

From: [Vicki Gold](#)
To: [Hailey Lang](#)
Cc: [Rick Dean](#); [William Carroll](#); [planning](#)
Subject: Re: Planning Commission Hearing 2/21/24 Opposition - Golden Eagle Charter School Use Permit UP-23-08
Date: Monday, February 19, 2024 1:44:10 PM

Dear Planning Commission and Staff,

This location for the overall Golden Eagle Charter School project is infinitely preferable to the site they originally considered in the City of Mt. Shasta. It is a peaceful residential neighborhood with far less noise and air pollution for the students and faculty. I am in favor of this location, yet opposed to the Staff recommendation to approve the project as designed by Addendum.

The lovely Bed & Breakfast next door is virtually a historic building. It is my favorite place to recommend to visitors and I have frequented the grounds over many years. It is one of the most scenic and quiet locations for tourists who prefer to stay in a location removed from the train, I-5 and central city. It is unique. The traffic and noise studies were inadequate and with care in planning the inevitable sequelae to the plan as presented can be avoided. Changes in ingress, egress and speed limits are not minor technicalities. They are serious public safety issues.

As Brock Dolman, says, "planning is best done in advance!" You have the opportunity to protect the B&B, future guests and the residents using Shasta Ranch Road. The changes required are not minor technical changes and new plans should be designed and presented at another hearing with full public notice. Approval of this plan means you will not be able to review any future design changes which are essential to a viable project. That is your mission and future mitigations should not be a ministerial action by Staff as this violates the letter and spirit of CEQA. Mitigations have been proposed and plans presented and this should be handled as a revised MND, not as an addendum. Has the public comment period ended without an opportunity for them to review for a reasonable period of 30 days and comment? Please postpone any decision and recirculate a revised MND as is required by law.

Respectfully Submitted,

Vicki Gold
2102 Tanager Ln
Mt Shasta CA 96067

From: [D. La Forest](#)
To: [Hailey Lang](#); [Rick Dean](#); [William Carroll](#); [planning](#)
Subject: Public Comment on 2-21-2024 Planning Commission agenda for Golden Eagle's Project and Addendum to MND
Date: Tuesday, February 20, 2024 4:48:32 PM
Attachments: [DLA Noise Comments to PC for Golden Eagle Project Addendum_ 2-20-2024.pdf](#)

Planning Staff and Planning Commissioners:

Please consider the attached technical comment letter that demonstrates this Project will have significant noise impacts that were not disclosed in the Addendum to the MND, the Staff Report, of the Project's Environmental Noise Assessment report.

Sincerely,
Dale La Forest
attachment

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**Comments on Addendum to the Mitigated Negative Declaration
for the Golden Eagle Charter School Use Permit (UP-23-08)
PROJECT WILL CREATE SIGNIFICANT NOISE IMPACTS**

Planning Commissioners and Planning Department Staff,

February 20, 2024

The Planning Commission’s 2/21/2024 Agenda states: “*The Planning Commission will consider the proposed project and the proposed Addendum at the public hearing. **If substantial evidence has been presented demonstrating a more appropriate environmental determination than the one that has been recommended**, the Planning Commission may require and/or approve an alternative environmental determination pursuant to the requirements of the California Environmental Quality Act.” Accordingly, this letter will provide substantial evidence the Project will create serious noise impacts. These harmful noise impacts have not been analyzed in the Addendum, described in the Staff Report, nor disclosed to the neighbors.*

This comment letter also challenges the Project noise consultant’s false and misleading response to comments about the applicable noise standard. Paul Bollard misrepresents the County’s noise standards and fails to understand how CEQA requires stricter EPA noise standards be used.

Therefore this Project cannot be legally approved with the proposed Addendum to the MND that incorrectly presumes that no significant environmental impacts will occur.

**SIGNIFICANT NOISE IMPACTS WILL OCCUR DURING
CONSTRUCTION OF NEW 28,300 SQUARE FOOT SCHOOL BUILDING**

The noise levels from operation of heavy construction equipment and nail guns during construction of the large 28,300 square foot school building will create significant noise impacts at some residences in the Project’s vicinity.

Yet nothing whatsoever is reported in this Project’s noise study about that building or such foreseeable, loud construction noise.¹

Instead, this noise study, page 2, wildly misinforms the Planning Commission where it states:

“The project proposes to utilize existing facilities on the site, and **does not propose any substantive construction activities**. In addition, no appreciable vibration-generating

¹ For this noise study, see PDF p. 126 of the Staff Report for the July 17, 2023 *Environmental Noise Assessment* for the Golden Eagle Charter School on W.A. Barr Road as authored by Bollard Acoustical Consultants.

activities or equipment are proposed at the site. As a result, an analysis of project construction noise or vibration is not required for this assessment.” (*Emphasis added*)

How is it possible that the Planning Department did not notice Mr. Bollard’s glaring error? The proposed new 28,300 square foot classroom school building is certainly not an *existing facility*!

This statement in the noise study is absurd to not consider the proposed new 28,300 square foot school building’s construction *noise*. The author of this noise study, Paul Bollard, should be aware of this new classroom building because he just wrote a letter dated Feb. 12, 2024 that purports to respond to public comments about this Project.² The new classroom building was proposed months ago. Yet he never updated his July 2023 noise study for this Project to evaluate the obvious construction noise impacts that neighbors will undoubtedly suffer. His noise study’s Project Area map, Fig. 2, does not even show this new classroom building.

Either he will have serious amounts of egg on his face, or perhaps the Project applicant and the County Planning Department failed to inform him that a new, large classroom building is also being proposed on this site. Construction of a large building with 28,300 square feet of floor area involves “substantive construction activities.” It is inexcusable for the Planning Department to rely upon such a defective noise study that entirely ignores a large building’s significant construction noise issues. This abject failure to evaluate relevant and significant construction noise impacts would violate CEQA if further environmental review in an EIR is not conducted.³

NOISE LEVEL *INCREASES* AT NEIGHBORS’ HOMES WOULD BE GREATLY EXCESSIVE

As shown below, construction noise during building the new school would result in substantial increases in noise levels in the vicinity of neighboring homes. Any noise level increase greater than 5 dBA is considered by the County and the noise study to be significant.⁴ Yet during construction some residential properties would be exposed to construction noise levels that would be 17 dBA louder than ambient noise levels.

CONSTRUCTION NOISE LEVELS WOULD EXCEED COUNTY STANDARDS AT NEIGHBORING HOMES

Moreover, the temporary construction noise levels when predicted at nearby residential properties would greatly exceed the County’s noise standards found in the General Plan Noise Element. With mandatory correction factors, the County’s noise standards permit noise levels up to 45 or 50 dBA L_{dn} depending upon the character of the noise source. Construction work would generate noise levels of over 69 dBA L_{dn} at homes up to 400 feet away as shown below. This represents a serious noise impact that the Addendum never disclosed.

