The previous Public Notice for this Project for the Jan. 17, 2024, Planning Commission meeting incorrectly described the proposed new school building to be 23,000 sq. ft. in area, when County Staff later informed the Commission it would be 28,300 sq. ft. in area (23% larger) but the County never corrected that Public Notice as published or as mailed to neighbors. Senior Planner Rachel Jereb's email to the County Counsel dated Dec. 6, 2023, states: "*One issue is that the public hearing notice is way off in terms of the square footage. It is also always possible that I present this to PC and they elevate it to a subsequent MND.*"

The law, Gov. Code section 65094, states: "[As used in this title, "notice of a public hearing" means a notice that includes the date, time, and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.](#)"

The County's PUBLIC NOTICE for my Appeal hearing was published in the **4/24/2024 Siskiyou Daily News** ("SDN"), on pages 13 and 14 in small font buried in the Classified section where people look to purchase items. Copy attached or see one of the attachments for this Public Notice. You can see it is not a Display Ad.

It was not a "Display Ad" as is required for such Public Notices. Display ads are required by law to be **at least 1/8 of a page in area** so they will catch the attention of people reading local news. I would estimate it is only about 1/12 of a page in size, thus not legal. That undersized, non-display ad style Public Notice violated **Gov. Code § 65091(a)(4)**. (Notice must be sent to certain property owners, or if more than 1,000 owners are affected, then the city can alternatively publish a Public Notice in a **"display advertisement" of at least one-eighth page** in a newspaper of general circulation.

Description of a "Display Ad"

https://en.wikipedia.org/wiki/Newspaper_display_advertising

Newspaper display advertising is a form of newspaper advertisement - where the advertisement appears alongside regular editorial content.

Display ads appear in all sections of the newspaper except the editorial page, obituary page, and classified section.

Display Ads Vs Classified Ads

Classified ads can either be normal classified texts or classified display ads. Classified display ads are cheaper than regular display ads - and appear in smaller width sizes in the classified columns. **Display Ads are generally 6-7 times more expensive than classified display advertisements.**

Attachment 1- 4/24/2024 edition of the SDN as a PDF.

But the SDN is not even available in Mt. Shasta except by mail or email. The library does not subscribe to it as the librarian told me. It is not sold in the three local gas stations on Lake Street or in Rite-Aid.

Even if sold here, it wouldn't be read by many, if any, people. Its news is either somewhat about Yreka or largely about the nation in general. It has very little news about Mt. Shasta.

This 4/24/2024 issue has nothing about Mt. Shasta except some classified ads or notices. The total percentage of the entire 33-page edition that pertains to anything in Siskiyou County is about **10%**. But the law requires that it contain **at least 25%** in order to be considered a newspaper of general circulation." Thus, it was not seen by as many people as the law provides for.

As I previously said, there is no evidence that, per Government Code § 6008(a)(3), that the Siskiyou Daily News has "**maintained a minimum coverage of local or telegraphic news and intelligence of a general character of not less than 25 percent of its total inches during each year of the three-year period.**"

Thus, the Public Notice was defective because it was published in a newspaper that does not qualify for such Notices.

Sincerely,

Chris Marrone

UP-96-03
AP#: 36-230-250

SISKIYOU COUNTY PLANNING COMMISSION
LAND USE PERMIT

PERMISSION IS HEREBY GRANTED TO: Evangelical Free Church of Mt. Shasta

ADDRESS: 1030 W. A. Barr Road Mt. Shasta, California 96067

PURPOSE: The Evangelical Free Church of Mt. Shasta request approval to allow a private K-8 school facility for up to 60 students, to be operated in conjunction with their existing church, per Section 10-6.4203(c).

PROPERTY LOCATED: The project is located west of the City of Mt. Shasta, southwest of the intersection with Shasta Ranch Road at 1030 W.A. Barr Road in T40N, R4W, Section 21, MDB&M; APN: 36-230-250.

