

COUNCIL COMMUNICATION

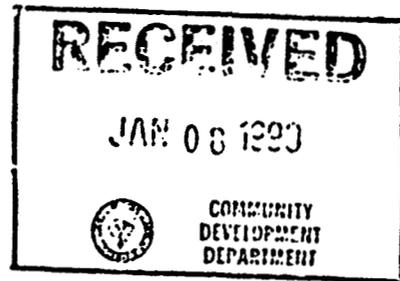
TO: THE CITY COUNCIL COUNCIL MEETING DATE: JANUARY 17, 1990

FROM: THE CITY MANAGER'S OFFICE

SUBJECT: ANNEXATION POLICY

INDICATED ACTION: The City Council should consider adopting an annexation policy along the lines of the discussion at the Shirt Sleeve Session of Tuesday, January 9, 1990.


JAMES B. SCHROEDER
Community Development Director



MEMORANDUM, City of Lodi, Public Works Department

TO: Community Development Director
FROM: Public Works Director
DATE: January 8, 1990
SUBJECT: Annexation Policy

We have reviewed the draft policy dated December 13, 1989. It is a good review of the subject; however, we have a few comments we feel should be considered by the Council.

- 1) The categories described all assume the annexations are for essentially undeveloped land for which the land use will change. However, a significant portion of the unincorporated land within the General Plan boundaries is already developed. We may see separate requests for these parcels, or they may be joined with other larger parcels to prevent creation of islands or pockets. There are a number of implications we may want to consider, mainly in the area of public improvements and fees. Peach and Willow Streets are good examples of what could happen. What do we require if all of Woodbridge wants to annex?
- 2) It was mentioned that 5 residential projects subject to the 2% growth limit have all the necessary environmental approval. We question the validity of the EIRs given their age and changed conditions in Lodi. We also assume they will be changed to meet the new General Plan designations (such as only 65% single-family) and other requirements necessary to pass through an allocation system.
- 3) All impact fees will not necessarily be tied to building occupancy. Since we will have an adopted capital improvement program, we can collect fees at final map filing. One advantage in collecting various fees at different stages of development is that the cost is spread to different segments of the developer: industry. Also, earlier collection will help discourage premature land development.


Jack L. Ronsko
Public Works Director

JLR/RCP/mt

cc: City Manager
City Attorney
Assistant City Engineer

MCDD9001/TXTW.02M

RESOLUTION NO. 90-09

=====

**A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING THE CITY OF LODI ANNEXATION POLICY**

=====

RESOLVED, that the Lodi City Council hereby adopts the City of Lodi Annexation Policy dated December 13, 1989, attached hereto as Exhibit A.

Dated: January 17, 1990

=====

I hereby certify that Resolution No. 90-09 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 17, 1990 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Alice M. Reimche
City Clerk

December 13, 1989

EXHIBIT A

ANNEXATION POLICY

Background

At a recent Shirt Sleeve Session the City Council indicated that it wanted to establish a policy for reviewing the various annexation requests which have been presented since the Appeals Court ruled that Measure "A" interfered with the State's annexation laws.

Before developing a policy, it seemed reasonable to review the kinds of projects which would be presented and how they differed from one another.

Types of Annexation

1. Public - City Owned
 - a. Contiguous annexation would include the two parcels added to C-Basin (Pixley Park) south of Vine Street, east of Beckman Road, and the proposed site for the Industrial Substation south of East Lodi Avenue.
 - b. Non-contiguous annexations would include City-owned property which did not abut a municipal boundary such as White Slough Water Pollution Control Plant.
2. All commercial or industrial projects.
3. Senior citizens housing projects.
4. Mixed Use Project - Senior housing projects with commercial or professional.
5. Residential - Subject to the 2% growth limit.
6. Mixed Use Project - Residential with commercial or professional with residential subject to 2% growth limit.
7. Mixed Use Project - Residential with senior housing with residential subject to 2% growth limit.

Items 1 through 4 above are not subject to the proposed 2% growth rate and could be annexed at the City Council's discretion. Of the fourteen proposed annexations presented to the City Council, six are commercial, industrial or public. One, the Pixley Park-C Basin Addition, was initiated by the City Council at its December 6, 1989 meeting. Two, Kettleman Properties and Sunwest Plaza, have environmental certification, General Plan conformity and rezoning. The final three are proposed industrial sites and require environmental documentation and rezoning.

