

FACILITIES

SUBJECT: Site Selection and Development

As part of the District's site selection process, the Superintendent or designee shall:

1. Utilizing the District's Master Plan, along with any known additional community needs, identify primary objectives of District in terms of site location, size requirements, and other factors to be considered in selecting the appropriate site. Identify and evaluate feasible sites to best meet the District's objectives, with a preference towards utilizing vacant, non-agricultural lands.
2. Meet with and discuss the identified site(s) with a California Department of Education ("CDE") School Facilities Planning Division ("SFPD") consultant, who will view the site(s) and provide SFPD forms 4.02 and 4.03 that shall be completed by the school district.
3. Identify the preferred site(s) (hereinafter, "proposed site") for which the District will proceed with a more detailed evaluation. *Please note that the District may proceed with an evaluation of more than one site, if multiple sites potentially meet the District's goals and objectives to warrant dual site exploration.*
4. Order a preliminary title report for the proposed site to identify what, if any, restrictions or limitations exist that may impact the ability of the District to construct school facilities. The District should have the preliminary title report reviewed by the District's architect to review for feasibility of the proposed site.
5. Contact the property owner to express potential interest in acquisition. Obtain, through legal counsel, an appraisal of the proposed site to determine fair market value of the site. District may direct the appraiser to offer the property owner the opportunity to accompany the appraiser on the appraiser's site visit.
6. Notify the appropriate city or county planning agency (depending on location of property) in writing and request its report and recommendations regarding the proposed site or proposed addition's conformity with the adopted general plan and/or land use restrictions. (Government Code § 65402; Public Resources Code § 21151.2) Verify whether local zoning ordinances allow for construction of a school at desired location. Document surrounding property zoning on each side of the site proposed to be acquired. If local zoning does not allow for school construction, consider resolution to allow the Board to render zoning inapplicable. (Government Code §§ 53091-53097.)

7. If the proposed site is within two miles by air of an airport runway or proposed runway, before acquiring title to or leasing the site, notify CDE in writing. (Education Code § 17215) CDE shall thereafter notify the Department of Transportation of the proposed acquisition, which, in turn, shall investigate the site and within 30 days prepare a report to CDE of its findings. If the Department of Transportation does not favor acquisition of the site, state and local funds may not be utilized for the acquisition of the site, or the construction or expansion of any school buildings on the site. The District may not acquire the site before receiving a report from the Department of Transportation.
8. If the school district proposes acquisition of real property for a new school site in an area designated in a city or county general plan for agricultural use and zoned for agricultural production, the District shall (and the Board shall make findings consistent with):
 - (a) Notify and consult with the city or county, as appropriate, depending on whether the property is located within the city or county's jurisdiction;
 - (b) Document factors, other than cost of the land, upon which the proposed site is being evaluated;
 - (c) Attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect the pupils and employees at the school site. (Education Code Section § 17215.5.)
9. Request in writing to meet with appropriate local government recreation and park authorities to review all possible methods of coordinating the planning, design, and construction of new school facilities, and school sites or major additions to existing school facilities and recreation and park facilities in the community. (Education Code § 35275) The District will be required, as a condition of state funding, to certify that it has considered the joint-use of land and/or facilities with other governmental entities in order to minimize school facilities costs. (Education Code § 17070.90.)
10. Have the site investigated by competent personnel with regard to population trends, transportation, water supply, waste disposal facilities, utilities, traffic hazards, surface drainage conditions, and other factors affecting initial and operating costs. This investigation shall include geological and soil engineering studies to preclude locating the school on terrain that has the potential for earthquake or other geologic hazard damage as specified in Government Code 65302. (Education Code §§ 17212-17212.5)

11. As necessary, request information necessary or useful to assess and determine the safety of a proposed school site, or an addition to an existing school site, from a person, corporation, public utility, locally publicly owned utility, or governmental agency regarding pipelines, electric transmission and distribution lines, railroads, and storage tanks in accordance with law. (Education Code §§ 17212.2, 17251)

Information requested may include requests relative to the following:

- (a) railroad operations involving hazardous or toxic materials, as reported to a governmental agency; frequency, speed, and schedule of railroad traffic; grade, curves, and condition of railroad tracks; and railroad accident occurrence;
 - (b) existing pipelines, planned pipelines, or easements for pipelines on, or in proximity to the site, including the location of the pipeline, the age of the pipeline, the pipeline material, the class of pipeline, the diameter of the pipeline, the depth at which the pipeline is buried, the wall thickness of the pipeline, the product or products transported by the pipeline, the operating pressure of the pipeline, the history of spills or leaks of material being transported by the pipeline, as reported to a governmental agency, and the location of the shutoff valves for the pipeline that are capable of preventing or halting the transport of product or products to the site;
 - (c) easements for planned or existing electrical transmission or distribution lines, electrical transformers, or electrical substations on or in proximity to the site, the location of easements for, planned, or existing lines, transformers, or substations, the voltages currently handled or planned to be handled by the line, transformer, or substation, the ground clearance, if applicable, of a line, transformer, or substation, and the depth of burial, if applicable, of the line, transformer, or substation; or
 - (d) the location, age, construction type, safety record, and product stored in a storage tank.
12. Perform a record search of the applicable California Historical Resources File System Information Center regarding whether a unique archaeological resource or a historical resource (that is an archaeological resource) exists on the site. (Public Resources Code §§ 21083.2 & 21084.1.)

