

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # \*D-2

Urgent ☐

Routine ☒

AGENDA DATE November 9, 2004

CEO Concurs with Recommendation YES ☐ NO ☐  
(Information Attached)

4/5 Vote Required YES ☐ NO ☒

SUBJECT:

APPROVAL OF RESPONSE TO NOTICE OF ACQUISITION OF PROPERTY FOR A HIGH SCHOOL SITE BY PATTERSON JOINT UNIFIED SCHOOL DISTRICT.

STAFF RECOMMENDATIONS:

1. APPROVE DRAFT RESPONSE LETTER; AND,
2. AUTHORIZE THE CHAIRMAN TO SIGN RESPONSE LETTER.

FISCAL IMPACT:

No impact.

BOARD ACTION AS FOLLOWS:

No. 2004-871

On motion of Supervisor Paul, Seconded by Supervisor Mayfield  
and approved by the following vote,

Ayes: Supervisors: Paul, Mayfield, Grover, Simon, and Chairman Caruso

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

ATTEST:

Elizabeth A. King  
ELIZABETH A. KING, Assistant Clerk

File No.

## APPROVAL OF RESPONSE TO NOTICE OF ACQUISITION OF PROPERTY FOR A HIGH SCHOOL SITE BY PATTERSON JOINT UNIFIED SCHOOL DISTRICT

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### **DISCUSSION:**

The Patterson Joint Unified School District pursuant to Government Code Section 51291, has notified the County it intends to acquire land for a new high school site. The reason for this notification is the subject site is in an agricultural preserve and enrolled in a Williamson Act Contract. The site was enrolled in the Williamson Act in 1977 (Contract 2688). A Notice of Non-Renewal was filed in September 2003.

The subject site is 56 acres in size and located at the northwest corner of Zacharias and Baldwin Roads, northwest of the City of Patterson. The site is designated as "Agriculture" on the Land Use Element of the General Plan and zoned A-2-40 (General Agriculture). The site is utilized for field and row crops. Adjacent land uses are agricultural with either field crops, row crops and orchards completely surrounding the site. Many of the surrounding lands are also enrolled in the Williamson Act.

Section 51291 requires the local governing body (your Board) to forward any comments you may have regarding the effect of the location of the public improvement (in this instance a high school) on the land in the agricultural preserve. To gain facts on the effect of this proposal on impacts to the lands in the agricultural preserve, the letter from the School District was referred to the Office of the Agricultural Commissioner. The Agricultural Commissioner is the office responsible for issuing "Notices of Intent" and perhaps the office which encounters the greatest number of issues with respect to agricultural complaints. The Agricultural Commissioner has provided the following facts regarding the location of a high school on the adjacent and surrounding agricultural uses. The proposed school will remove 56 acres of prime agricultural land from production. In addition, due to more stringent rules for the application of pesticides for agricultural land adjacent to a school site neighboring agricultural lands within a one-half mile radius will be subject to more stringent regulations. The Agricultural Commissioner has calculated one thousand one hundred fifteen (1,115) acres will be affected. He also indicates that the farm gate value of crops produced in the affected territory totaled \$1,500,000. Lastly, the Agricultural Commissioner states the placement of a school in this area will result in an increased work load for the Department due to need to do additional pre-site inspections prior to pesticide applications within the one-half mile radius of the school and from complaints from actual or perceived pesticide exposures. Please refer to the attached letter dated November 1, 2004 from Agricultural Commissioner Dennis Gudgel.

Based on the in facts supplied by the Agricultural Commissioner and the General Plan and zoning classifications, the proposed high school site is inconsistent with the Agricultural Preserve.

In addition, Section 65402 of the Government Code, requires the Planning Commission to determine the site's consistency with the General Plan. California law requires the Land Use Element of the General Plan address criteria for locating various land uses including school facilities. The General Plan contains six factors to consider when evaluating future school sites. Since the Planning Commission must also, consider this proposal, a draft report has been prepared for consideration at their November 18, 2004 meeting. The draft report to the Planning Commission is attached for background information.

### **POLICY ISSUES:**

It is the policy of the Board of Supervisors to comply with State law.

APPROVAL OF RESPONSE TO NOTICE OF ACQUISITION OF PROPERTY FOR A HIGH SCHOOL SITE BY PATTERSON JOINT UNIFIED SCHOOL DISTRICT  
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**STAFFING IMPACTS:**

No staffing impacts.

