

Wendy Winningham

From: D. La Forest <dlaforest@gmail.com>
Sent: Thursday, May 2, 2024 3:31 PM
To: William Carroll; Wendy Winningham
Subject: 2024-05-02 Comments on Golden Eagle Noise Impacts for Appeal before County Supervisors.
Attachments: 2024-05-02 DL&A Comment-1 Noise Impacts - for Appeal of Golden Eagle UP-23-08-Addendum-w-attachments.pdf; 2024-05-02 DL&A Comment-2 Noise Element is Outdated _ CUP is therefore void. GECS Project.pdf

Dear Wendy: Please provide these two comment letters in email form to the Board of Supervisors in advance of the May 7, 2024 public hearing about the Appeal filed by Chris Marrone.

Thank you,
Dale La Forest

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**OUTDATED NOISE ELEMENT OF GENERAL PLAN INVALIDATES
APPROVAL OF PROJECT'S CONDITIONAL USE PERMIT**

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

Board of Supervisors,

May 2, 2024

The County is obligated to evaluate whether the Golden Eagle Charter School Project is consistent with the County's General Plan. To do so, the Planning Commission should have compared the Project with the Noise Element of the General Plan. Doing so would have allowed the Planning Department to verify that the standards of the Noise Element were met by the school's construction and operational noise sources.

This is not a matter of just abstract concepts. Analysis of the Project's noise impacts requires that existing and projected (future) noise levels in the neighborhood be added to the new noise levels from the Project's traffic, equipment, playground activities, and other noise sources. Then the County could have arrived at cumulative noise levels that the students and neighbors would be exposed to. The Project's *Environmental Noise Analysis* was not able to do this because of the outdated nature of the Noise Element. That noise study was unable accordingly to estimate if the project currently complies with the Noise Element's standards, and if it will be able to do so in the future as well. But this required analysis was not done because the Noise Element is woefully outdated from the 1970s, nearly 50 years ago, and no longer can guide development along this section of W.A. Barr Road.

Government Code Section 65302(f)(4) requires that "The noise element shall include implementation measures and possible solutions **that address existing and foreseeable noise problems**, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards." (*Emphasis added.*)

But the Noise Element adopted so long ago in 1978 has no reasonably accurate current or future projections about the noise problems this school's neighborhood will face with the school's

addition. Being that the Noise Element is so outdated, the County's reliance upon it violates CEQA and is inconsistent with the following court decision:

A lawful "noise element would have provided [the county] with standards and an analytic framework by which [it] would have been enabled to make a superior decision [on the use permit] taking into account the severe noise impacts of the project...."

...
"A quantitative inventory of existing transportation noise impacts must be compared with that added by a particular project. The aggregate noise level must be measured against policy statements and standards required to be in the general plan."

Neighborhood Action Group v. County of Calaveras (1984) 156 Cal.App.3d 1176, 1189-90.

This 1984 California Appellate Court decision held that a local government may not grant a conditional use permit if the general plan inadequately addresses pertinent state-mandated issues like the requirement for an adequate Noise Element.

The Planning Commission's approval of the Project must be set aside by the Board because the Use Permit is void due to the Noise Element no longer complying with State law.

Accordingly, the Board should overturn the Planning Commission's approvals, remedy the problem with the Noise Element's serious outdatedness, and require an EIR to evaluate the true and foreseeable noise impacts the Project may create with its neighbors.

Sincerely



Dale La Forest

p.s.

Issuance of a use permit is beyond the authority of the issuing agency if the general plan is deficient in its treatment of mandatory elements which are involved in the uses sought by the permit. (*California Clean Energy Committee v. County of Placer* (2015))

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PUBLIC COMMENTS ON PROJECT'S SIGNIFICANT ENVIRONMENTAL IMPACTS

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 2, 2024

This letter is submitted in support of the Appeal of the Planning Commission's approval of this Project that was filed by Chris Marrone. This letter addresses how the attached expert comment letter that I prepared and submitted to the Planning Commission on February 20, 2024 regarding the Golden Eagle Charter School Project's noise impacts satisfies the fair argument standard. It demonstrates that the Project may have significant environmental impacts. As such, CEQA requires that the County prepare an environmental impact report ("EIR") prior to approving the Project.

At its February 21, 2024 Public Hearing, the Commissioners struggled with the question of whether or not there was a fair argument supported by substantial evidence that this school Project would create significant environmental impacts. But they did not have sufficient guidance on this legal question, and as a result, they misinterpreted what CEQA requires when they approved the Project's use permit and Addendum to the MND. The Commission appeared to misunderstand the advice given them by the Deputy County Counsel William Carroll.

Mr. Carroll said that he would tend to recommend receiving my comment letter for the Planning Commission to consider concerning construction noise and the hours when construction would be permitted. He also said that the County normally uses a MND or an EIR when presented with two different competing arguments about a project's impacts:

"Yes, at this stage where we have a CEQA Addendum, and we don't have a Mitigated Negative Declaration, or EIR. The question can be is there a fair argument, not whether, as you just said Commissioner Hart, whether who's right or who's wrong or who has the better argument doesn't matter? If there are two competing opinions and one of the opinions is supported by fact, and indicates there could there could be a significant environmental impact and really the next stage is if there's a fair arguments and CEQA would normally dictate that we go to a mitigated negative declaration then rather than an Addendum, Mr. La Forest's letter comes in at the last minute after public hearings been closed on an issue that the Planning Commission didn't explicitly asked to be heard. So, you know, it's a little bit tricky. But you're, you're generally correct. Where there's two competing arguments, then we normally go to a Mitigated Negative Declaration or an EIR."

(See Transcription of Planning Commission's 2/21/2024 Public Hearing for Golden Eagle Charter School, p. 8, at timestamp 28:59.)

The “fair argument” standard applies to County’s determination to approve an Addendum to the MND or a mitigated negative declaration. (*City of Redlands v. County of San Bernardino* (“*City of Redlands*”) (2002) 96 Cal.App.4th 398, 405; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1399; see also *Pala Band of Mission Indians v. County of San Diego* (1998) 68 Cal.App.4th 556, 571.) The fair argument test requires that an agency “prepare an EIR whenever substantial evidence in the record supports a fair argument that a proposed project may have a significant effect on the environment.” (*City of Redlands*, 96 Cal.App.4th at 405; quoting *Gentry v. City of Murrieta*, *supra*, 36 Cal.App.4th at 1399-1400; see *Laurel Heights Improvement Ass’n v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82, 118.) “If there is substantial evidence in light of the whole record before the lead agency that the project may have a significant effect on the environment, an environmental impact report shall be prepared.” (Pub. Resources Code, §§ 21080(d), 21151(a).) If such evidence exists, the court must set aside the agency’s decision to adopt a negative declaration as an abuse of discretion in failing to proceed in a manner as required by law. (*City of Redlands*, *supra*, 36 Cal.App.4th at 406; *Pala Band of Mission Indians v. County of San Diego*, *supra*, 68 Cal.App.4th at 571.) Thus, an EIR must be prepared “whenever it can be fairly argued on the basis of substantial evidence that the project may have significant environmental impact” (*No Oil, Inc.*, *supra*, 13 Cal.3d at 75) even if there is substantial evidence to the contrary. (*Arvin Enterprises, Inc. v. South Valley Area Planning Com.* (2002) 101 Cal.App.4th 1333, 1346; *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002).

Based upon the fair argument standard of review, the County must prepare an EIR instead of a mitigated negative declaration if any substantial evidence in the record supports a fair argument that the Project may have a significant effect on the environment, even if other substantial evidence supports the opposite conclusion. (Pub. Resources Code § 21151(a); Guidelines §15064(D)(1)-(2); *No Oil, Inc.*, *supra*, 13 Cal.3d at 75; *Architectural Heritage Ass’n v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1109.) It is the function of an EIR, not a negative declaration, to resolve these conflicting claims. (See *No Oil, Inc.*, *supra*, 13 Cal.3d at 85.) It is well-established that CEQA creates “a low threshold requirement” for the initial preparation of an EIR and reflects a preference for resolving doubts in favor of environmental review when the question is whether any such review is warranted. (See *No Oil, Inc.*, *supra*, 13 Cal.3d at 84; *Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 880-881.)

CEQA and the CEQA Guidelines provide assistance in evaluating what constitutes substantial evidence to support a “fair argument”. (See Guidelines § 15384(a) (“substantial evidence” means enough relevant information and reasonable inferences...that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”).) Substantial evidence consists of “fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” (Pub. Resources Code § 21080(e)(1); see also Guidelines § 15384(b).) It does not include “argument, speculation, unsubstantial opinion or narrative, evidence that is clearly inaccurate ... or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.” (Pub. Resources Code § 21080(e)(2).) Comments that present evidence of facts and reasonable assumptions from those facts may constitute substantial evidence to support fair argument that the project may have a significant effect on the environment. (See *City of Redlands*, *supra*, 96 Cal.App.4th at 590; see also *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 152-153.)

Expert opinion if supported by facts, even if not based on specific observations as to the site under review constitutes substantial evidence. (*The Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928; see also *Clews Land & Livestock, LLC v. City of San Diego* (2017) 19 Cal.App.5th 161, 192.) Thus, if there is “[i]f there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.” (Guidelines, § 15064(g); see also *Clews Land & Livestock, LLC, supra*, 19 Cal.App.5th at 192.)

EXPERT EVIDENCE OF PROJECT’S SIGNIFICANT NOISE IMPACTS WAS SUBMITTED.

Professional Experience: Litigation Support / Expert Witness

I have served as an acoustical expert for over 55 projects subject to environmental review under the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA). (See attached resume.) My academic training includes a Bachelor’s of Architecture degree with additional years in the Master’s of Architecture program at the University of Michigan. As an acoustical expert, I review CEQA/NEPA documents and provide my clients with an assessment of noise impacts issues. I then submit formal comments on the scientific and legal adequacy of the project’s environmental documents (e.g., Environmental Impact Report). If needed, I conduct field studies to generate evidence for legal testimony. I have provided written and oral testimony to the California Public Utilities Commission and California courts. My clients have included law firms, non-profit organizations, citizen groups and individuals.

