

SITE SELECTION AND DEVELOPMENT

The Governing Board believes that site selection and development starts from the premise that the school is an integral part of the total community. The Board will solicit community input whenever a school site is to be selected.

Besides serving our district's educational needs, an adequate site should show potential for contributing to other community needs and functions.

Careful consideration will be given to establishing criteria and procedures which ensure that the best possible sites are acquired and developed at the least expense.

(cf. 7120 - Participation in Planning)

Before title to any property is acquired, the Superintendent or designee shall secure the input of all agencies whose approval is required by law.

The Superintendent or designee shall make all environmental investigations required by law and shall ensure compliance with the California Environmental Quality Act whenever a proposed development project is subject to its provisions.

Legal Reference:

EDUCATION CODE

35271 Power to acquire and construct on adjacent property

35275 New school planning and design, re consultation with local recreation and park authorities

39000-39014 General provisions (school sites), especially

39002 Investigation of prospective site; geological and engineering studies

39003 Approval of site acquisition

39005 Investigation of site near airport

39101 Powers concerning buildings and building sites

39120 Compliance before construction

39601-39613 Powers and duties of governing boards of school district (re management and control of school property)

GOVERNMENT CODE

66413.7 Written notices of proposed public school site within development; investigation and report; conditions for acquisition

PUBLIC RESOURCES CODE

21000-21177 Implementation of Environment Quality Act, especially

21081.6 Reporting and monitoring programs for project changes implementing mitigation findings

21151.2 School site proposed acquisition or addition

21151.3 School site acquisition or construction; hazardous air emissions

21151.8 Information re existence of hazardous or solid waste disposal site or pipelines containing hazardous substances

21153 Local lead agency; consultations prior to completion of impact report

CODE OF REGULATIONS, TITLE 5

14001 Minimum standards

14010 Procedure for site acquisition

CODE OF REGULATIONS, TITLE 14

15000 et seq. Implementation of Environment Quality Act of 1970

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Environmental Impact Consideration Procedures

1. All proposed discretionary projects shall be evaluated to determine whether the project:
 - a. Is categorically exempt from these procedures.
 - b. Is the appropriate subject of a negative declaration.
 - c. May have a significant effect on the environment.
2. If the project is categorically exempt from the California Environmental Quality Act, a notice of exemption shall be filed pursuant to Public Resources Code 21152.
3. The Superintendent or designee shall consult with the city or county and with the local air quality district in order to identify any facilities within a quarter mile of the proposed site which might produce hazardous air emissions. (Education Code 39003, 39120; Public Resources Code 21151.3)

Following this consultation, the Board shall make one of the following written findings: (Education Code 39003, 39120; Public Resources Code 21151.3)

- a. That no facility which might produce hazardous air emissions exists, or
 - b. That the health risks from such facilities do not and will not actually or potentially endanger the health of students or staff.
4. The Superintendent or designee shall determine that the proposed site is not any of the following:
 - a. The site of a current or former hazardous waste or solid waste disposal site unless, if the site was a former solid waste disposal site, the Board concludes that the wastes have been removed.
 - b. A hazardous substance release site identified by the State Department of Health Services and currently listed for removal or remedial action.
 - c. A site which contains one or more pipelines, under or above ground, carrying hazardous substances, acutely hazardous materials or hazardous wastes, unless the pipeline is a natural gas line used only to supply natural gas to the school or neighborhood. (Education Code 39003)

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5. Information resulting from the investigations in items #3 and 4 above shall be included in the negative declaration or environmental impact report.
6. If it is determined that the project does not require the preparation of a draft environmental impact report (EIR), a negative declaration and the initial study shall be filed with the County Clerk, the State Office of Planning and Research, and other appropriate state agencies. Copies of the negative declaration and the initial study shall also be made available to local planning agencies, other interested persons, and to the general public in accordance with paragraph #8 below.
 - a. The Governing Board shall not approve any such projects until at least 21 days have passed for review and comment. This review period shall be extended as necessary when the declaration is sent to the State Clearinghouse for review.
 - b. Upon the close of the review period, the Board shall determine whether the project is the appropriate subject of a negative declaration at a special or regularly scheduled meeting.
 - (1) The Board may affirm the decision that the project is the appropriate subject of a negative declaration and subsequently proceed according to paragraph #7(e).
 - (2) If the Board determines that the project is not the appropriate subject of a negative declaration, it will proceed in accordance with paragraph #7.
7. If the project may have a significant effect on the environment, a draft environmental impact report (EIR) shall be prepared, with consultant assistance if necessary.
 - a. Upon completion of the draft, it shall be filed with the State Office of Planning and Research along with a Notice of Completion. The Notice and draft EIR shall also be made available to local planning agencies, appropriate state agencies, other interested parties, and to the general public in accordance with paragraph #8 below.
 - b. After filing the Notice of Completion, the district shall consult with, and obtain comments from, any bordering cities or counties and any public agency which has jurisdiction over the project. The district also may consult with any other person who has special expertise with respect to any environmental impact involved. (Public Resources Code 21153)

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- c. The final environmental impact report shall not be prepared until the community has been given the opportunity to comment on the draft.
 - d. The final environmental impact report shall be adopted by the Board prior to the Board's decision to proceed with the project.
 - e. The Notice of Determination shall be filed with the County Clerk and the State Office of Planning and Research.
8. When the district is preparing either a negative declaration or an environmental impact report, public notice of that fact shall be provided pursuant to Public Resources Code 21092.

The notice shall briefly describe the proposed project and its location, the address where copies of the draft EIR or negative declaration are available for review, the time period when comments will be received, and the date, time and place of any related public meetings or hearings. (Public Resources Code 21092)

The notice shall be posted for 30 days in the office of the county clerk and mailed to all persons who have requested it. (Public Resources Code 21092.2, 21092.3)

The request for a mailed notice must be renewed annually. Except for notices sent to public agencies, the district shall charge a fee which is reasonably related to the cost of providing the notice.

9. If mitigation measures are required as part of either making a negative declaration or completing an environmental impact report, the Board shall adopt a reporting and monitoring program. The reporting or monitoring program shall be designed to ensure compliance with the mitigation measures during project implementation. (Public Resources Code 21081.6)