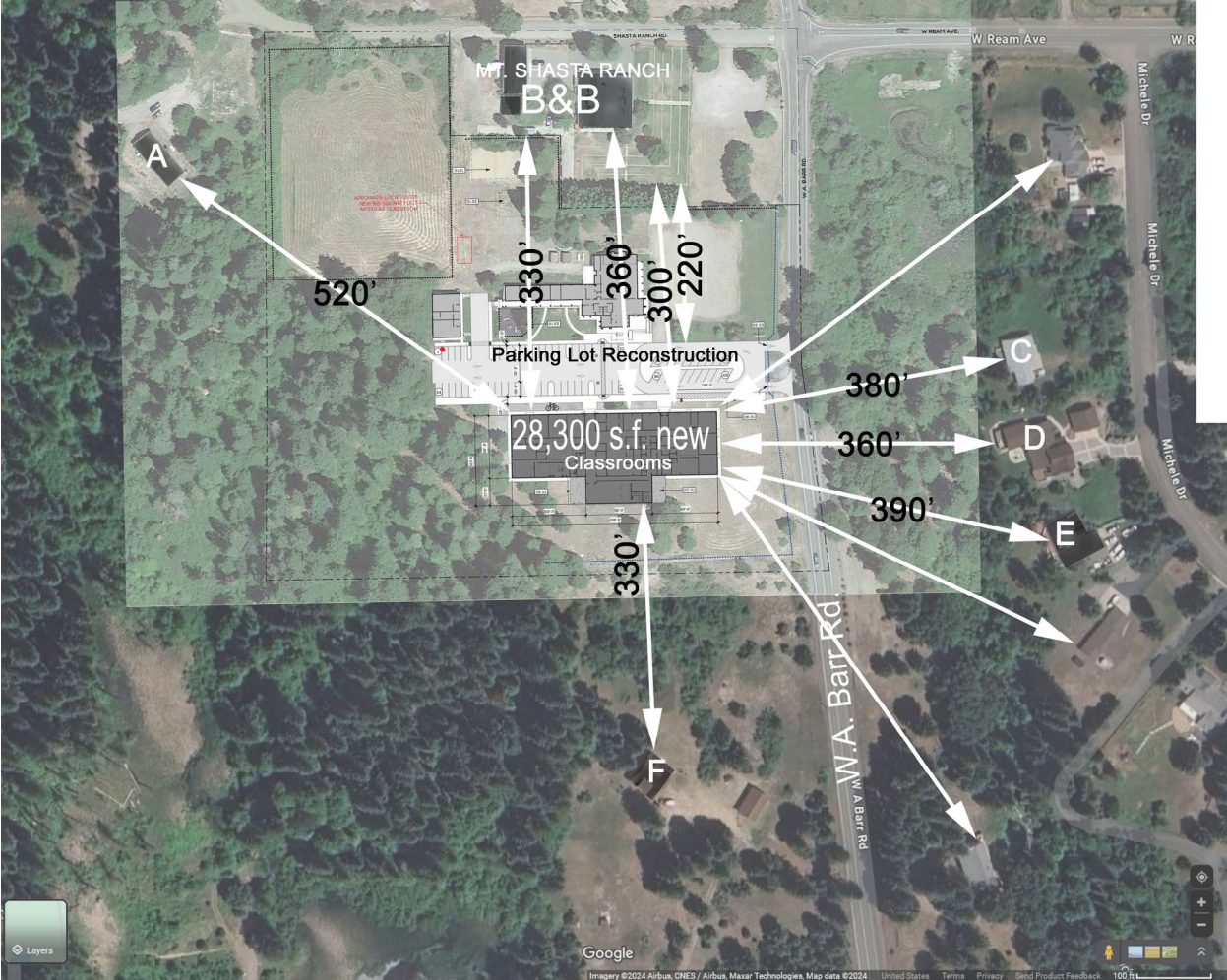
² For Bollard Acoustical Consultants’ Feb. 12, 2024 letter emailed to Siskiyou County Deputy Director of Planning Hailey Lang and the Golden Eagle Charter School, see the Staff Report, PDF p. 19.

³ If such construction noise is not analyzed, the County would violate CEQA by refusing to “use its best efforts to find out and disclose all that it reasonably [could].” See *Berkeley Keep Jets, supra*, 91 Cal.App.4th at 1370 (quoting CEQA Guidelines § 15145).

⁴ This Project’s *Environmental Noise Assessment*, on page 7, uses a 5 dBA increase in noise levels due to a project as a standard of significance.

Construction Noise Could Exceed Noise Standards at Nearby Homes

Although the 2023 *Environmental Noise Analysis* did not consider that this Project’s construction activities will create significant noise impacts to neighbors, facts show otherwise. There are homes located near enough to the new classroom building’s construction activities, some less than 400 feet away, that will be affected by loud construction noise occurring as early as about 6:00 a.m. as shown on this **Project Vicinity map**:



This Project’s construction noise could exceed two separate thresholds of significance for noise impacts at neighboring homes in the vicinity of the Project site. It could exceed the County’s **45 or 50 dBA L_{dn}** General Plan standard there (with correction factors applied) for the property’s quiet rural setting.⁵

⁵ The Siskiyou County General Plan Noise Element, p. 12, Table A-6, (*Summary Of Noise Levels Identified As Requisite To Protect Public Health And Welfare With An Adequate Margin Of Safety*) states that **55 dBA L_{dn}** is that acceptable noise standard outdoors in residential areas and farms and other outdoor areas where people spend widely varying amounts of time and other places in which quiet is a basis for use. Table A-10 permits a **5 dBA correction factor** to be used when not near industry. Therefore, any of the Project’s construction noise louder than **50 dBA L_{dn}** when measured at neighboring residential properties would be significant. (55 dBA L_{dn} – 5 dB correction factor = 50 dBA L_{dn} noise level limit.) If the construction noise has an impulsive character like from hammering or use of a

Such construction noise could also create a significant temporary noise level *increase* greater than the ambient noise levels at those homes compared to existing conditions without this Project's noise contributions.

Construction and earthmoving equipment to be used on this Project site may include haul trucks, graders, backhoes, loaders, and similar heavy equipment for grading, excavation, paving, and not including building construction. But the public is not informed which equipment will be operating during the Project's worst case scenario for noise generation. The Project's noise study should describe how long various types of heavy equipment would be used, and which equipment would be used at any one time during construction activities at the construction site.

The noise study does not contain any condition or mitigation measure requiring the Project to comply with any specific maximum noise level during construction work. The noise study does not even identify what maximum noise level standard the Project Applicant for this school is to be held to. The County has never even adopted a noise ordinance that would otherwise restrict this Project's noise levels and protect the neighbors. And the County does not propose to even monitor this Project's noise emissions to insure they comply with any standards, whether those found in the General Plan Noise Element or in other applicable laws. The County provides no realistically-enforceable noise standards.