**ATTACHMENTS:**

1. Draft Response Letter to Patrick Sweeney, District Superintendent, Patterson Joint Unified School District
2. Letter from Dennis Gudgel, Agricultural Commissioner dated November 1, 2004
3. Draft Planning Commission Report, November 18, 2004
4. Maps



**BOARD OF SUPERVISORS**

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**Thomas W. Mayfield, 2<sup>nd</sup> District**  
**Jeff Grover, 3<sup>rd</sup> District**  
**Raymond Clark Simon, 4<sup>th</sup> District**  
**Paul W. Caruso, 5<sup>th</sup> District**

1010 10TH Street, Suite 6500, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4410

November 9, 2004

Patterson Joint Unified School District  
Patrick Sweeney, District Superintendent  
200 North Street  
P.O. Box 547  
Patterson, CA 95363

Dear Mr. Sweeney:

Pursuant to Government Code Section 51290, the Board of Supervisors has reviewed the acquisition of land at the northwest corner of Zacharias and Baldwin Roads. The Board offers the following information. The site is designated as "Agriculture" on the Land Use Element of the General Plan and is zoned A-2-40 (General Agriculture) the site is not within the Sphere of Influence of the City. On November 18, 2004, the Planning Commission, pursuant to Government Code Section 65402 will consider the site's consistency with the County General Plan.

The Office of the Agricultural Commissioner has identified the impacts of locating a high school at this location. There is a potential economic loss in farm gate receipts of \$1,500,000. The placement of a 56-acre high school site in this agricultural area will negatively impact an additional 1,115 acres of agricultural land, much of which is in an Agricultural Preserve and in the Williamson Act.

For these reasons the Board of Supervisors has found the proposed project site is inconsistent with the Agricultural Preserve and will have a negative impact on the Agricultural Preserve and agriculture as a whole.

Sincerely,

Paul W. Caruso  
Chairman, Board of Supervisors



# STANISLAUS COUNTY

## DEPARTMENT OF AGRICULTURE

### AND WEIGHTS & MEASURES

3800 Cornucopia Way, Suite B  
Modesto, CA 95358  
Phone (209)525-4730  
Fax (209)525-4790

November 1, 2004

Ron Freitas, Director  
County of Stanislaus  
Planning/Building  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

RE: Impacts Resulting from Placing a School in an Agricultural Zoned Area

Dear Mr. Freitas:

I have reviewed the proposal to build a high school on fifty-six acres at the northwest corner of Baldwin Road and Zacharias Road, approximately one mile north of the City of Patterson. The impacts to agriculture and our office are as follows:

1. Placing a school on this site removes fifty-six acres of prime agricultural land from production. In addition, due to more stringent rules for the application of pesticides for agricultural land adjacent to a school site (see next paragraph), the neighboring agricultural operations are more likely to eventually be removed from production as well, producing a "domino effect" for loss of ag land.
2. Applications of agricultural chemicals within one-half mile radius of a school are subject to more stringent regulations by the Agricultural Commissioner. Currently this would affect one-thousand-one-hundred-fifteen acres surrounding the proposed site. According to the 2003 Stanislaus County Annual Crop Report, the farm gate value of the commodities produced in this area totaled \$1,500,000. The application of agricultural chemicals in the production of these commodities in this area would be subject to additional conditions or denial based on any potential hazard to the students.
3. The Agricultural Commissioner's Office will experience an increase in workload due to the additional pre-site inspections prior to pesticide applications within the one-half mile radius of the school.
4. Placing the school in the center of agricultural production will result in increasing our department workload due to complaint investigations resulting from actual or perceived pesticide exposures.

If you have any questions or comments, please call me at 209.525.4730.

Sincerely,

Dennis Gudgel  
Agricultural Commissioner/Sealer of Weights and Measures



November 18, 2004

TO: Stanislaus County Planning Commission

FROM: Stanislaus County Planning and Community Department

SUBJECT: **PATTERSON JOINT UNIFIED SCHOOL DISTRICT'S INTENT TO ACQUIRE A HIGH SCHOOL SITE**

### **DISCUSSION**

This office has received a project referral, requesting Planning Commission review, of a new school site being proposed by the Patterson Joint Unified School District. The project at the present time involves the acquisition of 56 acres of land located at the northwest corner of Zacharias and Baldwin Roads, northwest of the City of Patterson. Plans are to develop this site as a high school. Attached to this report are copies of documents provided by the school district which show the location of the site and provide details about the project.

Section 21151.2 of the Public Resources Code requires the Planning Commission to investigate the proposed site and to submit to the governing board a written report of the investigation and its recommendation concerning acquisition of the site. The school governing board shall not acquire title to the property until the report of the Planning Commission has been received.