Of the remaining proposed additions, five (Johnson Ranch II, Century Meadows, Batch Property, Towne Ranch and Bridgetowne Estates) were defeated

at Measure "A" elections and all have the necessary environmental approval and rezoning. However, they are all residential projects and would be subject to the proposed 2% Growth Management Review.

The last three proposed annexations, Sasaki, Geweke and Kattakian, are mixed use with some possible residential. These three would be required to go through the entire development process as well as the 2% rating.

Local Agency Formation Commission Policy

Since the City has had only four contiguous and four non-contiguous annexations since Measure "A" was enacted in 1981, it appeared prudent for the Community Development Director to review LAFCO policies and practices with that agency's Executive Director.

At present the Commission has no limitation on the years of growth a City may annex, however, ten years growth or more must be justified and may not be approved. With a 2% annual residential growth rate, it will be easy to determine the number of years of residential growth that are in the City. Commercial and industrial growth rates will have to be compared with historic data.

Even though the White Slough Water Pollution Control Plant is impacted, LAFCO will permit annexations if the City can demonstrate that sewer service will be available in a reasonable time period. An agreement between the developer and the City indicating when the project would require and receive sewer service would be more than adequate for LAFCO purposes.

San Joaquin LAFCO still requires that the City be the Lead Agency for CEQA (California Environmental Quality Act) purposes and that all annexation proposals be preredoned before being submitted to the Commission.

Proposed Annexation Policy

Since the seven types of annexations fall into three categories (i.e. publicly owned; outside the 2% growth rate and within the 2% growth rate) it appears that different procedures are needed for each category.

Public Owned Properties

As in the past the City Council should continue to annex all publicly owned property, either contiguous or non-contiguous, upon acquisition by the City. By doing this the City avoids paying property taxes on the land. It also assures that the property will be totally under the City's jurisdiction.

Projects Outside the 2% Growth Limit

The City Council should consider adopting a policy for projects consisting of commercial, industrial, senior citizens housing or a mix of commercial and senior housing.

Besides conforming to the development process requirements, environmental documentation and rezoning, the developers/owners of projects in this category should enter into an agreement with the City which indicates (1) that sewer service will not be requested until the City indicates it is available; and (2) that all impactation fees will be paid before building occupancy.

Projects Inside the 2% Growth Limit

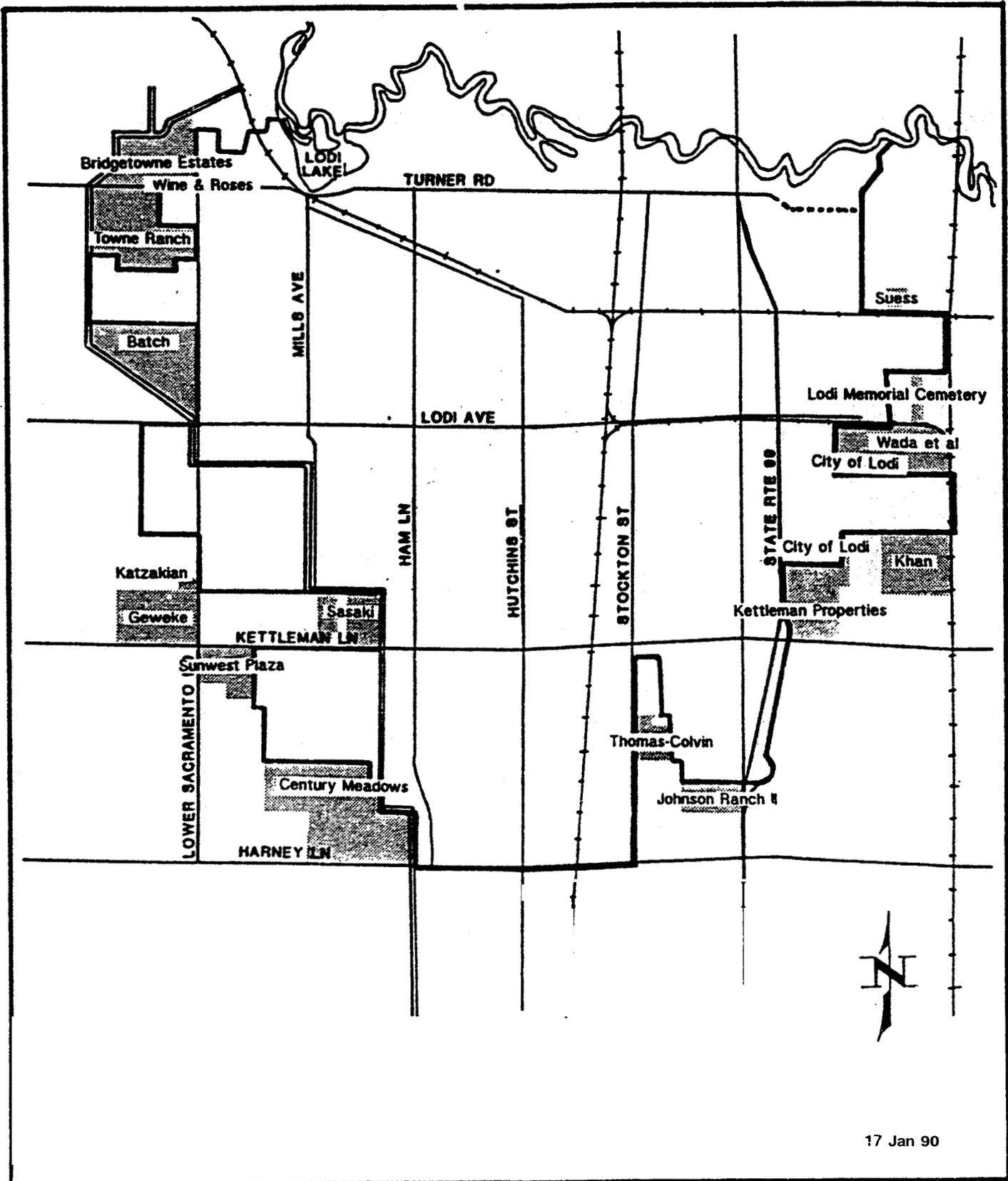
The City Council should consider adopting a policy for residential projects which will have housing allocations based on the 2% growth rate as described in the Growth Management Program.