The Project's noise study entirely ignores noise guidelines the California Department of Health Standards provides for acceptable residential uses not exceeding 60 dBA. Without such specific information in the noise study or the *Addendum to the Mitigated Negative Declaration* and without restrictive noise conditions and mitigations, the County has not accurately determined that this Project's noise impacts during construction activities will be less-than-significant.

The noise study is also inadequate because it fails to consider the sound levels from multiple types of equipment that may be operating simultaneously within the Project site.⁶ If some of the equipment operates simultaneously (i.e. loaders, excavator, and trucks), their combined noise levels at the nearest homes could exceed the County's maximum 50 dBA L_{dn} day-night averaged noise standard (as adjusted with Noise Element's Table A-10 correction factor) as calculated below.

For example, an *Environmental Noise Assessment* for the Kidder Creek Campground Project that Bollard Acoustical Consultants prepared in 2022 for Siskiyou County discussed construction noise. Its Table 3.4-6 assumed that maximum construction noise will be about 85 dBA L_{max} at a distance of 50 feet from *each* operation of a dozer, a grader, excavator, or a loader. Other authorities predict that a bulldozer used 40% of the time in an hour will generate an average noise level of 86 dBA L_{eq} at a distance of 50 feet. Even the operation of just one of these equipment types at a time at a distance of 400 feet could produce a noise level of **67.9 dBA L_{eq}** .⁷ At a

nail gun, the General Plan Noise Element requires that another 5 dB correction factor must be applied. (i.e. 55 –5 –5 = **45 dBA L_{dn}** maximum permissible construction noise at residential properties for impulsive noise.)

⁶ Other CEQA compliant noise studies typically evaluate the composite sound level from multiple units of heavy equipment operating at the same time. E.g., see: Jan. 3, 2019 Draft EIR for Church of the Woods Project, Rim Forest, CA, County of San Bernadino: p. 3.H- 15, Table 3.H-8 Project Construction Noise Levels by Phase.

⁷ To calculate a dB level at different distances from a source given a known dB level for a known distance:
 $dB_2 = dB_1 - 10 \times A \times \text{LOG}(R_2/R_1)$: $dB_2 = 86 - 10 \times 2.0 \times \text{LOG}(400'/50') = \mathbf{67.9 \text{ dBA } L_{eq}}$.

distance of 300 feet, the distance between the new school’s new classroom building construction work and the B&B’s outdoor activity area, that equipment noise level would be **70.4 dBA L_{eq}**.⁸

Operation of multiple pieces of such construction equipment can generate a noise level of about 90.5 dBA L_{eq} at a distance of 50 feet. With the nearest residential properties less than 400 feet from the Project new building’s site where such heavy equipment will at times be used, this Project use of multiple pieces of heavy construction equipment will expose these homes’ outdoor yards to construction noise levels of over **72 dBA L_{eq}**.⁹

The existing ambient noise level at the nearby B&B’s outdoor yard (LT-3) in the daytime is described in the noise study at about **55 dBA L_{eq}** during some hours. Accordingly, heavy construction equipment used at the new classroom building will expose that B&B facility’s outdoor yard to an increase in noise levels of 17 dBA – representing a significant noise impact that the IS/MND fails to disclose. (72 – 55 = 17). This calculation is provable as follows:

With multiple equipment¹⁰ operated simultaneously during some Project construction work, the noise impact to neighboring residents would be provably significant. For example during site work at a distance of 50 feet, dozers and front end loaders have been measured at 90 dBA L_{max} and graders at 89 dBA L_{max}.¹¹

<u>EQUIPMENT</u>	<u>MAX. NOISE</u>	<u>USAGE RATE</u>	<u>AVERAGE NOISE</u>
Dozer	90 dBA L _{max}	used 40% of an hour	86.0 dBA L _{eq}
Front end loader	90 dBA L _{max}	used 40% of an hour	86.0 dBA L _{eq}
Grader	89 dBA L _{max}	used 40% of an hour	85.0 dBA L _{eq}

(noise levels logarithmically added for total): TOTAL: **90.5 dBA L_{eq}** at 50 feet

At the noise measurement Location LT-3 described in the noise study, a location near the B&B’s southern fence line and the school’s “north playground”, it is reported by the noise study to have an existing ambient noise level during daytime hours of about **55 dBA L_{eq}** and 67 dBA L_{max}.¹² So construction noise at the new classroom building and its new parking lot work could be 17 dBA louder than the existing ambient noise level, representing a significant noise impact. (72 dBA L_{eq} new noise sources – 55 dBA L_{eq} ambient level = 17 dBA noise level increase during construction).

⁸ To calculate a dB level at different distances from a source given a known dB level for a known distance: $dB_2 = dB_1 - 10 \times A \times \text{LOG}(R_2/R_1)$: $dB_2 = 86 - 10 \times 2.0 \times \text{LOG}(300'/50') = 70.4 \text{ dBA } L_{eq}$.

⁹ To calculate a dB level at different distances from a source given a known dB level for a known distance: $dB_2 = dB_1 - 10 \times A \times \text{LOG}(R_2/R_1)$: $dB_2 = 90.5 - 10 \times 2.0 \times \text{LOG}(400'/50') = 72.4 \text{ dBA } L_{eq}$.

¹⁰ The Project’s noise study should identify the noise levels of multiple equipment use in site preparation for the building floor slabs and foundation: The project is likely to involve noise sources that may include site grading equipment, concrete mixer truck movements and pouring activities, concrete paving equipment, rear mounted backup alarms, engine idling, air brakes, generators, and workers communicating/whistling.

¹¹ See: County of Ventura, Construction Noise Threshold Criteria and Control Plan (2010), “Typical Construction Equipment Noise” (Type: Concrete mixer truck: **89 dBA L_{max}** maximum noise level at 50 feet), available online at: https://docs.vcrma.org/images/pdf/planning/ceqa/Construction_Noise_Thresholds.pdf .

¹² See Bollard Acoustical Consultants’ Updated Noise Study, p. 10 (or Staff Report, PDF p. 136), Table 2, LT-3 site, 5/6/2023.

Construction work will occur even closer than 400 feet from sensitive receptors. The outdoor activity area at the Mount Shasta Ranch B&B where neighbors and their guests have a right to be protected from excessive construction noise is just about 300 feet from the proposed 28,300 s.f. new school building's location where heavy equipment will excavate that soil. At 300 feet, the operation of a single bulldozer will generate noise levels of about **70.4 dBA L_{eq}** because the intervening trees are not dense enough to attenuate that noise transmission.¹³

Project noise levels during construction of 70.4 dBA L_{eq} at the B&B property line from operation of just one equipment type would significantly impact neighboring residents. When multiple equipment are simultaneously operated, the construction noise impact with louder combined noise levels would be more severe. For example, in the noise study for the Church of the Woods campground project, the agency set a maximum construction noise level of 71 dBA L_{max} and 60 dBA L_{eq} at residences.¹⁴ This Golden Eagle project may produce construction noise levels at the B&B of 10 dB greater than that other agency's maximum allowed standards.

