

Facilities

Relations with Local Agencies

The Governing Board recognizes the importance of two-way communication with other local agencies in order to provide the best possible school facilities and make the best use of school construction funds. The Board shall consult and coordinate with local agencies as required by law and whenever the expertise of these agencies can assist the district in the planning, design and construction of facilities. The Board and Superintendent or designee shall also work with local agencies to ensure that they are informed about the potential impact of proposed land developments on school facilities. (cf. 7150 - Site Selection and Development)

City/County General Plan

The Superintendent or designee shall monitor land development proposals within district boundaries and shall maintain procedures that ensure an exchange of accurate information with city/county planning staff regarding the impact of land development on the district's educational programs and facility needs.

Recognizing that developer fees, other local revenues and state bond funds may not suffice to eliminate the overcrowding in district schools caused by new development, the Board urges the city/county to adopt in its general plan or other appropriate planning documents a provision which ensures that adequate school facilities and services will be available concurrent with need. (cf. 7210 - Methods of Financing)

To help the city/county determine whether a proposed development is consistent with such a general plan, the Superintendent or designee shall regularly provide the city/county with information about current and projected enrollment and school capacity. When developmental approvals are proposed, including but not limited to annexations, rezonings, general plan or specific plan amendments or approvals, the Superintendent or designee shall report to the city/county on the adequacy of developer and state monies in meeting school facility needs.

If the Superintendent or designee determines that a particular proposed development project or projects will have an adverse impact on district facilities and that no funds are currently available to fully mitigate this impact, he/she shall so advise the city/county and request that approval of the project(s) be conditioned on the provision of adequate mitigation of school facility impacts.

Impact Ordinances

The Board shall notify the city council or county board of supervisors whenever it finds, based on clear and convincing evidence: (Government Code 65971)

BP 7131(b)

1. That conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of the educational programs, and the reason for the existence of those conditions.
2. That all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing those conditions exist.

The above notice shall specify the mitigation measures considered by the district and shall include a completed application to the Office of Public School Construction for preliminary determination of eligibility for school construction under applicable state law. (Government Code 65971)

Legal Reference:

EDUCATION CODE

35275 New school planning; cooperation with recreation and park authorities
39140-39159 Approval of plans and supervision of construction

GOVERNMENT CODE

53090-53097.5 Compliance with city or county regulations
65300-65307 Authority for and scope of general plans
65850-65863.9 Adoption of regulations, especially
65860 Consistency of zoning ordinances with general plan
65970-65981 School facilities, especially:
65971 Findings by school district
65972 Findings by city council or board of supervisors

PUBLIC RESOURCES CODE

21000-21177 California Environmental Quality Act of 1970

CODE OF REGULATIONS, TITLE 5

14010 Procedure for site acquisition

CODE OF REGULATIONS, TITLE

14 15000 et seq. Implementation of California Environmental
Quality Act of 1970

Mira Development Corporation v. City of San Diego 252 Cal. Reporter 825 (205 Cal. App.
3d 1201, 1988)

William S. Hart Union High School District v. Regional Planning Commission of the County
of Riverside (226 Cal. App. 3d 1612, 1991)

Murrieta Valley Unified School District v. County of Riverside (228 Cal. App. 3d 1212,
1991)

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California

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