In addition to the normal development, CEQA and annexation processes, the developers/owners of projects in this category should enter into an agreement which states (1) that the project is within the Growth Management Program and annexation does not give the project a vesting to develop or acquire Building Permits; (2) that sewer service will not be requested until the City indicates *it* is available; and (3) that all impactation fees will be paid before building occupancy.



COMMUNITY DEVELOPMENT
DEPARTMENT

REQUESTED
ANNEXATIONS



January 17, 1990 (Revised)

ANNEXATION POLICY

Background

At a recent Shirt Sleeve Session the City Council indicated that it wanted to establish a policy for reviewing the various annexation requests which have been presented since the Appeals Court ruled that Measure "A" interfered with the State's annexation laws.

Before developing a policy, it seemed reasonable to review the kinds of projects which would be presented and how they differed from one another.

Types of Annexation

1. Public - City Owned
 - a. Contiguous annexation would include the two parcels added to C-Basin (Pixley Park) south of Vine Street, east of Beckman Road, and the proposed site for the Industrial Substation south of East Lodi Avenue.
 - b. Non-contiguous annexations would include City-owned property which did not abut a municipal boundary such as White Slough Water Pollution Control Plant.
2. All commercial or industrial projects.
3. Senior citizens housing projects.
4. Mixed Use Project - Senior housing projects with commercial or professional.
5. Project which exists in the County (Single-family dwelling, Woodbridge School, winery).
6. Residential - Subject to the 2% growth limit.
7. Mixed Use Project - Residential with commercial or professional with residential subject to 2% growth limit.
8. Mixed Use Project - Residential with senior housing with residential subject to 2% growth limit.

Items 1 through 5 above are not subject to the proposed 2% growth rate and could be annexed at the City Council's discretion. Of the eighteen proposed annexations presented to the City Council, nine are commercial, industrial or public. One, the Pixley Park-C Basin Addition, was initiated by the City Council at its December 6, 1989 meeting. Two, Kettleman Properties and Sunwest Plaza, have environmental certification, General Plan conformity and rezoning. One is the site for the Industrial Substation and the final four are proposed industrial sites and require environmental documentation and rezoning.

Of the remaining proposed additions, five (Johnson Ranch 11, Century Meadows, Batch Property, Towne Ranch and Bridgetowne Estates) were defeated at Measure "A" elections and all have the necessary environmental approval and pretoning, However, they are all residential projects and would be subject to the proposed 2% Growth Management Review.