Yet the noise study fails to describe any applicable threshold of significance for such construction noise impacts. CEQA however does regulate construction noise by requiring the County to analyze and describe how significant it will be at neighboring residences. One CEQA threshold identified on page 6 of the noise study¹⁵ requires the County to evaluate if this Project's temporary construction noise level increase will be significant? This is that question:

Would the project result in the "generation of substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?"

¹³ Calculation: $dB_2 = 86 - 10 \times 2.0 \times \text{LOG}(300'/50') = 70.4 \text{ dBA } L_{\text{max}}$ (where a bulldozer emits 86 dBA L_{eq} at 50')

¹⁴ See: Noise and Vibration Impact Assessment, p. 26 for Church of the Woods project, DEIR, July 2018, Irvine, CA.

¹⁵ See Staff Report, PDF p. 132 for this noise criteria or threshold of significance.

But the *Environmental Noise Analysis Update* does not answer that question pertaining to construction noise. As such, the noise study and the Addendum to the Mitigated Negative Declaration are legally inadequate in not alerting neighbors to the potentially significant noise impacts they will likely be exposed to.

CONSTRUCTION NOISE WITH MULTIPLE HEAVY EQUIPMENT USE WOULD EXCEED COUNTY'S 24-HOUR AVERAGE NOISE STANDARDS.

If two heavy construction equipment types (grader and a dozer) were both operated from during the Project's proposed hours of 6:00 a.m. to 6:00 p.m., and the construction site was quiet for the remaining 12 hours of a work-day, the "day-night average" noise level at homes 400 feet from the equipment operations could exceed County noise standards and be significant at **67.6 dBA L_{dn}** as shown below.

The Project's noise study uses worst-case noise levels as the basis for determining compliance with the applicable noise standards. The worst case for construction noise would occur if all construction equipment operates at the same time. But for this example, we can consider just two pieces of heavy equipment operating simultaneously. It would be worst yet if more equipment is used.

To calculate the **dBA L_{dn}** day-night average at 400 feet distance in this case, a combined noise level of about 70 dBA L_{eq} as discussed above is assigned to each of the assumed Project operational 12 hours from 6:00 am to 6:00 pm, and a lower ambient noise level of **48 dBA L_{eq}** was assumed for each of the remaining 12 hours. $L_{dn} = 10 * \text{LOG}[(1/24) * (15 * [10\text{EXP}(0.1 * L_d)] + 9 * [10\text{EXP}(0.1 * (L_n + 10))])] = \mathbf{69.5 \text{ dBA } L_{dn}}$ (where * = multiplication; EXP = power function; $L_d = L_{eq}$ for the 15-hour daytime period from 6 am – 10 pm; $L_n = L_{eq}$ for the 9-hour nighttime period (10 pm – 7 am).)

This maximum construction noise level of **69.5 dBA L_{dn}** from operation of multiple equipment types simultaneously would be excessive at a nearby home 400 feet away because it would exceed the "day-night average" maximum sound level standard of 55 dBA L_{dn} found in the County's General Plan Noise Element. It would also exceed the General Plan's corrected maximum standard of 45 or 50 dBA L_{dn} .

That exceedance above General Plan standards of 14 dBA¹⁶ also would be very significant

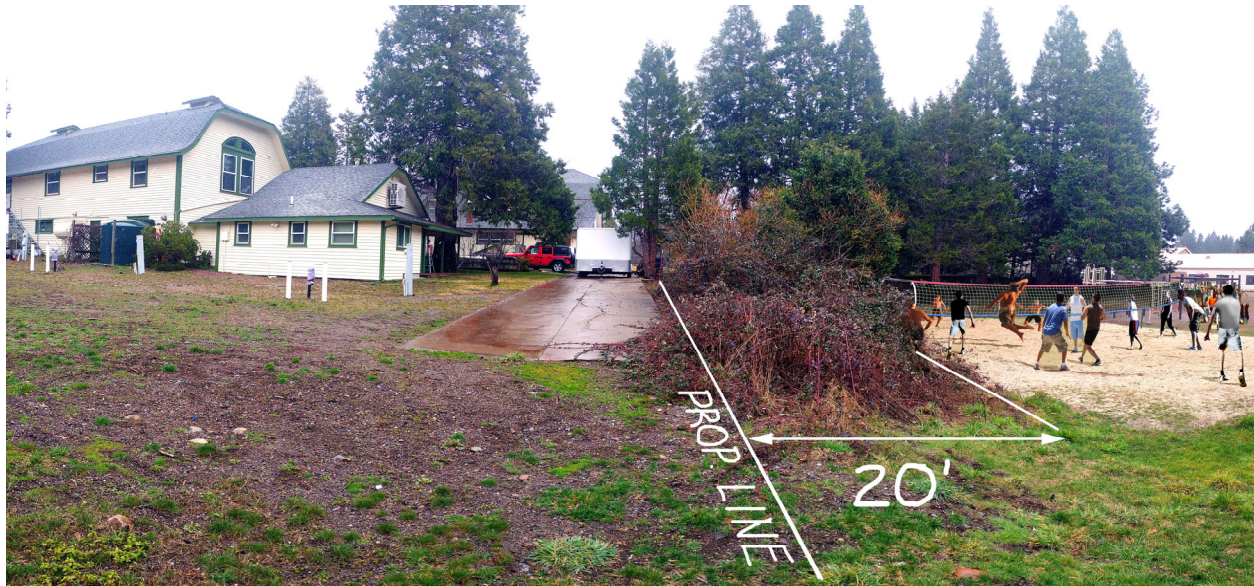
because it is more than the noise study's identified significance standard for noise level increases of 5 dB. Construction noise sometimes has an impulsive character from use of heavy equipment and even hammers or nail guns, thus requiring a correction of 5 dB being added to the predicted noise levels above. In this quiet rural neighborhood with no industrial activity nearby, the General Plan's 5 dB correction factor for impulsive noise is also applicable. The Addendum to the Mitigated Negative Declaration's determination of Project noise increases being less-than-significant is simply not supported by any evidence. The facts above demonstrate that construction noise will be significant. Therefore this Project's construction noise would create a significant noise impact at some of these homes unless noise mitigations are implemented.

¹⁶ Calculation: At 400', 69.5 dBA L_{dn} exceeds the 50 dBA L_{dn} corrected County noise standard by 14+ dBA.