In particular, I am an expert in environmental noise impacts for projects that have been approved in Siskiyou County. I have prepared noise studies for development clients here, and for citizens needing protection from noisy projects. For example, when the City of Weed considered approving an EIR for the Love’s Travel Stop in 2018, I prepared an acoustical analysis of that Project’s potential noise impacts on nearby residents.¹ The City of Weed dismissed my comments, approved the EIR, but then neighbors sued the City and developer for violation of CEQA that included a failure to conduct adequate noise review. The appellate court agreed with the neighbors that the EIR’s noise study was defective based upon my expert comments, ruling that:

“We conclude the EIR’s discussion of noise impacts violated CEQA because it did not consider the magnitude of noise increase caused by the project in evaluating the potential significant environment effects of changes in noise levels. We also conclude the EIR did not adequately evaluate the potential noise impacts of the project because it did not discuss the combined effect of existing noise and noise from identified project-related noise sources that would occur simultaneously.”

Hammond Landowners Assn. v. City of Weed and Love’s Travel Stop (5/12/22) C091404
This court decision is available online, and will be made available to County officials if requested. https://scholar.google.com/scholar_case?case=11010208274330428945

¹ See my 7/30/208 comment letter about the Love’s Travel Stop Project EIR online at: https://drive.google.com/file/d/1NnA2WMIv7mAHaD3QrzXw7y9b4yw58wB/_view?usp=sharing
My second 8/6/2018 comment letter about this Love’s EIR is also available online at <https://drive.google.com/file/d/1vcYkGvh1A55fXOBC4C0EMN1CLRwKxJvn/view?usp=sharing>

This Court decision highlights a serious problem that also could be helpful to County officials when reviewing the Golden Eagle Charter School Project's noise impacts. The Court held:

“The EIR contained no reasoned analysis why the City did not discuss whether the magnitude of noise increase caused by the project would result in potential significant noise impacts. For this reason, we conclude the EIR did not adequately inform the City and the public of the potential impacts of the project on noise.”

But it is clear that the Siskiyou County Planning Department has not learned a lesson from that recent court decision. This very same failure to examine the *magnitude of a project's noise level increase* that neighbors would be exposed to is exactly one of the CEQA violations that I have identified with the Golden Eagle project's approval.² Mr. Bollard's defective noise study for Golden Eagle fails to analyze the noise level increase that neighbors would hear during the new 28,300 sq. ft. school building's construction. For that reason alone, an EIR should be prepared.

EXPERT COMMENTS ABOUT GOLDEN EAGLE'S CONSTRUCTION NOISE IMPACTS WERE RELEVANT TO THE PLANNING COMMISSION'S FEB. 21, 2024 PUBLIC HEARING.

The Planning Commission refused to consider the merit of my February 20, 2024 public comments about such new building construction noise impacts, and one Commissioner even implied that he had not read it.³ The Planning Commission failed to understand that at the previous January 17, 2024 Public Hearing, it had decided that it needed more information about the Project's allowable hours of construction. That limitation the Commission sought to impose was clearly intended to lessen the Project's construction noise impacts on neighbors. Construction noise occurring early in the morning can be sleep-disturbing. Nothing in the Addendum to the MND or Mr. Bollard's noise study had evaluated construction noise or the hours when construction would be permitted. For that matter, Bollard's noise study entirely missed any analysis whatsoever about the Project's building construction noise impacts.

So when the Commission reconvened the Public Hearing on February 21st, the fact that they were discussing construction timing meant that the public had the right to comment upon this new issue regarding construction noise impacts. Much of my comment letter addressed the Project's significant construction noise impacts. Deputy County Counsel William Carroll also noted as much when he stated:

“To me the Dale La Forest comments really depends, you know on why we why we are addressing construction? A big part of that letter is regarding construction. Here we're just addressing the work hours. Whether that's also implied to have some noise, then the letter would be relevant and I would tend to recommend receiving it, receiving it in for consideration.”

(See *Transcription of Planning Commission Public Hearing, p. 7, at time stamp 23:26.*)

² See my comment letter dated Feb. 20, 2024 on the Addendum to the Mitigated Negative Declaration for the Golden Eagle Charter School Use Permit, pages 5, 6 and 9, discussing the increases in noise levels from construction and from the school's outdoor recreational activities.

³ Commissioner Jeff Fowle discussed public comments and stated: “I'll be honest, if they did not pertain to one of those items, I did not look at them.”

COMMISSION FAILED TO CONSIDER FAIR ARGUMENTS ABOUT PROJECT'S NOISE IMPACTS

The Commission Refused to Allow the Public To Speak about Construction Noise Impacts.

The Planning Commission denied the immediate Project site's neighbor his right to speak about the school's construction noise impacts on his family's home and business. David O'Shaughnessy co-owns the Mt. Shasta Ranch B & B with his wife and wanted to comment about new noise issues that had been disclosed but had not been known about at the previous Public Hearing. Chairman Jeff Fowle stopped him from speaking on that subject because Mr. Fowle incorrectly interpreted construction noise as a topic the Commission could disallow comment upon. Mr. Fowle stated he only wanted to listen to comments about four areas of discussion for public comment: "the site map, ingress-egress routes, signage and warning lights on the road, and CalFire 4290, 4291 standards." (*See Transcription at 34:30.*) He seemed to have forgotten that Planning Director Hailey Lang had earlier stated that hours of construction was also a new issue that could be open for public comment, when she spoke about what occurred at the January 17th Public Hearing:

"I know there was a discussion about construction work hours being potentially extended, should the construction, you know likely occur within you know, the summer months. And so that's also added as a condition of approval for the allowance of that. So folks can get in there and get the work done."

(*Transcription of PC 2-21-2024 GECS Public Hearing, p. 3.*)

Jeff Fowle actually stated that the previous Planning Commission discussion did not consider construction time so it would be discussed at the next meeting on February 21st:

"The Commissioners raised a couple specific items for staff and project proponents to address: ingress egress, clear communication condition, showing meeting and consultation with OES, signs, lighting, warning for school, etc., condition on building hours, hours of construction. That's clarification on the square footage of the building and cleaned up language indicating meeting all CalFire regulations 4290 setbacks for fire safety." (*Transcription p. 7*)

And:

"I understand your comment relating the construction, I think at the last meeting, and I was going back and double check the minutes, it was simply in the original staff report, there was no mention of a window of construction time, which on similar use permits we have had, and it was noted it was missing. Staff came back and has it included as one of the conditions now, condition of condition eight is the OES, but so it's properly listed." (*Transcription p. 8*)

By denying such public comments during a Public Hearing like that, the Commission violated the Brown Act and deprived these neighbors of their right to speak about and hopefully protect themselves from the Project's excessive construction noise. The County has no noise ordinance that they could alternatively use during building construction, so their seeking some noise mitigation with further CEQA review was the only option for them. But the Commission would not hear of it.

Similarly, by refusing to consider my February 20, 2024 public comment letter about the Project's construction noise impacts, the Commission violated CEQA which is intended to remedy correctable problems like excessive noise exposure before they occur.

COMMISSION FAILED TO EXAMINE EXPERTISE BEFORE DECIDING TO IGNORE FAIR ARGUMENTS.

Paul Bollard, the applicant's noise consultant, attempted to defend his unprofessional noise study by attacking me rather than challenging anything that I had commented upon in my letter to the Planning Commission. He proudly described his expertise. But what he did not admit to the Commission is that his prior noise studies for Golden Eagle, when it first applied to build its school on Pine Street in the City of Mt. Shasta, had to be revised four times because of errors that he had made that I had discovered and commented upon then. Of course nobody likes being criticized, but when deserved criticism clouds someone's judgment, the public should take note.

He misinformed the Planning Commission by claiming that I am not a practicing acoustical consultant, even though he has seen my resume before since I often attach it to reports challenging his noise studies. (*See attachment to this letter for my updated resume.*)

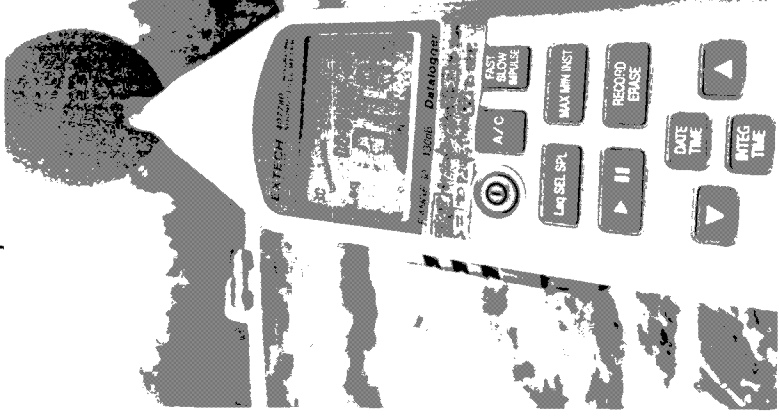
Mr. Bollard absurdly claimed that "... *there is no new information in that letter that would cause me to reconsider my findings of significance of noise impacts or add additional mitigation measures for this project.*" (See: *Transcription* p. 9). He was either lying or he failed to read that I had pointed out on page 1 of my letter, as prominently as possible there, that his noise study entirely omitted any mention or analysis of the construction noise that building a large 28,300 sq. ft. new school building would cause. He finalized his noise study⁴ on July 17, 2023 before the 28,300 sq. ft. new school building was added to the Project description and announced to the public for the first time for the Feb. 21, 2024 Public Hearing. He failed to update his noise study afterward. A fair argument can be made that his noise study and the Addendum to the MND are both blatantly inadequate because they do not evaluate the building's construction noise that would occur. For an acoustical consultant who claims to have prepared "1000s of noise studies over the years," one would think he knew that construction noise occurring within 400 feet of five neighboring residences can create significant noise impacts at those homes if not adequately mitigated.⁵ My comment letter adequately predicts that construction noise could exceed the County's standards and could create significant noise impacts at those homes. Those comments are fair arguments and they are supported by substantial evidence.

