

Elementary School Site Selection Adjacent to Oxnard Airport

Summary

The selection process for an elementary school site located at Fifth Street and Patterson Road in the City of Oxnard started in 2002 by the Oxnard School District (OSD). The OSD closed escrow in December 2004. On January 27, 2005, the California Department of Education approved the acquisition and use for purpose of constructing a school. No construction of a school, except for earth grading, has been started at this site at the time of this report.

A complaint from an Oxnard citizen caused the Ventura County 2004-2005 Grand Jury to begin an investigation to determine if the process and required procedures were followed by the OSD for the site selected. The complainant alleged that the City of Oxnard and the OSD violated public trust and mismanaged their duties by acting irresponsibly in their decision to build a grade school adjacent to the Oxnard Airport and under the flight pattern referred to as aircraft traffic pattern. The primary concern is one of safety for the school children. The Grand Jury found evidence that the OSD will work with the Oxnard Airport, the Federal Aviation Administration and the local helicopter operators to redirect air traffic away from the school site.

The City of Oxnard is working with a master plan created in 1990 and continues to consider development around the airport which would include additional schools.

The Grand Jury focused attention on the procedure followed by the OSD and found that all requirements were met. This investigation did not show any evidence of violation of public trust by either the City of Oxnard or the Oxnard School District.

Background

The Grand Jury received a complaint alleging that the City of Oxnard and the OSD violated public trust by proceeding with plans to construct an elementary school in the proximity of the Oxnard Airport. Various groups voiced objections to the school construction plan with concerns of safety and environmental issues. These objections were addressed in the final approval documentation. By action of the School Board the OSD has finalized the entire procedure in the process of acquiring the elementary school site located at the corner of Fifth Street and Patterson Road in the City of Oxnard.

Education and safety of children are of paramount importance in the process of facilitating the State of California Educational System. Public safety is also a primary concern whenever a school building is developed.

The process of school site selection is extensive and complicated when so many governmental agencies are involved.

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 avigation easement with the County of Ventura Airport Authority. (The word "avigation" 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.
- 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.

- F-16.** The City of Oxnard conducted a city-wide workshop called Visioning Process for the General Plan Update during the year 2002.
- F-17.** The City of Oxnard adopted a General Plan in 1990 which is also known as the 2020 Plan.

Conclusions

- C-01.** There has been public awareness since 2002 of plans by the OSD to construct an elementary school adjacent to the Ventura County Airport in the City of Oxnard. (F-01, F-09, F-16)
- C-02.** There has been due process for individual citizens and groups to raise questions, offer objections and voice opinions regarding a school site near the airport. (F-01, F-09, F-16, F-17)
- C-03.** There is evidence that objections, criticisms and recommendations have been resolved or mitigated as shown in the Final Environmental Impact Report. (F-07, F-08, F-09, F-14, F-15)
- C-04.** There is a definite need for both the City of Oxnard and the Oxnard School District to continue to inform the residents of future planning for community growth. (F-16, F-17)
- C-05.** The Grand Jury found no evidence in this investigation of violation of public trust on the part of the City of Oxnard or the Oxnard School District. (F-02, F-03, F-04, F-06 thru F-16)
- C-06.** The OSD has complied with the requirements and procedures of the SFPD. (F-08)
- C-07.** The OSD has agreed to work with the Oxnard Airport, the Federal Aviation Administration and local helicopter operators to redirect flight as recommended in the June 18, 2002, Aircraft Hazard and Land Use Risk Assessment. (F-06)

Recommendations

- R-01.** The City of Oxnard's General Plan known as the 2020 Plan should be updated and made public both in print and by means of the Oxnard City web site. (C-01, C-02, C-04, C-05, C-07)
- R-02.** The County of Ventura Airport Authority should publish a public informational document that would present future planning for the use of the Ventura County Airport facility. (C-07)
- R-03.** The OSD should publish a public report that would identify potential school sites and in particular those within two nautical miles from the Oxnard Airport. (C-03, C-04, C-05)

Responses Required From:

City of Oxnard (R-01)

Airport Authority (R-02)

Oxnard School District (R-03)

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