The School's Increased Recreational Activity Noise Impact Will Be Significant

The noise study fails to accurately evaluate the Project playground and volleyball court's noise impact on guests staying at the adjacent Mount Shasta Ranch Bed & Breakfast facility ("B&B") and its outdoor activity areas. This volleyball court is only 20 feet from the shared property line that has a paved patio area on the south side of the B&B's guest cottage:

B&B Cottage and its Proximity to School's Volleyball Court



As shown below, shouting and cheers from students playing at the volleyball court could exceed the County's noise standards when measured at the neighboring B&B. That vocal noise could also create a noise level *increase* that itself is significantly greater than 5 dB at the B&B, and could result in significant daytime annoyance and nighttime sleep-disturbance impacts to the B&B's guests and owners.

The noise study does not describe how far the closest B&B outdoor activity area or guest rooms are to this volleyball court. Those distances are critical though for determining how loud the children will be when playing at the closest edge of the volleyball court. The earthen volleyball court which may be used for other types of noisy recreational sports is only 20 feet from the paved patio area, and about 48 feet from the B&B cottage's closest window.

The existing noise level at the B&B's property line is described in the noise study as being about **55 dBA L_{eq}** in the daytime, **67 dBA L_{max}** , and **56 dBA L_{dn}** .¹⁷ But with the children's vocal noises from shouting and cheering there on the school property, the noise level at this B&B's property line is possible to be as loud as about 89 dBA L_{max} .

¹⁷ The dBA L_{dn} measurement is a 24-hour weighted average noise level. See noise measurement location LT-3, in Staff Report, PDF p. 136)

NOISE LEVEL INCREASE AT NEIGHBORING B&B'S PROPERTY LINE WOULD BE SIGNIFICANT

For example, during a Tug-O-War contest or a similar noisy activity, forty children and spectators screaming at the same time can generate noise levels of about **79 dBA L_{max}** at a **distance of 130 feet**. All of the B&B's guest rooms are within that distance of this school play area.



That noise level can be calculated because noise from a single person's maximal shout can reach about 96 dBA at three feet.¹⁸ If for example 40 students¹⁹ and spectators are shouting at this 96 dBA level each, their combined noise level would be about 112 dBA L_{max} at 3 feet, which at 130 feet would diminish to about 79 dBA L_{max}.²⁰ (That is a noise level similar to the 79 dBA L_{max} that Bollard Acoustical Consultants measured at Site 2 in their *Environmental Noise Analysis Update (2022)* for the Kidder Creek Orchard campground project.)

But that noise level would be much louder at the B&B's property line. At a distance from the property line of 40 feet to the center of a group of students on the volleyball court, for example, the noise level of those students could be as much as approximately **89 dBA L_{max}**.²¹ **That noise level would represent an increase of 22 dBA** at the B&B's property line. (89 dBA L_{max} predicted – 67 dBA L_{max} ambient = 22 dBA increase in noise.) That is substantial evidence of a significant increase because any increase in noise levels greater than 5 dBA caused by this Project is considered to be a significant noise impact.

Even if the combined noise levels from such activity is slightly less noisy, because not all children will be facing the same direction or shouting at the same instant, their combined vocal

¹⁸ See: Proceedings of Acoustics (2006), Prediction of Crowd Noise, PDF p. 3, Table 2.

https://www.acoustics.asn.au/conference_proceedings/AASNZ2006/papers/p46.pdf

¹⁹ 40 students is a reasonable number to use for a calculation because the noise study estimates that “approximately 37 students would be utilizing each play area at any given time.”

²⁰ To calculate a dB level at different distances from a source given a known dB level for a known distance:

$dB_2 = dB_1 - 10 \times A \times \text{LOG}(R_2/R_1)$: $dB_2 = 112 - 10 \times 2.0 \times \text{LOG}(130'/3') = 79 \text{ dBA } L_{\text{max}}$

²¹ To calculate a dB level at different distances from a source given a known dB level for a known distance:

$dB_2 = dB_1 - 10 \times A \times \text{LOG}(R_2/R_1)$: $dB_2 = 112 - 10 \times 2.0 \times \text{LOG}(40'/3') = 89 \text{ dBA } L_{\text{max}}$

levels will greatly increase the ambient noise level at the B&B by more than the threshold of significance of 5 dBA.



SCHOOL'S PLAY AREA NOISE CAN CAUSE SIGNIFICANT SLEEP-DISTURBING IMPACTS TO B&B GUESTS

The Planning Commission should also evaluate if the school's play area noise could cause significant sleep-disturbance impacts to the B&B's guests? During mild weather, some guests there sleep with open windows for fresh air. Sleep-disturbance impacts are evaluated under CEQA, but the Project's noise study never evaluates this issue as it may affect the B&B's guests. Guests on vacation while staying at a B&B, without the need to arise early for work, sometimes sleep at hours when the school's play areas may be in use. This fact has been confirmed by the owners of the Mount Shasta Ranch B&B.

The B&B would be significantly impacted by such increased school play area noise levels. Interior noise measurements in homes with open windows in summer are at most 10 dBA quieter than these 85 dBA exterior noise levels.²² A significant percentage of peoples' sleep is disturbed by such repeated though brief "single noise events" of 75 dBA sound exposure level ("SEL").²³ Will this Project force B&B guests to have to sleep with their windows closed in the summer heat?

The *noise study* uses the wrong criteria of up to 15 dBA to characterize noise reduction with open windows. The Siskiyou County General Plan Noise Element however assumes only a 10 dBA reduction with open windows.²⁴ Thus the noise study's assurances of a less-than-significant noise impact regarding interior noise levels are not based on substantial evidence

²² See: Siskiyou County General Plan Noise Element for 10 dBA attenuation rate with open residential windows.

²³ The *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 CA4th 1344 court's decision overturned a project's EIR where sleeping residents were exposed to even quieter noise levels from passing airplanes. It stated: "The Draft EIS/EIR for the Oakland Development Project indicates that a single noise event with SEL 61 or higher will disturb the sleep of about 30% or more of those people exposed to such noise."

²⁴ The Siskiyou County General Plan Noise Element page 55 instead describes that windows will attenuate noise by 10 dB (open) or 20 dB (closed).

when using assumptions not supported by either the Noise Element or by actual noise level reduction measurements at these homes.