Yet this Project's noise consultant who was relied upon in the Addendum to the MND was not very believable at times. Mr. Bollard claimed to not know if I have noise measurement equipment. (*Transcript, at 33:53*) He must not have been serious. I do have many professional noise meters. He has even seen photographs of some of that equipment that I used when obtaining noise level measurements for my earlier report's noise test documentation that I submitted to the City of Mt. Shasta on October 5, 2020 when challenging his work for Golden

⁴ The Bollard Acoustical Consultants' July 17, 2023 *Environmental Noise Assessment* was never updated to include this proposed 28,300 s.f. school building's construction.

⁵ See my 2/20/2024 Comment letter, page 4, for a project vicinity map showing five homes within 400 feet of the new 28,300 sq. ft. school building's construction site.

Eagle at its previous Interstate-5 freeway site.⁶ This is a photo of one of the noise level meters that I then used and photographed for that report.



It is an Extech 407780 Integrating Sound Level Meter equipped with a 0.5-inch, pre-polarized condenser microphone with pre-amplifier. The sound level meter meets the current American National Standards Institute (ANSI) standard for a Type 2 general purpose sound level meter. It was my noise study using that equipment that induced the City of Mt. Shasta to add a condition to its approval of Golden Eagle’s project near Interstate-5 because Mr. Bollard’s fourth noise study was shown to be incorrect and its noise level measurements inadequate. It is entirely possible that Mr. Bollard’s erroneous assurances to Golden Eagle that the previous school site adjacent to a noisy freeway would be quiet enough for a school, that they didn’t immediately reject that property for development and move to the W.A. Barr Road property sooner.

FAIR ARGUMENTS WITH SUBSTANTIAL EVIDENCE OF GOLDEN EAGLE’S SIGNIFICANT NOISE IMPACTS.

To summarize the evidence that this Project might create significant noise impacts, I referred my February 20, 2024 comment letter which is attached. These summarized fair arguments are:

Mr. Bollard’s noise study, page 2, states: “The project proposes to utilize existing facilities on the site, and does not propose any substantive construction activities.” He however failed to

⁶ Four of my noise level meters cost over \$1,000 each; another one costs over \$4,000. Of course though it is entirely irrelevant what equipment I have because none of my public comments in my February 20, 2024 letter required any noise level measurements.

report that the proposed new 28,300 sq. ft. school building is not existing and its construction work would inevitably create construction noise.

His noise study's Project Area map, Fig. 2, does not even show this new classroom building.

During construction of that large school building, some nearby residential properties would be exposed to construction noise levels that would be 17 dBA louder than ambient noise levels, an increase that is universally deemed to be a significant noise impact.

This construction work could generate noise levels of over 72 dBA L_{eq} and over 69 dBA L_{dn} at homes up to 400 feet away, noise levels that could create significant noise impacts there because of how much louder those would be compared to existing ambient noise levels.

The "day-night weighted average" noise level during construction if measured at homes 400 feet from the equipment operations could exceed the County's noise standards and be significant at 67.6 dBA L_{dn} .

The noise levels from children playing at the outdoor tennis court could create significant noise impacts at the neighboring Mount Shasta Ranch BnB of about 22 dBA louder than the existing noise levels, representing a significant noise impact since any increase of more than 5 dB is typically considered significant.

That playground noise could cause serious sleep disturbance impacts to the BnB guests or owners, where the children's shouting noise levels could be 29 dBA louder than the existing noise levels in their guest rooms with their windows shut.

CONCLUSION:

For the above reasons and with the evidence in the attached comment letter, there are fair arguments that this Project will likely generate significant noise impacts. The County should uphold the Appeal and require that further CEQA analysis be conducted of the Project's noise impacts.

Sincerely,



Professional Planner, Designer, INCE Associate (Institute of Noise Control Engineering)
Dale La Forest & Associates

Attachments:

- DL&A Comment letter dated Feb. 20, 2024 on the Addendum to the Mitigated Negative Declaration for the Golden Eagle Charter School Use Permit
- Transcription of Planning Commission's 2/21/2024 Public Hearing for Golden Eagle Charter School
- Resume

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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.

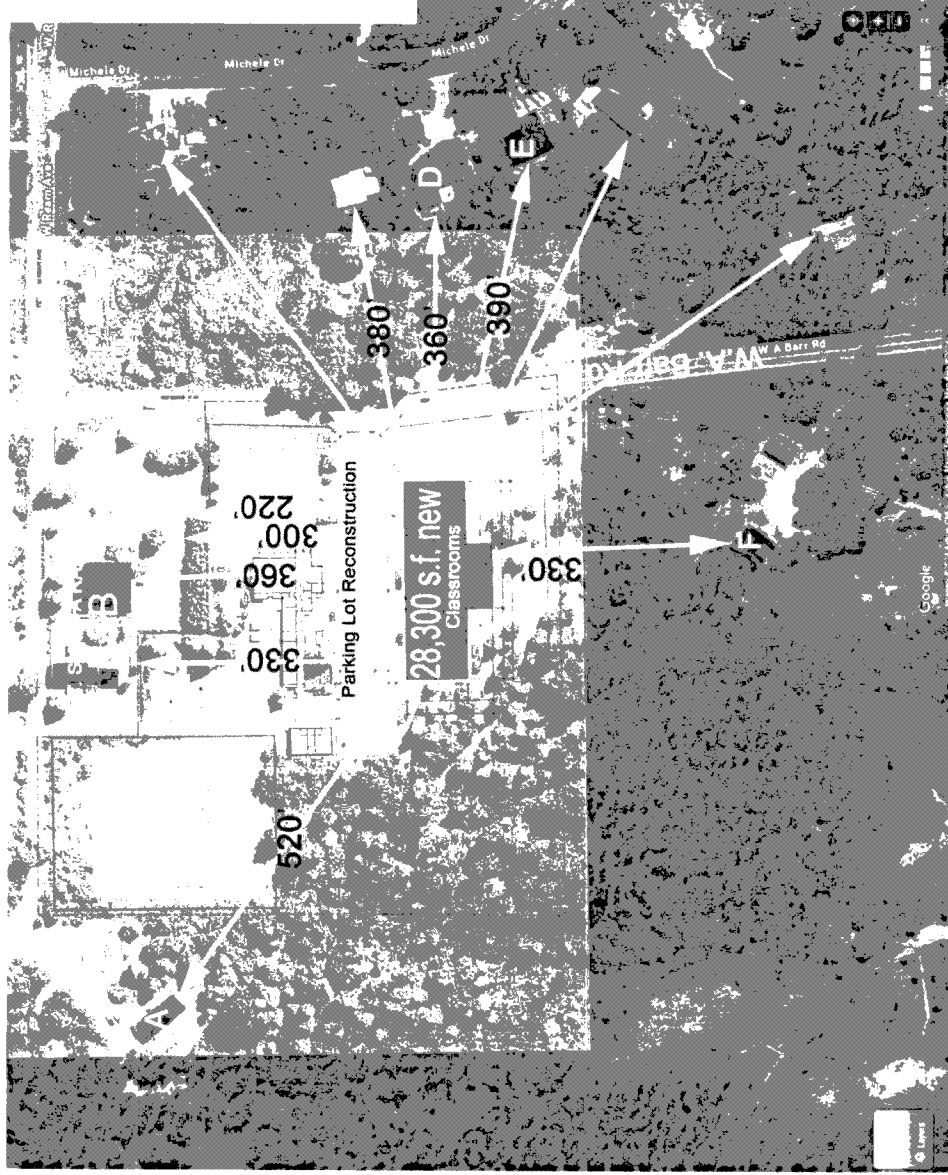
² For Bollard Acoustical Consultants’ Feb. 12, 2024 letter emailed to Siskiyou County Deputy Director of Planning Hatley Lang and the Golden Eagle Charter School, see the Staff Report, PDF p. 19.

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 Ballard 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

naill 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 Bernardino: 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: $dB_2 = 86 - 10 \times 2.0 \times \text{LOG}(300/50) = 70.4 \text{ dBA } L_{\text{eq}}$ (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

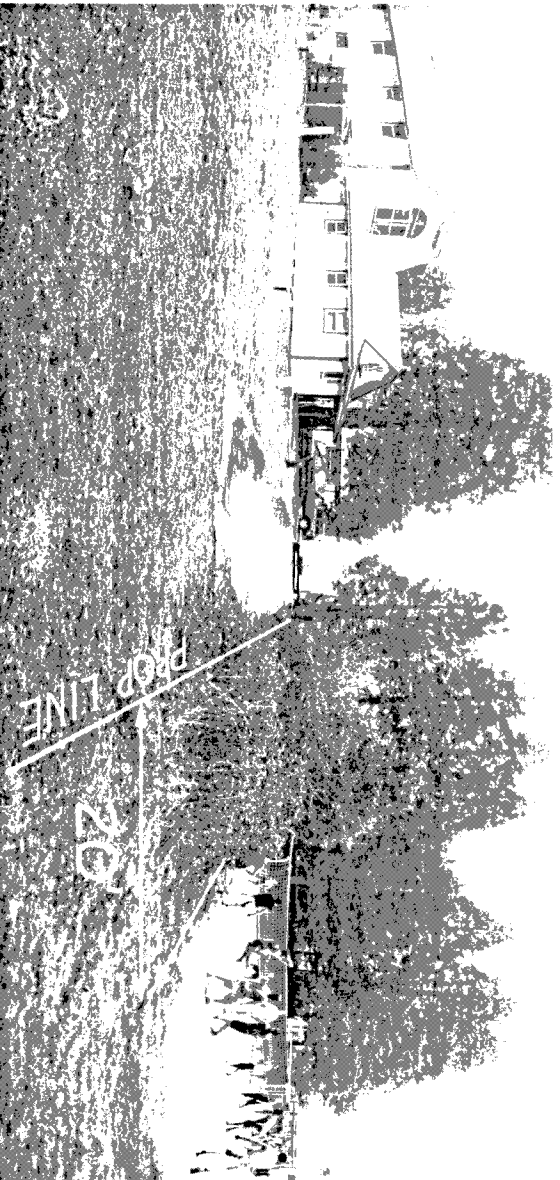
because it is more than the noise study's identified significance standard for noise level increases of 5 dB. Construction noise sometimes has an impulsive character from use of heavy equipment and even hammers or nail guns, thus requiring a correction of 5 dB being added to the predicted noise levels 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.”