13. Request the South Coast Air Quality Management District (“SCAQMD”) (as the air quality/pollution management district) and the Riverside County Department of Environmental Health (as the agency designated as the county’s hazardous waste authority) (“administering agency”) review the proposed school site for a determination as to whether sources of hazardous or extremely hazardous air emissions are within a quarter mile of a school site. These sources include, but are not limited to, freeways and other busy traffic corridors, large agricultural operations, and railways. (Education Code § 17213(b) and Public Resources Code § 21151.8.)
14. Ensure that the site meets state standards for school site selection as specified in Sections 14010 through 14012 of Title 5 of the California Code of Regulations (“CCR”). The District shall conduct a public hearing before the Board to evaluate a proposed site utilizing the school site selection standards.
15. If the proposed site is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, conduct an air quality analysis pursuant to Health and Safety Code 44360 and Education Code 17213 and determine that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to students. (Education Code 17213)
16. The school site shall not be located near an above ground water or fuel storage tank, or within 1,500 feet of the easement for an above ground or underground pipeline that can pose a safety hazard, as determined by a risk analysis study, conducted by a competent professional, and which may include certification from a local public utility commission. (Title 5, California Code of Regulations Section 14010(h).)
17. If the school site is within 1,500 feet of a railroad track easement, a safety study shall be completed by a competent professional trained and should: assess cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track, need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, and preparation of an evacuation plan. In addition, possible and reasonable mitigation measures must be identified. (Title 5, California Code of Regulations § 14010(d).)
18. Ensure compliance with the California Environmental Quality Act (CEQA) as required by law. (Public Resources Code §§ 21000-21177) Such compliance will typically involve the preparation of an Initial Study, which will dictate whether a negative declaration (with or without mitigation measures) or an environmental impact report (“EIR”) must be prepared.

19. Pursuant to Education Code 17213.1, if State funding is to be used (or may be used) for the acquisition of the site, a Phase I environmental assessment (“Phase I”) must be prepared and, if necessitated by the Phase I, a preliminary endangerment assessment (“PEA”) may need to be conducted pursuant to Education Code 17213.1 to determine whether a release of hazardous materials has occurred. The District must submit these documents to the CDE and Department of Toxic Substance Control (DTSC) for review. If hazardous substances are disclosed, Education Code 17213.1 authorizes DTSC to order the district to complete certain "response actions" prior to securing state funding. Certain public hearing and review requirements will apply relative to the PEA.
20. Prior to acquiring title to the school site, the school district must also:
- (a) Prepare statement of policies covering the range and organization of grades to be served, the transportation of pupils, and the ultimate maximum pupil enrollment to be housed on the site.
 - (b) Prepare maps showing present and proposed school sites, significant roads or highways, unsanitary or hazardous installations (such as airports or industries) and the indicated boundary of the pupil attendance area to be served as delineated in SFPD Form 4.02. (Title 5, California Code of Regulations Section 14011.)
21. Obtain final approval by CDE, by addressing a letter to the School Facilities Planning Division consultant requesting final approval. The letter should include:
- (a) A school district map of any size depicting:
 - (i) all existing schools and sites;
 - (ii) attendance areas; and
 - (iii) the proposed site.
 - (b) A map of the site on 8-1/2" x 11" paper indicating:
 - (i) Dimensions (including metes and bounds corresponding to a legal description, if available);
 - (ii) Adjacent street;
 - (iii) Total acreage, gross and net;
 - (c) Two (2) copies of the legal description of the site;
 - (d) A copy of the report of the planning commission having jurisdiction (Public Resources Code Section 21151.2);
 - (e) A list of all unused school sites within the school district, if none, the school district should indicate none;

- (f) Submit current documentation justifying the master planned size of the school site. This documentation may include the District Facility Master Plan, Developer Fee Justification Study, School Facilities Needs Analysis or SFPD Form 575 Five-year Plan;
- (g) “Written Findings” related to proximity of hazardous waste disposal/air emissions/pipelines, etc. (Public Resources Code Section 21151.8);
- (h) A copy or summary of the geological and soil engineering reports as submitted to the Department of General Services (Education Code Section 17212.5);
- (i) Copy of Phase I Environmental Assessment and Fiscal Determination letter from DTSC indicating no further action is required;
- (j) A copy of the Environmental Impact Report, [Mitigated] Negative Declaration, or Notice of Exemption on the project (Environmental Quality Act of 1970, California Code of Regulations, Title 14, Natural Resources, Division 6, Chapter 3);
- (k) A signed copy of the SFPD School Site Report (SFPD Form 4.02) (Education Code Section 17251);
- (l) A signed copy of the SFPD School Site Certification (SFPD Form 4.03);
- (m) A schematic utilization of the site on which the proposed facilities and their placement on the site are indicated (5 California Code of Regulations, Section 14031). This requirement may be waived by the School Facilities Planning Division’s consultant;
- (n) If applicable, submit:
 - (i) A joint use agreement if additional acreage for the school site is to be provided as a result of such a joint use agreement;
 - (ii) Final determination letter from the Office of Airports if the school site is within two miles of an existing runway;
 - (iii) Any other special studies prepared for the school site including, but not limited to, studies of wetlands and endangered species, noise, traffic, railroads, underground pipelines, electric transmission lines, and flooding.

22. Complete a Purchase/Sale Agreement with the property owner, to finalize acquisition, or else commence, as necessary, eminent domain proceedings after making necessary pre-condemnation offers to purchase the proposed site. *Please note that negotiations of a Purchase-Sale Agreement may be on-going, and commenced at an earlier date, provided any such agreement is subject to CEQA and provides for sufficient due diligence timeframes to accomplish the tasks set forth in this Administrative Regulation.*