The *noise study*'s calculations reveal that during school hours the average noise level at noise measurement site LT-3 is as low as about 46 dBA L_{eq} .²⁵ Because the noise study fails to measure the ambient noise level near the B&B's cottage, we will assume that 46 dBA L_{eq} is the ambient noise level there as well. The school's play area shouting vocal noise at the B&B's cottage window about 68 feet from the center of the volleyball court may be as loud as about 85 dBA L_{max} .²⁶

Students playing on the volleyball court can generate noise levels of 85 dBA L_{max} at the cottage's windows. That would be about 39 dBA louder than that background ambient noise level at the exterior of these B&B guest rooms. (85 – 46 = 39) Indoors, with a 10 dB reduction with open windows, sleeping residents there could also be exposed to childrens' shouting noise levels 29 dBA louder than the existing noise levels in their guest rooms.²⁷ The interior noise level during such student shouting can reach about 75 dBA L_{max} . (85 – 10 = 75) As noted above, a significant percentage of peoples' sleep is disturbed by such repeated though brief "single noise events" of 75 dBA sound exposure level. Those single-event noise occurrences may awake a significant number of these B&B guests. But the noise study never discloses that fact or offers any analysis of sleep-disturbance impacts due to repeated student play area shouting when guests may be sleeping in the guest cottage. This analysis provides substantial evidence of a significant noise impact. The school's proposed playground and volleyball court are not always vacant:



²⁵ See noise study. Appendix C-3, between 9 am – 3 pm: 46 – 63 dBA L_{eq} hourly average noise levels.

²⁶ To calculate a dB level at different distances from a source given a known dB level for a known distance:
 $dB_2 = dB_1 - 10 \times A \times \text{LOG}(R_2/R_1)$; $dB_2 = 112 - 10 \times 2.0 \times \text{LOG}(68'/3') = \mathbf{85 \text{ dBA } L_{max}}$

²⁷ 85 dBA L_{max} (exterior noise level at windows) – 10 dB (reduction with open windows) = 75 dBA L_{max} interior noise level during loud shouts; also see the Noise Element for the County's standards for a quiet rural neighborhood.

SISKIYOU COUNTY NOISE STANDARDS APPLICABLE TO PLAYGROUND NOISE

The neighboring B&B is within a “quiet rural community” as defined by the General Plan’s Noise Element because there is no industrial activity nearby. The noise study’s author, Paul Bollard, has again misinformed the Planning Commission in his February 12, 2024 emailed letter about the Noise Element’s noise standards. (For his letter, see Staff Report, PDF p. 19.) He failed to acknowledge that the General Plan's Noise Element, Table A-10, requires that a 5 dB correction to outdoor noise levels be made in this neighborhood because it is not "near industrial activity." Here is a copy of that mandatory requirement:

TABLE A-10: CORRECTIONS TO BE ADDED TO THE MEASURED COMMUNITY NOISE EQUIVALENT LEVEL (CNEL) TO OBTAIN NORMALIZED CNEL

Type of Correction	Description	Amount of Correction to be Added to Measured CNEL in dB
Seasonal Correction	Summer (or year-round operation).	0
	Winter only (or windows always closed).	- 5
Correction for Outdoor Residual Noise Level	Quiet suburban or rural community (remote from large cities and from industrial activity and trucking).	+10
	Quiet suburban or rural community (not located near industrial activity).	+ 5
	Urban residential community (not immediately adjacent to heavily traveled roads and industrial areas).	0
	Noisy urban residential community (near relatively busy roads or industrial areas).	- 5
	Very noisy urban residential community.	-10
Correction for Previous Exposure and Community Attitudes	No prior experience with the intruding noise.	+5
	Community has had some previous exposure to intruding noise but little effort is being made to control the noise. This correction may also be applied in a situation where the community has not been exposed to the noise previously, but the people are aware that bona fide efforts are being made to control the noise.	0
	Community has had considerable previous exposure to the intruding noise and the noise maker's relations with the community are good	- 5
	Community aware that operation causing noise is very necessary and it will not continue indefinitely. This correction can be applied for an operation of limited duration and under emergency circumstances.	-10
Pure Tone of Impulse	No pure tone or impulsive character	0
	Pure tone or impulsive character present.	+ 5

Bollard's noise study fails to take that mandatory correction factor into account. The County's maximum permissible noise level is thus at least 5 dBA lower than he assumes.

ANOTHER 5 dB CORRECTION MUST BE MADE FOR IMPULSIVE NOISE

Another 5 dB correction must be made that Bollard entirely overlooked, not including the 5 dB correction due to children's voices or the lack of industrial noise. That additional 5 dB correction would be due to *impulsive noise* for certain activities (volley ball or construction noise).

Per Table A-10 of the General Plan Noise Element, a noise study for this school Project must evaluate if there will be noise of an "impulsive character present"?

- (1) Does the sound of nearby volley balls being hit have an impulsive character that can disturb guests at the adjacent B&B?
- (2) Will temporary noise during construction sometimes have an impulsive character? (i.e. from use of nail guns?)

If answered yes to either possibility, then another 5 dB correction must be used, where 5 dB is added to the sound of volley ball playing or construction nail gun use.

Noise Standard Applicable Before Correction is 55 dBA L_{dn} , not 60 dBA L_{dn}

Mr. Bollard misinterprets the proper noise standard to be used for CEQA analysis. He attempts to refute a public comment pointing to the General Plan Noise Element's discussion of the EPA's 55 dBA L_{dn} noise standard. Bollard claims²⁸ the standard to use is 60 dBA L_{dn} , but ignores that CEQA requires more than mere compliance with the General Plan's standards. The Federal Environmental Protection Agency's noise standards are also applicable to protect neighbors from excessive noise impacts.

To evaluate whether a project may create a significant noise impact, an agency must first examine which noise standards or thresholds of significance might be exceeded. In this campground Project's instance, the County has inconsistently chosen the "day-night average" sound level of **60 dBA L_{dn}** from its General Plan Noise Element as being the acceptable threshold of significance for residential noise exposure. The County is overlooking the *inconsistent* but stricter noise standard for residential land that is also included in the Noise Element of a maximum of **55 dBA L_{dn}** .

The General Plan Noise Element, p. 12, Table A-6, (*Summary Of Noise Levels Identified As Requisite To Protect Public Health And Welfare With An Adequate Margin Of Safety*) states that **55 dBA L_{dn}** is that acceptable noise standard outdoors in residential areas and farms and other outdoor areas where people spend widely varying amounts of time and other places in which quiet is a basis for use. This stricter standard of **55 dBA L_{dn}** also must be evaluated under CEQA when compared to this Project's noise emissions.²⁹ CEQA requires the County to consider all

²⁸ See Bollard Acoustical Consultants' letter of Feb. 12, 2024, page 3, found at Staff Report, PDF p. 21.

²⁹ Noise Element, Technical Appendix, p. 12, Table A-6: "*Summary of Noise Levels Identified as Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*," for "Outdoor activity: **55 dBA L_{dn}** ."

applicable standards; so standards from the Federal Environmental Protection Agency (“EPA”) as well as the County’s own General Plan must be included in the noise study and evaluated.