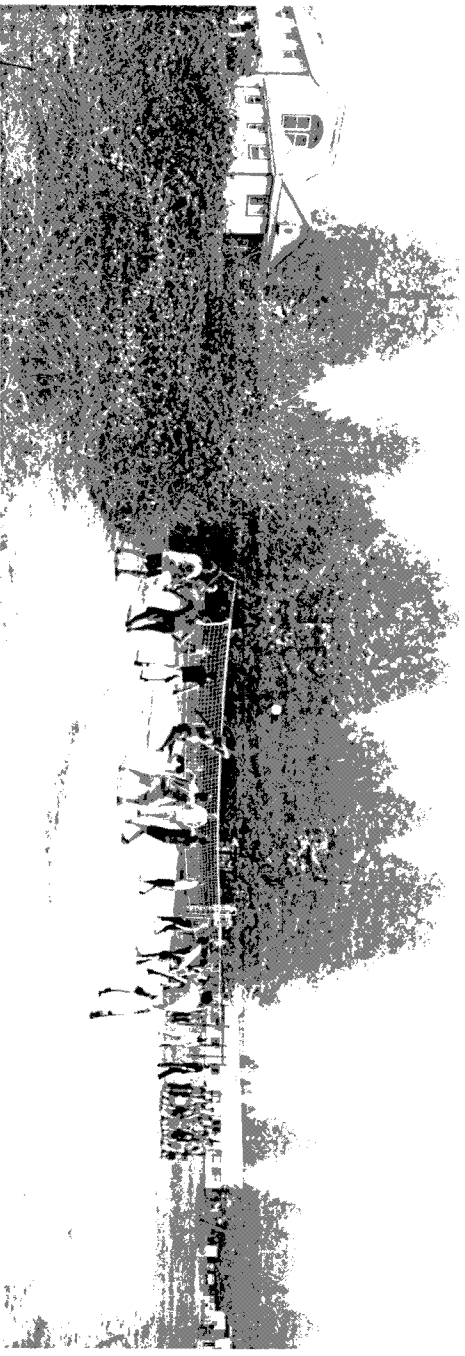
²⁰ To calculate a dB level at different distances from a source given a known dB level for a known distance:

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

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

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

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:

$$dB_2 = dB_1 - 10 \times A \times \text{LOG}(R_2/R_1); \quad dB_2 = 112 - 10 \times 2.0 \times \text{LOG}(68'/3') = \mathbf{85 \text{ dBA } L_{max}}$$

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). Winter only (or windows always closed).	0 - 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
Correction for Previous Exposure and Community Attitudes	Very noisy urban residential community.	-10
	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
Pure Tone or Impulsive	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
	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,



Dale La Forest

Professional Planner, Designer, INCE Associate (Institute of Noise Control Engineering)
Dale La Forest & Associates

TRANSCRIPT OF PUBLIC HEARING

Siskiyou County Planning Commission, Feb. 21, 2024
For Golden Eagle Charter School – W.A. Barr Road

Application for Condition Use Permit and CEQA Addendum to MND.

(From recording: "pc2024_0221_001") 54:24 minutes.

SPEAKERS (note: names of some speakers are uncertain)

Nick Trover, Project Manager; Chairman Jeff Fowle; Tom Deany, Director of Public Works; Chris O'Shaughnessy; David O'Shaughnessy, Neighbors; Jennifer W; Dusty Veale, Commissioner; David Theano; William Carroll, Asst. Cnty. Counsel; Clerk; Shelly Blakely, GECS Director; Paul Bollard, acoustical consultant; Loren Chilson, Civil Engineer; Blair Hart, Commissioner; Hailey Lang, Deputy Director Planning

The time stamp with each item below corresponds to the time stamp on the recording.

Chairman Jeff Fowle 00:00

I'll go ahead and call to order please stand and move your head where pledge of allegiance.

(multiple speakers) 00:07

I pledge the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Chairman Jeff Fowle 00:22

Ms. Janine, roll call please.

(unknown) 00:24

Mr. Hart's here, Commissioner Veale? Here, Commissioner Fowle? Present. Commissioners Mellow and Lindler are absent today.

Chairman Jeff Fowle 00:33

The next item are the minutes from the January 17th meeting, any questions, additions, modifications clarifications? So we'll do it and I have a second so Commissioner Veale move. Commissioner Hart, seconded. All in favor signify by saying aye. Opposed saying unanimous. Unscheduled appearances any person may address the Commission on any subject matter within the jurisdiction or responsibility the Commission the beginning of the meeting, or may elect to address the Commission on any agenda item at the time the item is called by the chair. Anyone care to address the Commission on items not on the agenda. Seeing none we'll move forward any conflicts of interest to declare all right documents all items presented become a permanent part of the record. Please deliver them to the clerk at the time. If

you are a speaker, please be sure to include your name and your address please. Names will be in the minutes, addresses will not. The availability of public records noted in the agenda run through briefly the public hearing protocol public is encouraged to participate in hearing process. Chair of the Commission will conduct public hearing through the following actions. You can find those also in your agenda items A through L. Right of appeal statement project sort of this planning Commission meeting may be subject to appeal within 10 calendar days of today's meeting. If the 10th day falls on a weekend, the appeal must be received the following business day. Please contact county clerk for information. Appeals must be submitted to the clerk's office. Together with the appeal fee of \$1,250. If you challenge the environmental review or the project proposal in court, you may be limited to raising only those issues raised at the public hearing or in written correspondence delivered to Siskiyou County Planning app or prior to the public hearing. Staff, are there any proposed changes or requested changes to today's agenda? ["No"] layers. Then we will move into old business. Agenda Item one Golden Eagle Charter school use permit up to 308 then number two certified mitigated negative declaration. And for everyone's information. The public hearing on this was closed at the last meeting. It was taken up by the Commission. The Commissioners had specific questions that both the staff were directed to address and the project proponent was asked to address. We will briefly open public hearing today comment again. Only on the new information that was requested to be brought before us today. No comments on issues primarily discussed that happened last month. So the comments today are narrowly focused on the information being presented in the staff report today, I'm guessing, by Miss Lang. So we're all on the same page. With that Ms. Lang. You have the floor.

Hailey Lang, Deputy Director Planning 04:44

Thank you. Good morning Hailey Lang, Planning Director. Rachel, would you mind pulling up the Site Plan? I can't see it. I'm sharing the screen with them and then yeah, and then if you could just zoom in a little bit surance southern that'd be helpful Okay, fair. Yeah. Okay, great. So based on the presentation discussion during the January meeting, the Commission had raised concerns related to ingress and egress, particularly during email emergency and evacuation instances as well as security and trespassing concerns. Other type of transportation concerns such as, you know, lightning, or the speed limit. And so, and also additionally 4290 and 4291 compliance. So the Commission had requested some modifications to the site plan, which is up here on the screen. And it's also within your planning Commission staff report package as well. And so, staff met with the project applicants, public works, often, and Brian Schenone Emergency Services and discussed the types of design modifications that would be satisfactory to the Commission related to the concerns raised with ingress and egress. And so, what we have up here and what we decided on was to widen the existing ingress and egress. So it would allow for you know, the two to weigh in ingress and egress situation should there be an emergency situation rather than I know, at the Commission meeting last month, we discussed you know, a loop around but based on you know, suggestions from also you know, public works in Warren Chilsen, the traffic consultant from headway, this is the design that was that was set on. Additionally, the blue hatching you see, there will be perimeter security fencing surrounding the property related to speed limits, public works is good with installing a 25 mile an hour sign posting near the school and so that is added as a condition of approval in the staff report package. In terms of I know, there was an initial discussion on some lighting or flashing lighting or things like that during the school session. And Tom D from public works can discuss later, but just felt that with the school being so close to the existing intersection and traffic, the lighting would potentially confuse more people. And

so that's not warranted at this time. So he didn't feel that was satisfactory, to install those types of measures with that related to 4290 and 4291 standards we discussed with CalFire. The project site currently meets 4290 and 4291 and, you know, any proposed modifications, it will continue to meet those requirements, which are formalized in our standard condition of approval related to CalFire compliance within the staff report package. I know there was a discussion about construction work hours being potentially extended, should the construction, you know likely occur within you know, the summer months. And so that's also added as a condition of approval for the allowance of that. So folks can get in there and get the work done. And so those are the the main comments and issues that were raised. And so we have a Site Plan up there for your review. Additionally, oh, and then lastly, this is this has been a condition of approval, but it there's a condition of approval that the applicant must work with Brian Schenone from OBS on an evac plan. And so you know, to satisfy any of those issues and so that will be submitted and reviewed and approved by the OES. Brian Schenone prior to permit issuance. And so let's see I also wanted to touch on there's three emails I have printed out for your review related to the square footage. So there was a discrepancy in the square footage, you know initially read 23,800. It's actually 28,300. And so we have the emails from the consultants memorializing that, with that typographical error, you know, the footprint was at the 28,000, that was analyzed. And so it does not change the results from the technical studies, but I have that just to be a part of the record today. And let's see, we did have a number of public comments, letters that were submitted, which, if up to the Commission we can discuss today. But there was a comment letter prior submitted by I believe the BnB next door related to the noise and so Paul Bollard from BAC had submitted a letter, their response letter raised on the concerns submitted by the BnB. So I attached that as the, you know, into the supplemental staff report for your review. And that concludes my comments, and I'm happy to answer any questions. I do want to note that Paul Bollard from BAC who conducted the noise analysis, he's here today if you had any specific technical questions for him related to any of the latter public comments that have been received. Also, Lawrence Wilson is here. The traffic study he's here in person, should you have any specific questions related to those issues? I believe ENPLAN who conducted the bio study there on the call in case you had any last questions for them? And then also, Shelly Blakely, and Nick Trover, from Golden Eagle Charter School on the project applicant team are also here in person. Should you have any specific questions for them?