The last four proposed annexations, Sasaki, Geweke, Katzakian and Thomas-Colvin, are mixed use with some possible residential or residential, These four would be required to go through the entire development process as well as the 2% rating.

Local Agency Formation Commission Policy

Since the City has had only four contiguous and four non-contiguous annexations since Measure "A" was enacted in 1981, it appeared prudent for the Community Development Director to review LAFCO policies and practices with that agency's Executive Director.

At present the Commission has no limitation on the years of growth a City may annex, however, ten years growth or more must be justified and may not be approved. With a 2% annual residential growth rate, it will be easy to determine the number of years of residential growth that are in the City. Commercial and industrial growth rates will have to be compared with historic data.

Even though the White Slough Water Pollution Control Plant is impacted, LAFCO will permit annexations if the City can demonstrate that sewer service will be available in a reasonable time period. An agreement between the developer and the City indicating when the project would require and receive sewer service would be more than adequate for LAFCO purposes.

San Joaquin LAFCO still requires that the City be the Lead Agency for CEQA (California Environmental Quality Act) purposes and that all annexation proposals be rezoned before being submitted to the Commission.

Propo tion Policy

Since the eight types of annexation fall into four categories (i.e. publicly owned, outside the 2% growth rate, within the 2% growth rate or existing developed property), it appears that different procedures are needed for each category.

Public Owned Properties

As in the past the City Council should continue to annex all publicly owned property, either contiguous or non-contiguous, upon acquisition by the City. By doing this the City avoids paying property taxes on the land. It also assures that the property will be totally under the City's jurisdiction.

Projects Outside the 2% Growth Limit

The City Council should consider adopting a policy for projects consisting of commercial, industrial, senior citizens housing or a mix of commercial and senior housing.

Besides conforming to the development process requirements, environmental documentation and rezoning, the developers/owners of projects in this category should enter into an agreement with the City which indicates (1) that sewer service will not be requested until the City indicates it is available; and (2) that all impaction fees will be paid before building occupancy.

Projects Inside the 2% Growth Limit

The City Council should consider adopting a policy for residential projects which will have housing allocations based on the 2% growth rate as described in the Growth Management Program.

In addition to the normal development, CEQA and annexation processes, the developers/owners of projects in this category should enter into an agreement which states (1) that the project is within the Growth Management Program and annexation does not give the project a vesting to develop or acquire Building Permits; (2) that sewer service will not be requested until the City indicates it is available; and (3) that all impaction fees will be paid before building occupancy.

Projects Which Exist in the County

The City Council should consider adopting a policy for parcels already developed in the County.

Owners of projects in this group should enter into an agreement which states (1) that sewer service will not be requested until the City indicates it is available; (2) that all applicable impaction fees will be paid; and (3) that a standard deferral agreement will be signed indicating that the property will be brought to City Standards (curb, gutter, sidewalk, street lights, etc.) when the City requires the improvements.

ANNEXATIONS REQUESTED

ACRES

RESIDENTIAL UNITS

Batch	100	316 SF + 246 Seniors
Bridgetowne Estates	62	225 SF
Century Meadows	160	806 SF
City of Lodi	23	
Geweke	39	
Johnson Ranch II	31	145 SF
Katzakian	.8	
Kettleman Properties	41	
Lodi Memorial Cemetery	8	
Sasaki	50	
Suess	5	
Sunwest Plaza	23	
Towne Ranch	79	397 SF
Khan	40	
Thomas-Colvin	12	
Wada et al	55	
Wine and Roses	2	

LAND USE

Residential	444 acres
Commercial / Industrial	66 acres
Industrial	108 acres
Public	23 acres
Mixed	90 acres

February 2, 1990

ANNEXATION POLICIES

At its meeting of Wednesday, January 17, 1990 the Lodi City Council adopted the following Annexation Policies.

Publicly Owned Properties

As in the past the City Council shall continue to annex all publicly owned property, either contiguous or non-contiguous, upon acquisition by the City. By doing this the City avoids paying property taxes on the land and assures the property will be totally under the City's jurisdiction.

Projects Outside the 2% Growth Limits

Besides conforming to the development process requirements, environmental documentation and rezoning, the developer/owner of projects in this category shall enter into agreement with the City which indicates (1) that sewer service will not be requested until the City indicates it is available; and (2) that all impactation fees will be paid before building occupancy.

