



VENTURA COUNTY TRANSPORTATION COMMISSION

950 County Square Dr., Suite 207 Ventura, California 93003 (805) 642-1591 fax (805) 642-4860

RECEIVED

September 21, 2005

SEP 27 2005

VENTURA COUNTY GRAND JURY

Mr. Joe Obregon
Ventura County Grand Jury
800 So Victoria Ave
Ventura, CA 93009

Re: Elementary School Site Selection Adjacent to Oxnard Airport

Dear Mr. Obregon:

Yesterday, while making the presentation to the Grand Jury, I mentioned our responsibilities and the Airport Land Use Commission and cited the recent example of the siting of an elementary school near the Oxnard airport. Someone suggested that I look at the report the Grand Jury issued on the site selection process, which I had the opportunity to do by checking with your website this morning.

I found, however, that the final report misrepresented the actions taken by VCTC on this issue, not that they ultimately impacted the decision which was made by the School District. Specifically, VCTC found that the school was **NOT consistent** with the Airport Land Use Plan. The School District, as is their right, by a 2/3s (or greater) vote, overrode the ALUC/VCTC decision and proceeded with the school in that location. In particular, the references in the Grand Jury report F-01, F-09 are misleading and F-10 is incorrect.

VCTC objected to the site at School District meetings and in writing. We also sent formal objections to the State Department of Education, as well. Both the School District and VCTC followed the proper process in reaching their respective decisions. It is our belief that the site remains a very poor location for a school, as evidenced by the fact that the School District is trying to get the heliport to change their landing pattern because the noise is so disruptive. Hopefully, some safe realignment will be able to be devised that will lessen the adverse impact on education at the new school while not creating a noise problem for the new homes which are going in the area and were found to be consistent with the Airport Land Use Plan, as the noise threshold and other criteria were met.

I hope this clarifies the VCTC actions. Please feel free to give me a call if you have any questions. Thanks.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Ginger'.

Ginger Gherardi
Executive Director

In the process of this Grand Jury investigation attention was given to those concerns related to the Oxnard Airport. The main concerns were safety issues related to the location of a school in the aircraft flight path referred to as aircraft traffic pattern zone.

Methodology

The investigation by the Grand Jury included the following:

- A briefing by the Airport Authority including a tour of the County of Ventura airports in Camarillo and Oxnard.
- Visits to the proposed construction site of the elementary school near the corner of Fifth Street and Patterson Road.
- A briefing by the Ventura County Transportation Commission relative to their scope of responsibility and jurisdiction.
- A briefing by the State of California Facilities Planning Division regarding the process of school site selection.
- A review of a complete proposal package prepared by the OSD.
- Examination of the Final Environmental Impact Report relating to the concerns of the complainant.
- Examination of the City of Oxnard's city-wide program called Visioning Workshop and also known as the Visioning Process for the General Plan Update.

Examination of the City of Oxnard's General Plan 2020 adopted in 1990.

Findings

F-01. In November 2002, the OSD entered into an agreement to purchase the property for the proposed elementary school site at Fifth Street and Patterson Road wherein approvals were obtained from:

- Department of Toxic Substance Control
- Department of Education
- Department of Transportation
- Aeronautic Division
- City of Oxnard Zoning Laws (City Planning Commission and Oxnard City Council)
- Airport Land Use Commission (approve or override)
- California Environmental Quality Act
- Approval of an aviation easement with the County of Ventura Airport Authority. (The word "aviation" means airborne operation and navigation of aircraft.)

F-02. On April 14, 2004, the OSD approved a motion to enter into escrow agreement with Centex Homes for the acquisition of the school site (designated by the OSD as 25A) located at Fifth Street and Patterson Road for the purchase price of \$1.2 million.

- F-03.** On December 14, 2004, the OSD Board determined all conditions as specified in the Purchase and Sale Agreement necessary to close escrow on the proposed school site had been met.
- F-04.** On January 27, 2005, the California Department of Education approved the acquisition and use for purpose of constructing a school.
- F-05.** The OSD has certified to the California Department of Education that there is no other district-owned site useable for this project.
- F-06.** The OSD will work with the Oxnard Airport, the Federal Aviation Administration and local helicopter operators to redirect paths to the Teal Club Road route as recommended in the June 18, 2002, Aircraft Hazard and Land Use Risk Assessment.
- F-07.** The OSD has certified that this project is either exempt from, or has completed, the California Environmental Quality Act process.
- F-08.** The School Facilities Planning Division (SFPD) of the State of California Board of Education is charged with the responsibility to establish a procedure for the selection and construction of a school site.
- F-09.** On November 19, 2002, the Ventura County Transportation Commission addressed a letter to the Oxnard Planning Department making reference to a public hearing held November 5, 2002 pertaining to the proposed school site.
- F-10.** The Airport Land Use Commission findings of the project as presented and reviewed are consistent with the Airport Comprehensive Land Use Plan for Ventura County as stated. **NOT!!**
- F-11.** The OSD complied with the requirements of California Education Code section 17251 and the California Department of Education School Facilities Planning Division by properly filling out the required forms (SFPD 4.0, 4.01).
- F-12.** The California Constitution Article 9, section 14, states in part “The Legislature may authorize the governing boards of all school districts to initiate and carry on any programs, activities, or to otherwise act in any manner which is not in conflict with the laws and purposes for which school districts are established.”
- F-13.** The OSD has identified airport runways, airfields and airstrips within two nautical miles (12,152 feet) of the school site, including crop dusting and mosquito abatement airstrips. The California Department of Transportation, Division of Aeronautics has performed an air traffic safety analysis for the school site, which falls within two nautical miles of the site. The result of this analysis shows that all stipulations and requirements were resolved.
- F-14.** In September 2004, Impact Sciences, Inc. prepared the Final Environmental Impact Report (FEIR) for the Oxnard School District Operations and Facilities.
- F-15.** The FEIR satisfied the requirements of the Department of Airports, County of Ventura, Ventura County Transportation Commission, Aircraft Owners and Pilot Association and the Federal Aviation Administration U.S. Department of Transportation by responding to all the concerns.