Jennifer W 12:04

Okay, Commissioner Veale?

Dusty Veale, Commissioner 12:07

Yeah. On the two driveways in and out of those one way in and one way out? And what is the width?

Hailey Lang, Deputy Director Planning 12:14

The width, zoom in on one I know they meet the width meets the CalFire standards.

Dusty Veale, Commissioner 12:25

It doesn't say Oh 20. Okay. The gate's 20. So the driveways in his 20 as well as? So they're both 20, and they're one way in one way out of both? They can use either way. Yeah.

Hailey Lang, Deputy Director Planning 12:42

Yeah. Yeah. During an emergency. Yeah. Okay.

Chairman Jeff Fowle 12:48

Any other questions from Ms. Lang? Okay. Would you like them to bring up the project proponent to address? Okay, so the project proponent engineers who are here to address the requested information. Please remember to give your name and address and your affiliation with the project and the floor is yours? No, that this is these are the professionals on the project who created and worked with staff to address the Commission's concerns.

Nick Trover, Project Manager 13:31

Thank you, Nick Trover, Trover Construction Project Management, under (inaudible) Golden Eagle Charter School, address 974 Forest Avenue, Chico. We're here to answer any questions that the council has. After our last meeting, we discussed the issues that Hailey brought up to you. We talked about a couple different ways with staff on how to do additional driveways and came to this solution. We've looked at other routes up to the north or down to the south and back around and county staff, and Fire. Everybody agreed that this is probably the best option to leave any concerns about emergency access. Additionally, we identified the fencing location just to show him keeping kids in the site. I know there were some letters that came in since the last meeting. But if the council is in agreement, it sounds like that. Those letters. I don't know if they're going to qualify for additional public comment after we close public comment at the last meeting that if they don't address the issues that are still outstanding. One of them was the letter from Dale LaForest came in late yesterday. But most of that's going to be addressed today or if there's concerns with that because it doesn't I don't think we're there any more noise concerns when we last left so I don't know if that will be in the public record to talk about or not. So any questions you guys have for me.

Chairman Jeff Fowle 14:54

So I do have one for you. Related to the day I'd seen a month and a half ago, there was a during the open comment period letter with concern of potential trespass slash kids headed west onto a parcel. And I noticed with the new site map, that you have a blue dotted line for fencing. And it disappears on the southern end, about halfway across the parcel. Is that fence going to continue to the west, and then head north to eliminate that potential trespass issue of kids to the southwest parcel?

Nick Trover, Project Manager 15:47

I think ultimately, it would, I would love to show that you can speak more in detail about that. But I know typically, we try to have a fully enclosed school area, it is difficult because of all the trees, so we'd have to identify if we're going to actually fence off the entire parcel, or connected into buildings or something like that, where there's areas that are not fenced because they would just be difficult to try to fence through trees.

Chairman Jeff Fowle 16:09

But the plan is there to eliminate that concern?

Nick Trover, Project Manager 16:12

I would, Shelly?

Chairman Jeff Fowle 16:15

Come up to the mic, please. And then make sure you introduce yourself.

Shelly Blakely, GECS Director 16:19

Hi, I'm Shelly Blakely, Golden Eagle Charter School director. Address 115 North Adams drive Mount Shasta. I will say on the south west end of the property there that connects to the Larry Wienermeyer environmental property there where there's trails and stuff like that it'd be really hard to fence right there. We could but you know, like you can see there's so many trees in there. I don't know if that's really a concern. I think more the neighbors to the south of us were concerned. Because it's really open right there between where the field is and their house. And that's why you want to put that blue fence there to address that.

Chairman Jeff Fowle 17:09

Okay. Thank you. Either of you have questions for the gentleman?

Nick Trover, Project Manager 17:19

All right. I will (unclear) if there are more questions after we do have other comments if there are questions that we can answer, please. Yeah.

Dusty Veale, Commissioner 17:25

At the last meeting we went through was opening revisits and the different types of activities businesses that can occur there right now, without any additional use permits any permission from anybody. When you did this analysis, did you look at any of those other potential impacts of other businesses being there and how they would affect the neighbors?

Nick Trover, Project Manager 17:57

I honestly can't recall what the approved uses are for that. Liquor Store?

Chairman Jeff Fowle 18:02

Yeah, I think it's commercialization summarization.

Nick Trover, Project Manager 18:05

Yeah. So basically, you know, I think we're going to say we wanted to we could build a convenience store there and have a bunch of traffic coming in. Now, that's obviously not what we're doing.

Dusty Veale, Commissioner 18:13

W.A. Barr in the summertime is like a freeway. So, to the Lake. So I'm asking the question. Yeah,

Nick Trover, Project Manager 18:20

We didn't I don't believe any of the studies that identified any uses that we know that we didn't plan on the plant uses for the school. So we didn't, you know, identify other potential use of you have to plan and you know, how big of a building for this convenience store, let's say how many people going in and out. And we didn't do what he started to associate with stuff. It was not planned.

Dusty Veale, Commissioner 18:41

I didn't forget that. I did visit the site. And I talked to the business manager, Mrs. McIntyre. Yes. And she told me what was going on here. And nice luncheon in Mt. Shasta. Yes. So

Nick Trover, Project Manager 18:59

Did you have a specific direction you were trying to head? Or...

Dusty Veale, Commissioner 19:04

That seems to be a pretty big contention here with a couple of neighbors or some noise. And you have a certain standard, you have to meet at the property boundary period. That's probably you meet that or you don't get the project. If you meet that standard, I don't have a legal way under CEQA to refuse a permit project now. That's political question that goes up to the next level who make those decisions. So that's why I'm asking I would just if there was any kind of comparison, just so the public would know if it was down (unclear), or that they turned it down, and then the entity that owns this decided to sell it and something like that came in then nobody has any control (unclear) correction. So these are the consequences of that mistake.

Nick Trover, Project Manager 19:57

Correct. Somebody can go in there and build whatever they want. that fell in to the entitled rights, and nobody could say nothing or say anything about it. And it can be a very noisy, noisy proposition that nobody can stop. Right?

Dusty Veale, Commissioner 20:10

So it's it's, it comes down to people's property rights. Right, go through the process. And as long as they meet the standards under the CEQA checklist, all those different Guidelines, then, again, I just haven't any way that I can say 'no' to a project, even though I don't agree with it or not. That's a political call. So that's...

Nick Trover, Project Manager 20:37

Correct. And I'll just reiterate that we try to be a good neighbor, you know, we're a school we're not a, you know, we're not some for-profit entity trying to make a bunch of money off of this, you know, we're trying to be good neighbors and do and do what we can to make sure we're having a minimum impact on the neighborhood the area. Thank you. And if there's any specific sound questions, like we said, we've got our sound consultant and our traffic consultant here.

Paul Bollard, acoustical consultant 21:02

Good morning, Commissioners for the record. Not sure. Is the microphone on? For the record. My name is Paul Bollard, I'm with Bollard Acoustical Consultants. It's nice to see you again. My office is in Auburn, California. And the only reason I came up is because we did receive that 11th hour letter at 5pm last night from Mr. LaForest, 15-page letter. I am I have read it. And I'm prepared to put responses under the record. But if the public hearing is closed, and that read that letter is not admissible, I will sit down it's your discretion.

Chairman Jeff Fowle 21:33

So have a seat here for a minute. I'm going to have a brief dissertation with counsel. And we'll answer that question. So counselor. My direct question for you. There was officially a motion that we followed the procedure last month, we closed public comment. The Commissioners raised a couple specific items for staff and project proponents to address. Ingress egress, clear communication condition, showing meeting and consultation with OES, signs, lighting, warning for school, etc., condition on building hours, hours of construction. That's clarification on the square footage of the building and cleaned up language indicating meeting all CalFire regulations 4290 setbacks for fire safety. Comments were sent in? I'll be honest, if they did not pertain to one of those items, I did not look at them. Are we standing on strong legal ground to continue with the specific focus on those items brought up by the Commission that we directed staff to come back to it? Right.

Paul Bollard, acoustical consultant 21:42

Thank you.

William Carroll, Asst. Cnty. Counsel 22:26

You know, unfortunately, it's a little bit fuzzy. We do have the issue of the construction work hours and why do they have those hours as it relates to noise. Also, generally, public comment at the public hearing was closed. So normally that would be the end of public comment. We did continuing to take it today. Generally, I would tend to want to be conservative and allow comments. And to the extent that any comment might relate to what the planning Commission wanted further investigation for this meeting, then I would receive that. To me the Dale LaForest comments really depends, you know on why we why we are addressing construction? A big part of that letter is regarding construction. Here we're just addressing the work hours. Whether that's also implied to have some noise, then the letter would be relevant and I would tend to recommend receiving it, receiving it in for consideration.

Chairman Jeff Fowle 24:55

So all of the electronic comments that we received are going to be part of the record. It is up to the Commission, the weight we placed on those based upon the direction that we had with staff at the last meeting.