Projects Within the 2% Growth Limit

In addition to the normal development, CEQA and annexation processes, the developer/owners in this category shall enter into an agreement with the City which states (1) that the project is within the Growth Management Program and annexation does not give the project a vesting to develop or acquire Building Permits; (2) that sewer service will not be requested until the City indicates it is available; and (3) that all impactation fees will be paid before building occupancy.

Projects Which Exist in the County

Owners of parcels already developed in the County shall enter into an agreement which states (1) that sewer service will not be requested until the City indicates it is available; (2) that all applicable impactation fees will be paid; and (3) that a standard deferral agreement shall be signed indicating that the property will be brought to City standards (i.e. curb, gutter, sidewalk, street lights, etc.) when the City requires the improvements.

Background Information

The following information was reviewed by the City Council in formulating the above Annexation Policies.

Types of Annexation

1. Public - City Owned
 - a. Contiguous annexation would include the two parcels added to C-Basin (Pixley Park) south of Vine Street, east of Reckman Road, and the proposed site for the Industrial Substation south of East 10th Avenue.
 - b. Non-contiguous annexations would include City-owned property which did not abut a municipal boundary such as White Slough Water Pollution Control Plant.
2. All commercial or industrial projects.
3. Senior citizens housing projects.
4. Mixed Use Project - Senior housing projects with commercial or professional.
5. Project which exists in the County (Single-family dwelling, Woodbridge School, winery) - when property owner requests.
6. Residential - Subject to the 2% growth limit.
7. Mixed Use Project - Residential with commercial or professional with residential subject to 2% growth limit.
8. Mixed Use Project - Residential with senior housing with residential subject to 2% growth limit.

Items 1 through 5 above are not subject to the proposed 2% growth rate and could be annexed at the City Council's discretion. Of the eighteen proposed annexations presented to the City Council, nine are commercial, industrial or public. One, the Pixley Park-C Basin Addition, was initiated by the City Council at its December 6, 1989 meeting. Two, Kettleman Properties and Sunwest Plaza, have environmental certification, General Plan conformity and rezoning. One is the site for the Industrial Substation and the final four are proposed industrial sites and require environmental documentation and rezoning.

Of the remaining proposed additions Five (Johnson Ranch 11, Century Meadows, Batch Property, Towne Ranch and Bridgetowne Estates) were defeated at Measure "A" elections. Although these properties have environmental approval and rezoning, the EIR must be reviewed and updated. They are all residential projects and would be subject to the proposed 2% Growth Management Review.

The last four proposed annexations, Sasaki, Geweke, Katschian and Thomas-Colvin, are mixed use with some possible residential or residential. These four would be required to go through the entire development process as well as the 2% rating.

Local Agency Formation Commission Policy

Since the City has had only four contiguous and four non-contiguous annexations since Measure "A" was enacted in 1981, the LAFCO policies and practices were reviewed with that agency's Executive Director.

At present the Commission has no limitation on the years of growth a City may annex, however, ten years growth or more must be justified and may not be approved. With a 2% annual residential growth rate, it will be easy to determine the number of years of residential growth that are in the City. Commercial and industrial growth rates will have to be compared with historic data.

Even though the White Slough Water Pollution Control Plant is impacted, LAFCO will permit annexations if the City can demonstrate that sewer service will be available in a reasonable time period. An agreement between the developer and the City indicating when the project would require and receive sewer service would be more than adequate for LAFCO purposes.

San Joaquin LAFCO still requires that the City be the Lead Agency for CEQA (California Environmental Quality Act) purposes and that all annexation proposals be rezoned before being submitted to the Commission.

1/17/90

RESOLUTION NO. 90-09
=====

A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING THE CITY OF LODI ANNEXATION POLICY

=====

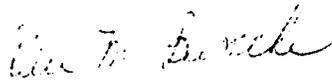
RESOLVED, that the Lodi City Council hereby adopts the City of Lodi Annexation Policy dated December 13, 1989, attached hereto as Exhibit A.

Dated: January 17, 1990

=====

I hereby certify that Resolution No. 90-09 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 17, 1990 by the following vote:

- Ayes : Council Members - Olson, Pinkerton and Reid
- Noes : Council Members - Hinchman
- Absent: Council Members - None
- Abstain: Council Members - Snider (Mayor)



Alice M. Reimche
City Clerk