Section 65402 of the Government Code requires the Planning Commission to determine the site's consistency with the General Plan. The written report is not subject to CEQA, however, Section 53097 of the Government Code requires the school district to comply with County ordinances relative to drainage, street improvements, grading and off-site improvements.

California State law requires that the Land Use Element of the General Plan address criteria for locating various land uses, including school facilities. Stanislaus County has chosen to meet these requirements through the use permit process. Virtually all of the County zoning designations, including residential and agricultural zones, allow schools. This method requires a public hearing to be conducted prior to approval unless the school district chooses to ignore these regulations. According to State law, the school district may vote (2/3 vote required) to ignore County zoning regulations (Government code Section 530941). This procedure is routinely used by districts in this County, with the result that public schools are rarely, if ever, actually subject to the use permit process.

Although school districts usually choose to operate independently of local governmental land use regulations, proposed school sites must be referred to local agencies for comment. In evaluating sites for the location of schools, the General Plan states that the County shall consider factors including, but not necessarily limited to, the following:

ATTACHMENT 3

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Patterson Joint Unified School District's Intent to Acquire a High School Site  
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**A. Surrounding Land Uses (Both Existing and Planned)**

**Existing and future land uses should be consistent with the proposed school facility. Schools shall be located in areas convenient to the people to be served.**

The project area is very much agricultural in character, consisting of active farming operations and associated residences and buildings. Agricultural operations on the proposed site and in its vicinity consist of nut and fruit orchards, as well as other crops. The closest urban development is a residential subdivision within the City of Patterson one mile south on Baldwin Road. The actual 56 acre site is surrounded by farmland on all four sides. The land is designated as "Agriculture" on the Land Use Element of the County General Plan. The site is outside of the boundaries of the City of Patterson General Plan and is outside of the LAFCO Adopted Sphere of Influence for the City of Patterson.

**B. Traffic Impacts and Public Road Access**

**Proposed school facilities shall not cause significant impacts that cannot be mitigated. School facilities shall be located on collector streets and should not be located on major streets.**

Zacharias and Baldwin Roads are designated as "local roads" on the Circulation Element of the General Plan, which is consistent with the County General Plan.

**C. Public Safety**

**Proposed school facilities shall be located to provide the maximum degree of public safety. They should not be located adjacent to high traffic generating activities.**

As the site is in the County outside of the City Sphere of Influence, police services will be the responsibility of the Sheriff's Department. Fire protection will be provided by the West Stanislaus Fire Protection District. The site is not located adjacent to any high traffic generating activities. However, in the future as students travel to the site from Patterson to the south via Baldwin Road they will need to pass through the Patterson Business Park.

**D. Parcel Size**

**School facilities should be located in areas which are of diminished agricultural important due to small parcel sizes unless location in other areas is necessary in order to most efficiently serve the public. The typical parcel size for school sites in approximately 10 acres for elementary schools and 40 acres for high schools.**

The size of the proposed site, 56 acres, meets the new typical site area for a high school. However, the area is very clearly not one of diminished agricultural importance. Parcels are large and the soils are prime soils. Further, the site is not adjacent to the City or even located in the City's Sphere of Influence. The site is enrolled in a Williamson Act Contract. However, a Notice of Non-Renewal has been filed. An alternative location closer to Patterson and in the City's Sphere of Influence would minimize agricultural conflicts.

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**E. Impacts on Agriculture**

**School facilities shall be located to void impacts on adjoining agricultural uses. For the most parts they should be located within cities or in the Urban Transition area that a city will someday annex.**

The proposed school site would be totally surrounded by agricultural uses which typically generate noise, dust, odors and noise. Although all agricultural spraying must be contained on site there are chances of drift and over spray. Urban uses in agricultural area often lead to vandalism and litter in the agricultural lands. The site location and surrounding lands are outside of the City of Patterson General Plan and Sphere of Influence. There has been a proposal to the City to include lands to the southeast of the site in the City General Plan and eventually the Sphere of Influence. However, the disposition of that proposal can only be speculative at this time and there are no guarantees that it will ever develop.

**F. Noise, Dust, and Vibration**

**The proposed school facility shall not cause an unreasonable amount of noise or dust and should not be located in areas where it would be impacted by the same.**

Without detailed plans for the school it is not possible to determine the degree of increased noise associated with the school. As discussed above in "E. Impacts to Agriculture" it is reasonable to assume the surrounding agricultural uses will as a matter of their normal operations generate noise, dust and possibly some vibration at various times of the year.