William Carroll, Asst. Cnty. Counsel 25:11

Yes. [Okay.] Yes. I mean, there they are. Right there actually, they're going to be part of the correspondence record for sure because the hearing is not closed. And, as I said, tend to be a little bit conservative. And they can relate to what the Commission asked to be addressed at this meeting, then I would think they're fair game for consideration.

Blair Hart, Commissioner 25:37

These came in last night at 5 o'clock. But we closed the hearing a month ago.

Chairman Jeff Fowle 25:42

Right. That's my question for counsel. Because I, personally, I've got, I take issue, getting comments at five o'clock last night on issues which are not part of the direction to staff. I have no problem receiving public comment on those issues, which we directed staff to come back with clarification or more

information. I understand your comment relating the construction, I think at the last meeting, and I was going back and double check the minutes, it was simply in the original staff report, there was no mention of a window of construction time, which on similar use permits we have had, and it was noted it was missing. Staff came back and has it included as one of the conditions now, condition of condition eight is the OES, but so it's properly listed. So that's why I'm asking you. Well, we can all grab our pillows, sleeping bags and go through endless comments over stuff we've already talked about, but was not. It was addressed by the Commission. We have a narrow focus today, right? If it's sufficiently unrelated, to the purpose for hearing today, then it does not have to be considered by you.

Blair Hart, Commissioner 27:05
Yeah, this is what Mr. LaForest does.

Chairman Jeff Fowle 27:17
Yes. Oh, I'm allowing. I'm just making sure we have counsel on the record. Okay. So Commissioner Hart, you have a question.

Blair Hart, Commissioner 27:25
I'm questioning counsel. There isn't anybody sitting here that is a noise expert. I can't tell you whether Mr. LaForest's study is right. Or the consultant is right. But under CEQA process, when an applicant comes in and pays his fees, the County does an Initial Study to determine what type of environmental review is required. In this case, we needed a noise analysis. They then go and put out an RFP request for proposals to do this amongst various contractors. It's an objective review. So you have another competing study that's come at last hour, I have no way to judge whether what he is saying is correct. Or what the contracted consultant is doing, as paid for by the project proponent. But the project proponent has no involvement in the study and the analysis that they do for the County. In process, I understand what CEQA and with NEPA should this thing go into court, the judge is not gonna decide who has the best correct science. He's going to make his decision based on law on legal process. Am I correct?

William Carroll, Asst. Cnty. Counsel 28:59
Yes, at this stage where we have a CEQA addendum, and we don't have a Mitigated Negative Declaration, or EIR. The question can be is there a fair argument, not whether, as you just said Commissioner Hart, whether who's right or who's wrong or who has the better argument doesn't matter? If there are two competing opinions and one of the opinions is supported by fact, and indicates there could there could be a significant environmental impact and really the next stage is if there's a fair arguments and CEQA would normally dictate that we go to a mitigated negative declaration then rather than an Addendum, Mr. LaForest's letter comes in at the last minute after public hearings been closed. on an issue that the planning Commission didn't explicitly asked to be heard. So, you know, it's a little bit tricky. But you're, you're generally correct. Where there's two competing arguments, then we normally go to a Mitigated Negative Declaration or an EIR.

Chairman Jeff Fowle 30:27
Hang on one second. So, counselor, to be clear, in C-U/Residential, by right, there could be a liquor store here, a gas station convenience store, an auto body shop, a laundromat, businesses that would

be open 24 hours a day, seven days a week, by right. And there would be no need to come before us to do that. Which would increase lighting, have increased traffic, and have increased noise. Correct?

William Carroll, Asst. Cnty. Counsel 31:12
Correct.

Chairman Jeff Fowle 31:13
Thank you. Okay. If you feel that you really need to you can.

Paul Bollard, acoustical consultant 31:20
I do. For the record, again, this is Paul Bollard, Bollard Acoustical Consultants. I'll be brief. And I want to speak to this this fair argument discussion, because I've seen Mr. LaForest's work for 25 years in his last minute letters that come in, and he never shows up to testify. And in my professional opinion, we don't have a disagreement amongst two experts. We have a disagreement. But I have, by way of qualifications, and forgive my lack of humility here. I've been doing this for 35 years. It's the only career I've ever had. I'm a board certified member in the Institute of Noise Control Engineers. I've been recognized as an expert in California state of law, courts of law, guest lectured in university acoustics courses, and just practice and literally prepare 1000s of noise studies over the years, many in your beautiful county. Mr. LaForest, on the other hand, I don't know what his degree is, and I don't know if it's a science degree. He has not been a practicing acoustical consultant, he was reprimanded in Oregon for trying to practice on one case, from my understanding. He refers to himself as sort of a professional commenter, so, and he allegedly joined the Institute of Noise Control Engineers, which you can do without having to take a fundamentals exam or an expert's exam, both of which I've passed. But we've checked, and there's no record of him actually being a member of that organization. So I just submit to this body that, that there are vastly different levels of expertise here. And so I have reviewed the LaForest letter extensively. I'm not going to go into it in detail this morning. But there is no new information in that letter that would cause me to reconsider my findings of significance of noise impacts or add additional mitigation measures for this project. So that's really what I wanted to say, on the record. If you have any questions, I'm here for you. So, thank you.

Chairman Jeff Fowle 31:21
Okay.

Blair Hart, Commissioner 33:14
Yes. So in your business, I'm sure probably yearly, or maybe every five years, you have to go through and get everything certified. All your equipment has to meet certain standards, correct?

Paul Bollard, acoustical consultant 33:21
Absolutely. Right. And it's expensive equipment. And it's expensive to maintain it and to be certified with National Bureau of Standards. And I have to renew my board certification every five years, and I have to attend conferences and get education in order to maintain that certification. And I have done that for the last 20 years.

Blair Hart, Commissioner 33:48

So back to the letter that Mr. LaForest has, he doesn't have any of those qualifications. We do not know what kind of equipment he uses?

Paul Bollard, acoustical consultant 33:53

No, he does not. I don't even know that he has equipment.

Blair Hart, Commissioner 33:59

So to me, the fair argument issue goes right out the window.

Paul Bollard, acoustical consultant 34:03

That's my professional opinion.

Blair Hart, Commissioner 34:06

That's my opinion. I've done enough of these studies, stuff I've done with my business. Just can't see a fair argument being made here. Because I could come in and throw out the same thing and I have no qualifications. I don't bring any bonafides to the table to justify what I'm saying. And so, thank you.

Paul Bollard, acoustical consultant 34:27

Thank you for your time.

Chairman Jeff Fowle 34:30

All right, so we are going to do a brief. So we've had staff, project proponents present. I'm going to open, reopen the public comment period. For those wishing to comment specifically on the site map, ingress egress routes, signage and warning lights on the road, and CalFire 4290, 4291 standards. Those are the four areas of discussion for public comment. We will start with those in support. First, I'll call your name. And if you still wish to speak on one of those four, please come up, introduce yourself with your name and your address and address the Commission. First name I have is Hazel White.

clerk 35:46

She she doesn't have a comment.

Chairman Jeff Fowle 35:49

Okay. All right. Jennifer White?

Jennifer W 35:53

I don't either. Okay. David Theano.

David Theano 36:01

Thank you. My name is Theano, 5390 River Avenue and Dunsmuir is my address. And I have plenty of great things to say about Golden Eagle that are not specific to this. So I will just address the ingress egress and safety security argument. So I'm the program manager for our current high school program at Golden Eagle Charter School. Our address is 2226 South Manchester Boulevard on the Cutoff Road between the highway 89 on ramp off ramp and the I-5 so that little cut off the south of Mount Shasta. And I just want to comment on what a vast improvement the proposed situation here is to our current

position, which is the old Sardi's building. It was optimized decades ago for hot tub sales and RC controlled helicopters in Colorado installs. But we've been running high school out of it for a decade and a half. So just to offer my support to the fact that this ingress and egress plan and all of the safety and security measures that are being provided for this are a vast quantum improvement over what my students currently enjoy. So thank you for your consideration and time. Thank you.

Chairman Jeff Fowle 37:02

Anyone else wishing to speak in support on those four items?

Loren Chilson, Civil Engineer 37:13

Good morning, Loren Chilson with Headway Transportation ... prepared the traffic study and I'll just make myself available for questions but reiterate that we did work through with County staff. All of those issues, have a good driveway designed to discuss flashing lights, school zones and those things that have been reflected in the conditions now. But I'm here for any questions you may have.

Chris O'Shaughnessy 37:31

My name is Chris O'Shaughnessy, 1008 W.A. Barr Road. As shown on the BAC's Figure 3, noises from a falling pin drop to a 12 gauge shotgun are shown on the sheet. Curiously missing the 110 decibel noise level of six to 14 year olds playing on the playground. We have guests that are sleeping approximately 28 feet from this activity. So those kinds of noise levels are going to be unacceptable. The DNL noise levels is a noise average over 24 hour period because the DNR represents a 24 hour period. Okay.

Chairman Jeff Fowle 37:31

Thank you. Okay, thank you. Any other support on those four items? Okay. I now will go through the I have two names here in opposition. I will call your name. If you're still have questions or opposition to those four items, please feel free to come forward. David O'Shaughnessy?. I'm gonna hold up here. Do you have anything in opposition to the ingress egress routes, the signage and warning lights? The CalFire regs for the fencing. Those are the four topics that we kept open for public comment. Everything else was from last month. (interrupted)

David O Shaughnessy, Neighbor 38:50

We really didn't understand the process.

Chairman Jeff Fowle 39:01

Okay, I'm letting you know. Do you have any concerns about those four items?

David O Shaughnessy, Neighbor 39:05

You've got documents showing things. We believe that the consultant is the best that money can buy.

Chairman Jeff Fowle 39:14

Okay, I'm going to ask my question one last time. Do you have comments? (Unclear; two people speaking at same time.)

David O Shaughnessy, Neighbor 39:19
Yes, we do.

Chairman Jeff Fowle 39:19
Do you have comments on those four items?

