

Wendy Winningham

From: D. La Forest <dlaforest@gmail.com>
Sent: Wednesday, May 1, 2024 5:56 PM
To: Wendy Winningham; William Carroll
Subject: REQUEST FOR POSTPONEMENT - 5/7/2024 Appeal of Golden Eagle approval - UP-23-08/ Addendum to the MND
Attachments: 2024-05-01 DL Request for Postponement of Appeal hearing.pdf

Please see attached letter that describes several legal reasons the County should postpone the May 7, 2024 public hearing: inadequate notice was provided to me and to the general public about this Public Hearing, thus depriving us of our California-mandated rights to participate fully.

Dale La Forest

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**SISKIYOU COUNTY
CLERK'S OFFICE**

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SISKIYOU COUNTY
CLERK'S OFFICE

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REQUEST FOR POSTPONEMENT

Appeal Filed by Chris Marrone of Planning Commission's approval of
Golden Eagle Charter School UP-23-08/ Addendum to the MND

Board of Supervisors,

May 1, 2024

I request a postponement of the Appeal hearing set for May 7, 2024 for several reasons. The main reason is that the County failed to notify me at least 10 days before the hearing as is required by law. The County never notified me about this hearing even though I requested such notification in writing beforehand.

California requires County officials to notify people when projects are being reviewed with a negative declaration. Such notification typically occurs when a Public Notice is published. It also is required to be sent to "individuals who have previously requested such notice," such as I did.

CEQA Section 21092 provides:

"Any public agency which is preparing an environmental impact report or a negative declaration shall provide public notice of such fact within a reasonable period of time prior to final adoption by the public agency of such environmental impact report or negative declaration. Notice shall be given to all organizations and individuals who have previously requested such notice and shall also be given by at least one of the following procedures:

- (a) Publication, no fewer times than required by Section 6061 of the Government Code, by the public agency in a newspaper of general circulation in the area affected by the proposed project.
- (b) Posting of notice by the public agency on- and off-site in the area where the project is to be located.

Such notification is required at least 10 days prior to the public hearing:

Government Code section 65092.

- (a) When a provision of this title requires notice of a public hearing to be given pursuant to Section 65090 or 65091, the notice shall also be mailed or delivered **at least 10 days prior to the hearing to any person who has filed a written request for notice** with either the clerk of the governing body or with any other person designated by the governing body to receive these requests.

I requested such notification in my letter to the Planning Commission dated 2/20/2024 which states on page 15: *"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."* My letter was discussed during the 2/21/2024 Planning Commission public hearing so I know the County received it.

The Public Hearing scheduled for May 7, 2024 is such an opportunity to review and comment upon the Golden Eagle Charter School's environmental impacts. The Notice of Determination that Hailey Lang filed on 2/22/2024 with the Office of Planning and Research states: "*A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.*"

Not having at least 10 days prior notification of the 5/7/2024 appeal public hearing, I need more time to review and prepare comments for this hearing. California law provides at least that much time for informed public review and participation. I accordingly request the hearing to be continued to a future time.

PUBLIC NOTICE AS PUBLISHED WAS LEGALLY INADEQUATE

The purpose of the scheduled Public Hearing is to obtain public participation in the Board's decision. So California requires that the Notice of such a public hearing meet minimal requirements. But the County's publication of its Public Notice fails to meet those standards. People can't be expected to participate if they aren't informed beforehand that an issue that might be of concern to them is about to be decided.

As Chris Marrone may have informed you, the Public Notice for his Appeal hearing that was published in the Siskiyou Daily News violates Government Code section 65094 because it fails to describe the location of the property involved where the proposed Project would be located. If people are not informed where the property is located, they will have little reason to inquire if it may affect an issue they would be interested in hearing about or commenting upon.

That public notice also violates section 65094 because it fails to include "a general explanation of the matter to be considered." Nothing in the Public Notice explains even in general terms why the Appeal was filed, or what the Project entails that might affect public interests. All it states is that there is an appeal of some entirely vague kind of a decision made by the Planning Commission.

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 Public Notice as published for the May 7, 2024 public hearing was not likely even read by people in the Mt. Shasta community who would care about this Public Hearing. The County has deprived the public of its right to know about and attend this public hearing. The Siskiyou Daily News has very little news pertinent to Mt. Shasta. In recent years, its owner Gannett Co., Inc., has bought up local newspapers and fills them with news or articles that are nationwide in interest, but not very locally relevant. As such, that publishing of the Public Notice additionally violates Government Code section 6008 because there is no evidence that, per § 6008(a)(3), 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."

Government Code Section 6008 –

Criteria for determining newspaper of general circulation

(a) Notwithstanding any provision of law to the contrary, a newspaper is a "newspaper of

general circulation" if it meets all of the following criteria:

- (1) It is a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers and has been established and published at regular intervals of not less than weekly in the city, district, or public notice district for which it is seeking adjudication for at least three years preceding the date of adjudication.
- (2) It has a substantial distribution to paid subscribers in the city, district, or public notice district in which it is seeking adjudication.
- (3) It 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.

The County's PUBLIC NOTICE for this 5/7/2024 Appeal hearing was published in the 4/24/2024 Siskiyou Daily News on pages 13 and 14 in small font buried in the Classified section where people look to buy stuff. This 4/24/2024 edition of the Siskiyou Daily News has nothing about Mt. Shasta except some advertisements or notices. The total percentage of the entire 33-page edition that pertains to anything in Siskiyou County is about 10% (I calculated that carefully, including advertisements for Siskiyou County businesses.) But the law requires that it contain at least 25% in order to be considered "a newspaper of general circulation." The Siskiyou Daily News does not comply with law as "a newspaper of general circulation and accordingly the published Public Notice was not seen by as many people as the law provides for. Thus, the Public Notice was defective because it was published in a newspaper that does not qualify for such Notices.

The County charged the Appellant \$1,250 to appeal the Planning Commission's decision; it could at least afford him the proper public notice so that people who might care about this Project's harmful impacts that the Planning Commission never resolved could participate in what is being loosely called a "public hearing."

The lawful way to correct these failures to provide adequate notice of the Appeal public hearing is to postpone it and provide at least minimally adequate public notice next time.

Please notify me of any decision to postpone this Public Hearing on the Appeal, and any opportunity to review this Project application and any related environmental documents.

Sincerely,