SUBJECT TO THE FOLLOWING BEFORE THE USE COMMENCES:

1. The use shall be in accordance with the approved plot plan and project description.
2. The Use Permit does not supersede deed restrictions.
3. All county road and yard setbacks must be met.
4. The use of outdoor public address systems or "recess bells" or carillons is prohibited, with the exception of the mandated fire alarm.
5. A water supply for fire protection is to be provided off-site at Cold Creek. A 40' x 10' pad of all-weather construction shall be constructed within 1,000' of the site. This pad shall be suitable to support the load of Fire Department pumpers and equipment. The location and improvements shall be to the satisfaction of the Fire District.
6. All classrooms shall be monitored for smoke or fire by a 24-hour detection agency.
7. The domestic water system shall be approved by the State Office of Drinking Water, prior to permit issuance.
8. Prior to construction, Building Permits shall be secured for any proposed work, as necessary.
9. Prior to Use Permit issuance, a 6' deer and orchard fence shall be constructed and landscaping installed along the entire southerly property line. Climbing vines shall be planted at eight foot centers along the fence to enhance the landscape buffer. This fence and landscaping shall match the existing plants and materials immediately east along the southerly property line, to the satisfaction of the Planning Department.
10. In the event church operations cease, school operations must also cease.

Notation:

This permit is automatically terminated and all rights thereunder rescinded when not used for the above purpose within two years of issuance or, if once established, not used for one year. One, two year time extensions may be granted subject to county review and approval (Ordinance No. 90-22).

DATE: July 3, 1996
APPROVED



Richard D. Barnum, Secretary
Siskiyou County Planning Commission

DATE
ISSUED: Aug. 28, 1996

pc: Raymond Porterfield
Public Works, L. Inman
Building Department, B. Fiock
Assessor, E. Kische
Health Department
File

Siskiyou County Zoning Code- February 9th, 2024 to current

Article 42. - Neighborhood Commercial District (C-U)

Sec. 10-6.4201. - **C-U District.**

The regulations set forth in this article shall apply in the **Neighborhood Commercial District**. The C-U District is intended to provide areas where less intensive commercial uses can operate and offer goods and services within a close distance to, and be compatible with, residential neighborhoods.

(§ I, Ord. 86-2, eff. February 27, 1986)

(Ord. No. 13-11, § III, 8-6-2013)

Sec. 10-6.4202. - **Uses permitted.**

The following uses shall be permitted in the C-U District:

(a)**Automobile service stations, car washes, repair garages (not including body shops),** and towing services provided all operations, except servicing with petroleum products, air, and water, be conducted and confined within an enclosed building;(b)**Professional offices;**(c)**Convenience stores, laundrettes, and retail nurseries;**(d)**Copying and printing establishments;**(e)**Multiple-family dwellings, apartment houses, dwelling groups, and rooming houses and boardinghouses;**(f)Accessory uses and buildings normally incidental to any of the permitted or conditionally permitted uses set forth in this article;(g)On- and off-sale liquor establishments; and(h)Beauty salons/barbershops.
(§ I, Ord. 86-2, eff. February 27, 1986, as amended by § I, Ord. 9407, eff. April 14, 1994, and § I, Ord. 97-13, eff. May 8, 1997)

(Ord. No. 13-11, § III, 8-6-2013)

Sec. 10-6.4203. - **Conditional uses permitted.**

Subject to obtaining a use permit, the following uses shall be permitted in the C-U District:

(a)Single-family dwellings, duplexes, and triplexes;(b)Social halls, lodges, fraternal organizations, and clubs;(c)Churches, libraries, parks, **playgrounds, schools,** and public utility and public buildings and uses;(d)Family day care facilities;(e)Convalescent and care facilities;(f)Sales of motor vehicles;(g)Theaters;(h)Retail fuel sales;(i)Health clubs;(j)Group care facilities for more than six (6) individuals; and(k)In addition to the uses listed above, those uses listed in Article 15, General Provisions, may also be permitted, subject to the issuance of a use permit.

(§ I, Ord. 86-2, eff. February 27, 1986, as amended by § I, Ord. 94-07, eff. April 14, 1994, and § I, Ord. 97-13, eff. May 8, 1997; Ord. No. 13-11, § III, 8-6-2013)