Chris O'Shaughnessy 39:21
Okay. Noted. Thank you. Thank you. So that takes care of both Chris and David, correct?

David O Shaughnessy, Neighbor 39:21
Yes, we do.

Chris O'Shaughnessy 39:21
The other thing we wanted to say was and I heard Miss Lang talk about it, that maybe the speed limit on Ream and W.A. Barr should be set to 25 miles an hour. The Charter school will have people not all parents will be able to have drop off and pick up their kids walking or riding bikes and skateboards and stuff on Ream Road and W.A. Barr Road without sidewalks. We think it would be a hazard. So we're hoping to get you guys would do something to facilitate the pedestrian traffic.

David O Shaughnessy, Neighbor 40:02
Okay.

Chairman Jeff Fowle 40:02
All right. Any other opposition on those four items? Okay. We will close public comment. We will take it back to staff or Commission and Commission. Mr. Hart, I know you had a question on a condition and I still have one on a condition. Just for clarification. clarification. Mr. Veale. Do you have any questions? Go ahead.

Dusty Veale, Commissioner 40:31
So when it's all but said and done, and who has the final arbiter on the onset of traffic pattern or ingress and egress? Is it the county? Is it the state? Is it the planning Commission? Is it the traffic engineer? Who says, Okay, this is this is what will be approved?

Hailey Lang, Deputy Director Planning 40:52
Right, well, it's site specific rights. So it depends. But, you know, for example, W.A. Barr is a county-maintained road. So ultimately, you know, the county would have a lot of say, and

Dusty Veale, Commissioner 41:03
I know that a state highway you have,

Hailey Lang, Deputy Director Planning 41:06
Correct, yeah.

Dusty Veale, Commissioner 41:07

That's it. That's fine. But in the county, it's the county road department?

Hailey Lang, Deputy Director Planning 41:13

Um hmm. Yeah.

Dusty Veale, Commissioner 41:14

That's it.

Hailey Lang, Deputy Director Planning 41:15

Right. Right. For encroachments and things of that nature.

Dusty Veale, Commissioner 41:21

So that was it.

Chairman Jeff Fowle 41:23

Commissioner Hart?

Blair Hart, Commissioner 41:24

So why haven't we heard anything from the City of Mt. Shasta? They claim sphere of influence. We have to address that when we're doing big action items down there and they didn't provide any comment in one way or another about anything down there, even though it's within close proximity. And they've had ample opportunity to chime in.

Hailey Lang, Deputy Director Planning 41:46

Yeah, we haven't received any formal comments around the city and Mount Shasta staff.

Dusty Veale, Commissioner 41:51

So that would mean they didn't ... (unclear)

41:54

They saw no problem (unclear) about what's there. Yeah. Well, that's because that just surprises me that I would have thought they would have voiced some kind of concern about traffic and foot traffic (muffled, unclear). My next question here was the Lake Siskiyou Mutual water company connection has to be approved? If they don't approve it, the project's dead, correct? Correct?

Hailey Lang, Deputy Director Planning 42:21

Yeah, correct. But we already have a will-serve letter that was provided from Lake Siskiyou mutual water company. So that intention is there to fulfill, you know, that need to switch over to their system. And so that's a part of the record as well.

Dusty Veale, Commissioner 42:38

And so the sewage is there (unclear), just like the Mt. Shasta Highlands?

Hailey Lang, Deputy Director Planning 42:46

Um hmm.

Blair Hart, Commissioner 42:46

Wouldn't that be a come first, you'd want to know that you have water available before you went through all of it?

Dusty Veale, Commissioner 42:51

When they have the will serve letter. (Unclear; multiple speakers at once). Birds change, right? And all this politics change and make you decide? Well, we're full bill that we're not going to provide. So you know, if you've already got that letter in hand, and then you change board members, by the time they get around to construction, and they didn't pull that back, then what?

Hailey Lang, Deputy Director Planning 43:14

If they pulled back, then the project would have to be reevaluated, I would assume.

Dusty Veale, Commissioner 43:19

Or is that a civil issue between the project proponent and

Hailey Lang, Deputy Director Planning 43:23

yeah, I could see that potentially being a civil issue.

Dusty Veale, Commissioner 43:26

I don't see the County getting drug into that.

Chairman Jeff Fowle 43:28

Are there any other questions right now?

Dusty Veale, Commissioner 43:34

(unclear) ... conditions last year,

Chairman Jeff Fowle 43:36

Okay. So the one condition I have is specifically on condition 15. And so 15 says, "a", meaning singular, 25 mile an hour sign shall be installed. Do and this is a counselor perhaps question for you. Based on the site map if you zoom out the property that is noted as part of school activity, does border two roads. Should there be more than a singular 25 mile an hour sign?

William Carroll, Asst. Cnty. Counsel 44:33

(unclear) I'll appoint Ms. Lang to answer. I am not sure it is a question for me.

Hailey Lang, Deputy Director Planning 44:38

Through the chair. We do have Tom Deany, Director of Public Works here and he can probably speak to the quantity (unclear).

Chairman Jeff Fowle 44:46

So please come forward. And the question is specifically in regards to the safety of the children and a parcel that is school property bordering two roads. Can you allay the fears potential fears of high traveling speed cars traveling at a high rate of speed?

Tom Deany, Director of Public Works 45:10

Yes. Tom Deany, Director of Public Works, Siskiyou County, my office address is 1312 Fairlane Road. So the question is, I understand that we got W. A. Barr and we have Ream. Public Works' plan would be to put a 25 miles when the children are present sign on Ream Avenue on both sides of egress and ... (interrupts) ingress egress, Yes. The in and out right there. Because that's pretty much what is standard by the MBU TCD Manual of Uniform Traffic Devices. I would caution against trying to put additional signage on W.A. Barr for several reasons. One, that is not where you're going to be experiencing the influx of cars and children, they'll have to make the turn off of Ream first. You could probably get by with one sign, but I would still recommend two, and that's what public works will put in. We're allowed to do that outside of Planning Commission's because the you're gonna have a drop in speed when you're making that hard turn in there. W.A. Barr is a high traffic area, and it's likely counterintuitive, but we don't want to add a bunch of signs or flashing beacons there because it distracts the drivers. Study after study in both California and nationwide have shown that the lower number of signs you have on a road, the more attentive that the drivers are. So if I put a sign up there every 30 feet saying, hey, there's kids, no, really there's kids look, there's a flashing light, there's kids, people are gonna be looking at the sign. And it's, it's not what we want to do.

Blair Hart, Commissioner 46:59

Where are you going to put the sign right at the intersection?

Tom Deany, Director of Public Works 46:59

No, I will do the, the signs will be on Ream only. And it'll be after that turn, I'll have to go out and measure to make sure I have the proper distance for the signage. But I think more signs around the intersection of WA Barr and Ream are not the answer to our problem, I think will cause more inattentive driving right there.

Blair Hart, Commissioner 47:22

So you're gonna have one 25 mile an hour sign? How far up north from the entrance to the school, or to the church?

Tom Deany, Director of Public Works 47:34

I would like to get at right at 300 feet, but I don't know the distance. So I'm gonna have to go measure it.

Blair Hart, Commissioner 47:39

So how far south?

Chairman Jeff Fowle 47:41

300 feet from both sides? Yes.

Blair Hart, Commissioner 47:45

And there's no there's no driveway out of thi site on the Ream?

Tom Deany, Director of Public Works 47:53

Not on the plans that I saw. Now, if there were to be one, then we would adapt and add signs there as well.

Chairman Jeff Fowle 48:01

All right, thank you. You've addressed that question.

Blair Hart, Commissioner 48:04

Thank you

Hailey Lang, Deputy Director Planning 48:08

Through the chair? So staff can make a lot of a slight modification to the condition of approval number 15 to read 25 mile an hour signs will be installed to the satisfaction of Public Works?

Chairman Jeff Fowle 48:19

That's exactly the amended language I wrote down here. Great minds think alike. Thank you. Okay, condition 15 was added. And we have condition 14 specific six to six. I personally think you should go later in that but okay, your project proponents good was six to six I'll live with it. And we have the clarity on the 4290 4291 and it is been noted that we now have consistency in the square footage that clarification was taken care of. Any other questions from Commission?

Dusty Veale, Commissioner 49:06

Okay, I've got questions (unclear) was coming in. Okay. After you already closed the public hearing process and that's what my frustration with a lot of stuff comes in afterwards. Yep. raises some issues. Because puts us in a bad spot. Yes.

Chairman Jeff Fowle 49:34

You're fine? (Yes) My questions from previous meetings staff and project have addressed. I would entertain a motion or other questions should the Commission so have them?

Dusty Veale, Commissioner 49:49

One question to staff, Brown Act, regulations or notification to the public. When this project first went out, what is the procedure Staff has followed? How do you notify them?

Hailey Lang, Deputy Director Planning 50:06

Do you notice the project when it's getting ready for planning Commission? Is that what you're asking? So we send out the public hearing notice in advance 300-foot buffer to the neighboring properties. And then we also post it on within the the legal section of the newspaper. We also post the agenda and staff report materials, at least or around 72 hours. Prior to meetings are typically that historically, we've posted them on Fridays to meet Brown Act.

Dusty Veale, Commissioner 50:45
I'm gonna go back 20 years ago there were some projects in South County that Supervisor Erickson wanted notification out to a mile adopted specifically with rock quarries, construction, cement plants, all of those people within a mile radius were notified. That doesn't apply?

Hailey Lang, Deputy Director Planning 51:12
Right.

Dusty Veale, Commissioner 51:14
Just 300 feet of the properties next to the project side, or 300 feet out, you could have multiple people.

Hailey Lang, Deputy Director Planning 51:24
It is next to the project site. Great

Dusty Veale, Commissioner 51:26
So you could have a property right here. And he's only got about 100 feet beyond that __ (unclear) __ neighbor within the 300 foot. He isn't notified, correct?