**SUMMARY**

The proposed site may be considered consistent with some of the factors, but overall, particularly that it is outside of the Patterson Sphere of Influence, it is considered inconsistent with the County General Plan. It is recommended the Planning Commission so find and that the finding be passed on to the Patterson Joint Unified School District.

**Attachments**

I:\Staff\p\School Site\Patterson Joint Unified School Site.wpd

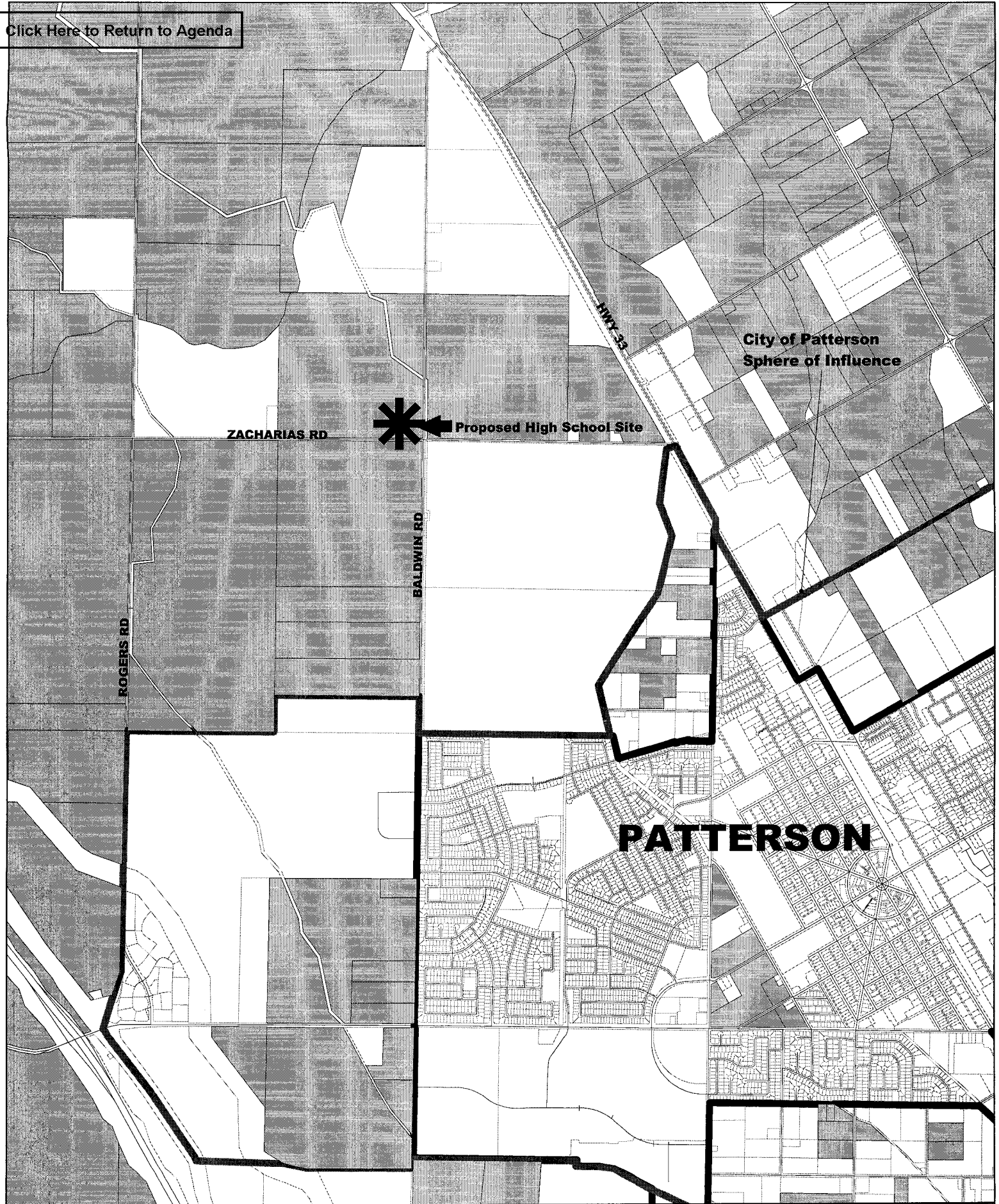




**PROPOSED PATTERSON HIGH SCHOOL SITE**









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Chairman, Board of Supervisors