The CEQA Guidelines³⁰ establishes criteria for the evaluation of significant noise impacts in “excess of standards established in the local general plan or noise ordinance, **or applicable standards of other agencies.**” (Emphasis added). But the noise study does not evaluate other applicable standards. The Project’s noise study violates CEQA where it disregards that this stricter, applicable noise standard of **55 dBA L_{dn}** exists in both the Siskiyou County General Plan Noise Element as well as in Federal EPA laws. Instead, the *noise study* relies on the weaker standard of 60 dBA L_{dn}. It allows Project-generated noise to be 5 dB louder than the other appropriate 55 dBA L_{dn} limit. Thus Bollard’s noise study is misinforming the public and decisionmakers about the significance of this Project’s foreseeable noise impacts on its neighbors.

According to the World Health Organization, a noise impact is significant if it exceeds 55 dBA L_{eq}, which the United States Environmental Protection Agency has identified as the requisite level with an adequate margin of safety for areas with outdoor uses, including residential and recreational uses.³¹

The County’s use of a 60 dBA L_{dn} standard in this rural location is inconsistent with CEQA because that is the same noise standard the County uses in noisy, more urban areas or near lumber mills and asphalt batch plants. In the court decision for *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4th 1344, 1380, *Berkeley Jets* explained that CEQA does not define “significant noise impacts simply in terms of whether a project would violate applicable local, state, or federal noise standards.” Instead, CEQA requires the lead agency to use “a site-sensitive threshold of significance for noise,” and recognizes that “[a]n ironclad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For example, an activity which may not be significant in an urban area may be significant in a rural area.” (Emphasis added) (CEQA Guidelines, § 15064, subd. (b).) For these reasons, the County must evaluate the Project’s noise impacts with standards suited for its rural area.

Additionally, the US EPA has published research findings regarding noise levels and their effects on people, as summarized in the General Plan Noise Element Table A-6, lending credibility to the 55 dBA L_{dn} threshold of significance. Use of this 55 dBA L_{dn} threshold of significance is not infeasible either because the Project is not “adjacent to State highways, Interstate 5, the railroad, nor in urban centers.” Use of the 55 dBA L_{dn} threshold would not cause severe economic hardship in this rural neighborhood. Yet the noise study never informs the public that this stricter noise standard is applicable.

³⁰ CEQA Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations) Appendix G, XIII Noise, section (a).

³¹ See: World Health Organization’s ENVIRONMENTAL HEALTH CRITERIA FOR NOISE, p. 14 (“Data from surveys of community noise annoyance lead to the recommendation that general daytime outdoor noise levels of less than **55 dB(A) L_{eq}** are desirable to prevent any significant community annoyance.”) Similarly, for General Health, Welfare, and Annoyance Criteria, see p. 66. A copy of this document will be provided to County officials if requested; it is available online at: <https://apps.who.int/iris/bitstream/handle/10665/39458/9241540729-eng.pdf>

CONCLUSION:

We ask that because of the problems identified above, the County should reject using an Addendum to the old Mitigated Declaration, then circulate an Initial Study with a new noise study or should prepare an Environmental Impact Report before proceeding with this Project's application. Please notify me of all future public opportunities to review this Project application and any related environmental documents.

Thank you for considering these public comments,

Sincerely,

A handwritten signature in black ink that reads "Dale La Forest". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Dale La Forest

Professional Planner, Designer, INCE Associate (Institute of Noise Control Engineering)

Dale La Forest & Associates

From: [Chris Marrone](#)
To: [planning](#)
Cc: [Rick Dean](#); [Hailey Lang](#)
Subject: February 21, 2024 – 9:00 a.m. meeting, Agenda Item #2, Golden Eagle Charter School Use Permit (UP-23-08) / Addendum to Certified Mitigated Negative Declaration
Date: Tuesday, February 20, 2024 3:21:10 PM

Dear Planning Commissioners,

There are numerous things wrong with this application and how it has been processed.

The school has been operating out of compliance with an expired Conditional Use Permit (CUP) since they've occupied the building. Would I be able to operate my business without the proper permits? Would I be able to reside in my home if I violated the conditions of my permit? I think not, so why is this happening? This is an unequal application of our laws, especially for a building that is occupied by the public.

The public is entitled to comment on a **new** Mitigated Negative Declaration (MND), or an Environmental Impact Report (EIR), not an amended MND. The information used from the prior CUP, UP-96-03, is not adequate to amend the MND. It is outdated and does not include the impacts that would be generated by a 23,800sf facility, 325 students, and 35 staff members. The impacts from this size and occupancy of a school building had not previously been analyzed. The impacts evaluated to approve the original conditional use permit, UP-96-03, are clearly not reflective of the current conditions and use, therefore an amended MND is not appropriate.

The 1/17 public notice was not circulated in a publication that covers the Mt. Shasta area, as required by law. Siskiyou Daily News does not cover the affected area, therefore the meeting should have not even taken place and postponed to a later date. The discussion that took place did not allow other members of the public an opportunity to hear and comment on.

On page 7 the applicant states “As a charter school serving the broader community, rather than a specified zone or district immediately adjacent to the school, travel to/from the school will be primarily by vehicle mode. The absence of sidewalks and marked bicycle lanes in the project area is not a significant concern related to this specific school operation since few students would walk or bike to this school even if those facilities were in place”. As a past resident directly north of this site, I can attest to the existing difficulties of pedestrian and bicycle safety on this road, especially with no shoulder, separation of users, or a marked bicycle lane. The increased vehicle traffic will only increase the interactions between cyclists and pedestrians. The concern should be the additional traffic created by the proposed facility and how it will impact the existing pedestrian and cycling users. Neither the traffic consultant, the applicant, or the planning department referenced the existing *Walk, Bike, Ride, Mt. Shasta Mobility Plan* as seen here-<https://www.mtshastaca.gov/media/1916> This plan was undertaken from 2021 through 2022 and finalized in 2023, with considerable input from the public, the City of Mt. Shasta, and professional planners and designers. It is the most comprehensive plan to date for non-vehicular mobility on this portion of W.A. Barr Rd. Particular attention should be paid to; pg.31, where this section of W.A. Barr Rd. received a “high density of comments”, pg. 37, where this section of road is considered “highest priority”, pgs. 69-80, where this section of road is “recommended for Class 2 bikeway”, pg. 85, where this section of road is recommended for a trail study area for pedestrians”, and pgs.

127-129, where this section of road is recommended for “long term high priority bike lane”. The current staff report, that includes a review letter by Headway Transportation, does not reference the City of Mt. Shasta Mobility Plan. It also does not include any comprehensive data, such as vehicle counts, line of site, user demand, crossing locations, etc. The Mobility Plan is much more comprehensive. How could the plan not be considered? The applicant acknowledges increased vehicular traffic from the new building occupants, and this is exactly the impact to existing cyclists and pedestrians that needs to be evaluated. These are significant new impacts, not “minor technical changes”, that require more current analysis. The rationalization for not considering this impact is a major omission.