Hailey Lang, Deputy Director Planning 51:41
Yeah.

Dusty Veale, Commissioner 51:42
And when you put that public notice out, what's that requirement? I know you're, you're required to post it here.

Hailey Lang, Deputy Director Planning 51:49
We post it here, we post in our office. we posted it on our website ...

Dusty Veale, Commissioner 51:54
newspaper,

Hailey Lang, Deputy Director Planning 51:55
newspaper.

Dusty Veale, Commissioner 51:56
Is there any specific requirement that you have to post in every municipality within the county?

Hailey Lang, Deputy Director Planning 52:04
No.

Dusty Veale, Commissioner 52:09
That's just process. I just (interrupted)

Hailey Lang, Deputy Director Planning 52:10

Correct. Yeah.

Dusty Veale, Commissioner 52:11

So the public knows through this kind of get that happens before I know how many times oh, you're violating Brown Act. We rely upon you folks to get that right. (unclear)

Hailey Lang, Deputy Director Planning 52:24
Right. Correct.

Dusty Veale, Commissioner 52:24
(Unclear) Okay. seen that? transpire?

Chairman Jeff Fowle 52:33
Anything further? I'll entertain a motion from one of you.

Dusty Veale, Commissioner 52:39
Right. I move that we adopt Resolution 2023-019, with the amended language to Condition of Approval 15 regarding 25 mph signs, of the Planning Commission of the County of Siskiyou, State of California, Approving the Golden Eagle Charter School Use Permit (UP-23-08) and CEQA Addendum #1 to the Mitigated Negative Declaration for the Evangelical Free Church of Mount Shasta (State Clearinghouse No. 1996052035 and State Clearinghouse No. 1996104248) Agenda Item. New business I'll give a wait one minute for those in attendance who are leaving to leave before we start.

Chairman Jeff Fowle 52:43
... with the amended language to Condition 15, regarding 25 mile an hour Is there a second? On second? Okay, moved and seconded. Before we move to a vote staff, thank you for getting back succinctly with the information we requested and also the project proponent for taking care of the site map issues and ingress and egress. Thank you. All those in favor. This is a voice vote signify by saying aye. Aye. All Posts, let the record show unanimous. And the project is moving forward. Next item.

Dusty Veale, Commissioner 52:49
right. 1996104248.

Chairman Jeff Fowle 53:26
With the amended language it condition 15. Regarding 25 mile an hour right. Is there a second? On second? Okay, moved and seconded. Before we move to a vote staff, thank you for getting back succinctly with the information we requested and also the project proponent for taking care of the site map issues and ingress and egress. Thank you. All those in favor. This is a voice vote. Signify by saying aye. Aye. All opposed? Let the record show unanimous. And the project is moving forward. Next item. Agenda Item. New business I'll give a wait one minute for those in attendance who are leaving to leave before we start. The next item

Dale La Forest & Associates

Design, Planning & Environmental Consulting
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INTRODUCTION

Dale La Forest & Associates provides commercial and residential design services, acoustical consulting, environmental review, project planning permitting for government approvals and multi-disciplinary environmental studies for government and private industry and citizens groups.

HIGHLIGHTS

Dale La Forest has over 43 years experience in California environmental and land use planning. He has assisted numerous citizens groups, developers and interested parties in reviewing proposed projects for compliance with planning and environmental regulations in their communities.

During the last 29 years, he has also prepared expert acoustical studies for various development projects and reviewed and commented upon dozens of noise studies prepared by others.

Dale La Forest's design, planning and environmental review experience is supported by a group of consulting planning, architectural / landscape architectural, and engineering professionals selected for their professional yet pragmatic approaches to their specialties. Teams are organized on a project-by-project basis to address project-specific issues.

EXPERIENCE

1975 – 2024 **DESIGNER & PLANNER** — Dale La Forest & Associates: Mt. Shasta, CA.
Design of commercial, residential, subdivision planning projects and environmental and acoustical consulting for commercial and industrial firms and for the public.

Dale La Forest, Designer, INCE (Institute of Noise Control Engineering)

EDUCATION

1966 – 1973 **University of Michigan**, College of Architecture and Planning - Bachelor of Architecture, 1973; and Masters studies in architecture and planning.

ACOUSTICAL RESEARCH PROJECTS

2024
Comments on Noise Impacts – Pacific Resort Plaza Hotel Project MND, Anaheim, CA 2-28-24

2023
Comments on Noise Impacts – Mountain Townhomes Project MND, Mt. Shasta, CA 3-18-23
Comments on Noise Impacts – Cherry Ave Warehouse Project, CEQA C.E.: Long Beach, CA 2-6-23

2022
Comments on Noise Impacts – Summit Lofts Project CEQA C.E., Mt. Shasta, CA 5-15-22

Comments on Noise Impacts – Kidder Creek Orchard Camp DEIR, Siskiyou County, CA 8-8-22

2021

Comments on Noise Impacts – Hyatt House Hotel Project CEQA C.E., L.A., CA, 1-25-21

Comments on Noise Impacts – Jeff Hotel Project MND , Culver City, CA, 7-11-21

Comments on Noise Impacts – Pacific Edge Hotel Project MND, Laguna Beach, CA 8-10-21

2020

Comments on Noise impacts – Santa Maria Raceway Project CEQA C.E., Nipomo, CA 11-6-20

2019

Noise Study for Residence – 1888 N. Lucile Ave MND.; Los Angeles, CA, 1-23-19

Comments on Noise Impacts – Breakers Hotel Project CEQA C.E., Los Angeles, CA 1-18-19

Comments on Noise Impacts – Citizens News Project MND, Los Angeles, CA 2-27-19

Comments on Noise Impacts – 2005 James Wood Hotel Project MND, Los Angeles, CA 2-11-19

Comments on Noise Impacts – Mart South Hotel Conversion Project, Los Angeles, CA 4-15-19

Comments on Noise Impacts – CitizenM Hotel Project Draft EIR, Los Angeles, CA 8-28-19

2018

Comments on Noise impacts – Residence at 17642 Tramonto Drive, C.E., Los Angeles, CA, 2-12-18

Comments on Noise impacts – Dewey Hotel Project CEQA C.E.– Los Angeles, CA; 10-10-18

Comments on Noise impacts – 100 E. Sunset Ave. Bridge Housing Project MND, Venice, CA 12-5-18

Comments on Noise Impacts – Altes Special Events Project MND, Mt. Shasta, CA 12-18-18

2017

Noise Study for Residence -- 2056 Mandeville Canyon Rd, Los Angeles, CA 1-19-17

Comments on Noise Impacts – Roseburg Water Line project MND, Mt. Shasta, CA 3-13-17

Comments on Noise Impacts – Freeze Car Wash Project MND, Mt. Shasta, CA 8-18-17

Comments on Noise Impacts - Crystal Geyser Water Company EIR, Mt Shasta, CA 11-16-17

2016

Comments on Noise impacts - Austin Quarry Project EIR, Madera County, CA 8-31-16

2015

Comments on Noise impacts - Syar Napa Quarry Expansion Project EIR, Napa, CA 10-20-15

2014

Comments on Noise impacts - Livermore Walmart Project, CEQA C.E., Livermore, CA 3-31-14

2013

Comments on Noise impacts - Grist Creek Aggregates Project IS/MND- Mendocino County, 1-30-13

Comments on Noise Impacts - Costco Wholesale Store DEIR- Ukiah, CA 3-15-13

Comments on Noise Impacts - Jaxon Enterprises Asphalt Plant IS/MND- Shasta County 3-8-13; 3-14-13

Comments on Noise Impacts - Amdun LLC Asphalt Plant IS/MND- Shasta County 3-14-13

Comments on Noise impacts - Townhouse Project MND - Mt. Shasta CA, 6-10-13

Comments on Noise impacts - Talmage Interchange Reconstruction Project MND- Ukiah, CA 8-27-13

Comments on Noise impacts - Shasta Dam Raising Draft EIS- Shasta County, CA 9-30-13

2012

Comments on Noise impacts - Tesoro Viejo Specific Plan project's Revised EIR –Madera Cnty. 8-26-12

Comments on Noise impacts - Austin Quarry project Draft EIR – Madera County , CA 9-24-12

2011

Comments on Noise impacts - Comingdeer Asphalt Batch Plant MND – Redding, CA 1-4-11

Comments on Noise Impacts - McCloud Springs Ranch subdivision MND- Siskiyou County 2-20-11

Comments on Noise Impacts – Walmart Expansion Project EIR – Poway, CA 6-12-11

Comments on Noise impacts - Eagle Peak asphalt batch plant MND – Callahan, CA 7-10-11; 10-10-11

2010

Comments on Noise Impacts – Doctor’s Park project MND – Mt. Shasta, CA 1-11-10
Comments on Noise impacts - Walmart Supercenter Draft EIR - Galt, CA 1-25-10
Comments on Noise impacts - Chapin Concrete Batch Plant MND- Volta, CA 5-16-10; 7-13-10
Comments on Noise impacts - Biogreen Cogeneration Power Plant- La Pine, OR 10-1-10

2009

Comments on Noise impacts - McCloud Springs Ranch Subd. project’s MND - Siskiyou County 1-2-09
Comments on Noise impacts - Pookkinney Quarry MND- Mendocino County 6-10-09
Comments on Noise impacts - Orchard Subdivision MND - Mt. Shasta, CA 10-21-08; 5-11-09
Comments on Noise impacts - Livingston Concrete EIR - Placer County, CA 9-22-09

2002

Acoustical Analysis - for Shasta Mountain Lodge hotel #2 -Springhill Dr., Mt. Shasta, CA 10-8-02
Acoustical Analysis – for Trolley Stop RV Park – for 213 RVs; Hollister St., San Diego, CA 1996-2003

1995

Acoustical Analysis - for Shasta Mountain Lodge hotel #1 -Mt. Shasta Blvd., Mt. Shasta 10-10-95