On the original applications environmental questionnaire, paragraph K, the applicant states “additionally, the applicant is requesting the maximum student count raised to 325”. Yet, many of the county documents, including the project summary, use a student count of 225. The public needs to be accurately informed about the proposed student and staff count. Which one is it?

During 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.

Though letters of support from parents for educational purposes seem irrelevant for the purpose of environmental review of the proposed project, as a parent and past school board trustee at MSUSD, I would like to comment. As some of you may recall, Golden Eagle Charter School has not been transparent with their plans at the prior proposed building site and are still involved in litigation. Nor, have they been transparent when disclosing their staff salary schedules and benefits, as required by law. They have intentionally resisted releasing this information and it was only obtained through a *Freedom of Information Request*. This is not transparency.

Sincerely,

Chris Marrone
cfmarrone@gmail.com

From: [Annie Marsh](#)
To: [Hailey Lang](#); [Rick Dean](#); [William Carroll](#); [planning](#)
Subject: Opposition - Golden Eagle Charter School Use Permit UP-23-08
Date: Monday, February 19, 2024 12:36:19 PM

There are numerous reasons why the Golden Eagle Charter School Use Permit UP-23-08 should not be approved by an Addendum to the use permit for the Evangelical Free Church of Mount Shasta UP-96-03.

CEQA 15162(3)(a) AND 15164(b) DO NOT APPLY - ADDENDUM NOT APPROPRIATE

“15162,

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

A.

The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

Section 15164 - Addendum to an EIR or Negative Declaration

B An addendum to an adopted negative declaration may be prepared if only minor technical changes or

none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.”

The significant effects from construction were never discussed in the Mitigated Negative Declaration for the Evangelical Free Church of Mount Shasta UP-96-03.

No construction was contemplated or done under UP-96-03.

By limiting hours of construction, the County acknowledges that there are negative effects which must be mitigated. Additionally, the County made the following motion: “Following discussion, it was moved by Commissioner Veale, seconded by Commissioner

Fowle, to continue the Golden Eagle Charter School Use Permit (UP-23-08) project to the

February 21, 2024, Planning Commission meeting. Staff is directed to provide a site map,

ingress/egress routes, investigate signage and warning lights on the road, hours of construction are

to be from 6:00 a.m. to 9:00 p.m., include a timeframe for construction, consult with Cal Fire regarding

the 4290 and 4291 standards on the property, and include fencing on Condition of

Approval 12.

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

The addition of these items removes the possibility of use of an Addendum to approve the project because they indicate that there are major changes which must be mitigated.

While the County determines that there are merely minor technical changes, the Public has made a fair argument that the additions are not minor and a Mitigated Negative Declaration is required for the Golden Eagle Charter School Use Permit UP-23-08. CEQA requires that fair arguments be addressed.

NOISE FROM SCHOOL RECESSES NOT ADEQUATELY ADDRESSED

A school employee stated at the January 17th Planning Commission meeting that there are only 2 recesses. One 20 minutes long and one 30 minutes long. The employee did not explain how 225 students will be on recess at the same time. The recesses will obviously have to be staggered, as they were when I was in school and as they were at Etna Elementary School when I was visiting a friend who lived across the street from the school. It was noisy!! And on going!! The school must explain the future plans for recesses at the school: Will recesses be staggered? How many students will be on recess at the same time? How do these answers affect the existing noise study which is based on the current use of only 2 recesses per day because the student count has not reached the maximum number to be allowed? All this occurring a mere 20 feet from the neighboring Bed and Breakfast.

CEQA requires that the project as a whole be evaluated. Failure to address this issue is a violation of CEQA.

GLARE FROM LIGHTING AT THE PROJECT NEVER ADDRESSED OR MITIGATED

Imagine waking up at 3:00 AM in your cozy Bed and Breakfast room to find the room flooded with light from the school next door. Sure you could have pulled down the room darkening shades, but you went to bed early, before nightfall, exhausted from your trip from the big city. You wanted to imbibe the peace, quiet and darkness of this tranquil place. Now you are bombarded with glaring light from the school next door.

That is undoubtedly what will happen if the glare from school lighting isn't mitigated to more than meeting County standards. Please address this issue.

NOISE REPORT IS INCONCLUSIVE, INADEQUATE AND FAULTY

The Noise Report by Bollard Acoustical Consultants (BAC) downplays the levels of noise that will occur at the property line, especially that concerning the neighboring Bed and Breakfast. Whether this downplay is due to faulty equipment,

faulty employee rationale, or intentionally cannot be determined. However, it is impossible that noise levels from the afore mentioned recess could be as low at a property a mere 20 feet from where children are playing. Please have some company other than BAC provide a new Noise Study, so that noise can be adequately addressed.

THE CONSTRUCTION OF THE 28,300 SQUARE FOOT BUILDING WILL NEITHER BE DISCUSSED OR MITIGATED BY THE PLANNING COMMISSION

At the January 17, 2024 Planning Commission meeting, Commissioner Melo errs in stating that the new building will have to be mitigated and approved. The fact is that once the Addendum is approved, the building can be built with only Building Department approval. It will never go back to the Planning Commission for any mitigation or approval. Planning Commissioners should be certain of the facts before making erroneous and unsubstantiated remarks which no-one on County staff corrects. The tendency is to believe what a Planning Commissioner says because they are supposed to be knowledgeable enough to know the law and make unbiased decisions. That is not the case in this instance. Thank you for accepting my comments.

Anne Marsh
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Etna, CA 96027
530-598-2131
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From: [Elisa Reyna](#)
To: [planning](#)
Subject: Letter Of Support For Golden Eagle Charter School
Date: Tuesday, February 20, 2024 8:42:02 PM

We, the Reyna family, are aware that this email is late. However it is with our best wishes that we provide these words of support for Golden Eagle Charter School. So here is our statement. This program has made the educational atmosphere, that is school, a fun and free space for many years and hopefully for many years to come. Having access to this new campus for the south-county programs would make the learning environment more beneficial to, not only the students, but the educational staff as well. This new location would be more safe as the current campus buildings are quite old and may face issues in the following years. The current campus building was not originally built with the intention of being a school campus, so it is next to a highway and has tight corridors that might not allow for swift escape in case of an emergency. The only area for activity outside of any classroom would be the front lawn that is uneven and can get wet. Access to the new location would mean a larger space for activities and more possibilities for extracurriculars. The new location would build a stronger sense of community within the school as multiple programs would share a campus. This school's existing community has already been very kind and cooperative with our family and we would like to see it flourish and grow. These are the reasons that we, the Reyna family, would benefit from the new location and are giving our word of support. Thank you for giving us this opportunity.

Elisa Reyna and Alex Reyna-Houck
GECS 9-12 Mt Shasta Program



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