

Page 200

CITY COUNCIL MEETING  
JULY 17, 1984  
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cc 53 f

TWO MEASURES  
ROBERT BATCH  
PROPERTY AND  
SUNVEST IV TO  
BE PLACED ON  
NOVEMBER 6,  
1984  
BALLOT

City Clerk Reimche presented the following letters which had been received from Robert Batch and A. Fred Baker requesting that their projects be placed in the November, 1984 ballot:

"We are requesting the annexation of the Robert Batch property to the City of Lodi. We are requesting the matter be put on the November, 1984, ballot.

The property is a 100± acre parcel located on the west side of Lower Sacramento Road, between West Elm Street extension and Lodi Avenue.

A tentative Map was submitted to the Planning Department for processing. If you have any questions, please call Glen I. Baumbach at 368 6618.

Sincerely,

s/Robert Batch"

"On behalf of the owners of Sunvest IV, we wish to request that the City place our matter on the November, 1984 ballot.

As you are aware, our matter qualified for the November, 1983 ballot. We are submitting the same project as before. If you have any questions or if there should be anything further that you need from us do not hesitate to call or write.

Very truly yours,

s/A. Fred Baker  
Owner, Sunvest IV"

RES. NO. 84-098

Following discussion with questions being directed to Staff, Council, on motion of Council Member Olson, Hinchman second, adopted Resolution No. 84-098 - Resolution Directing that Two Measures Be Placed on the November 6, 1984 Ballot to be voted upon by the Electorate of the City of Lodi and Further Requesting Consolidation with the County of San Joaquin for this State-Wide Election (Robert Batch Property and Sunvest IV.

*City Manager*

**SUNWEST IV**

**FINAL**

**83-1**

**ENVIRONMENTAL IMPACT REPORT**

FINAL ENVIRONMENTAL IMPACT REPORT

FOR

SUN WEST UNIT NO. 4

APPLICANT

Baumbach and Piazza, Engineers  
323 West Elm Street  
Lodi, CA 95240

PROPERTY OWNER

Dr. Kris Kessler and Fred Baker

AGENCY PREPARING EIR

City of Lodi  
Community Development Department  
221 West Pine Street  
Lodi, CA 95240

DESCRIPTION OF ACTION

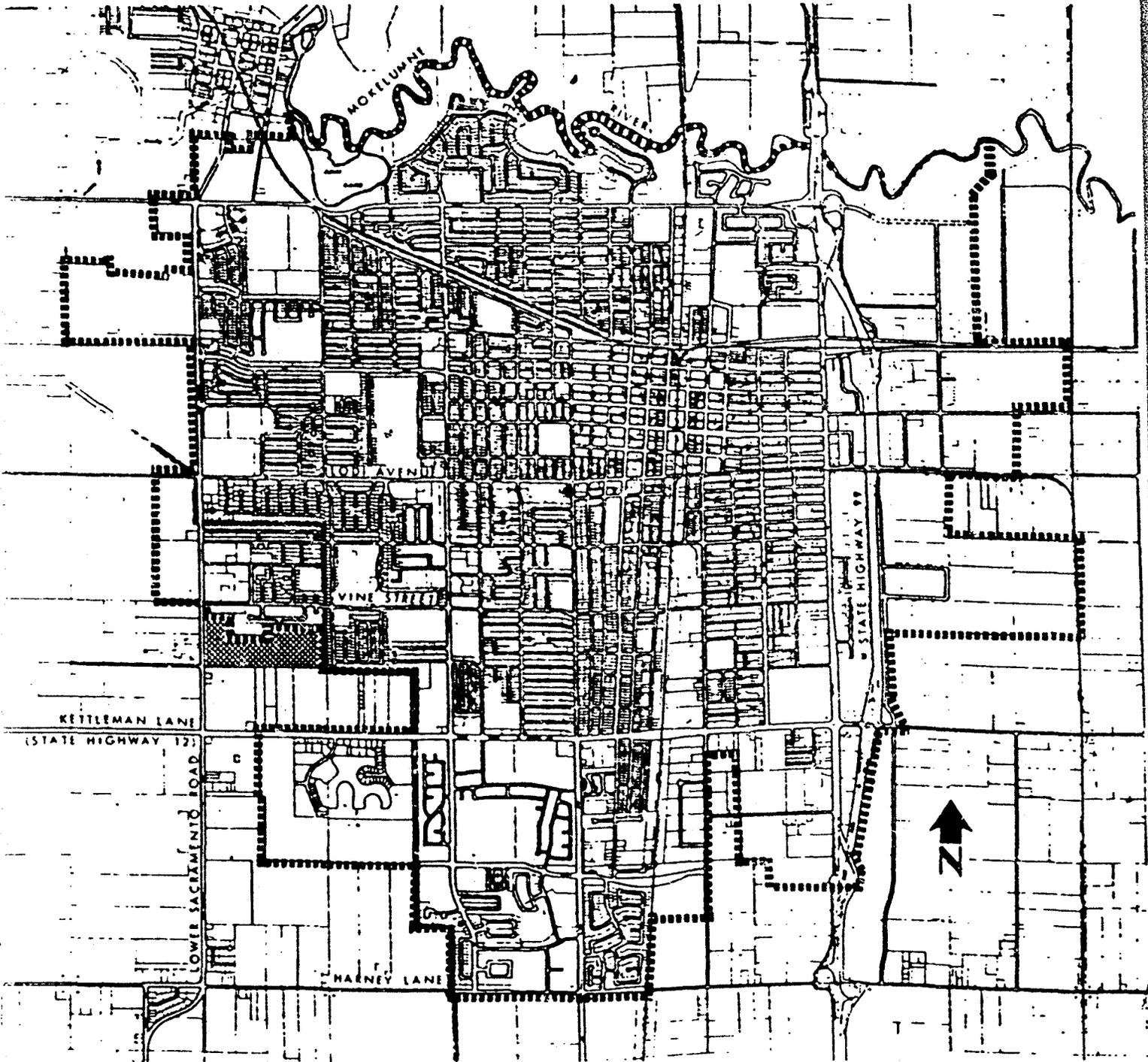
The proposed project is a 52.6± acre mixed residential project located east of Lower Sacramento Road and 1/4 mile north of Kettleman Lane (Highway 12). The project will contain 133 single-family lots and 186 units of cluster housing.

The project will require certification of an EIR; approval by the voters of the City of Lodi; annexation approval by LAFCO and the City of Lodi; granting of a City of Lodi zoning designation of Planned Development; and approval of a specific plan and subdivision map.

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SUNWEST IV  
LOCATION MAP



# SUNWEST IV

SUBDIVISIONS OF SAN JOAQUIN COUNTY

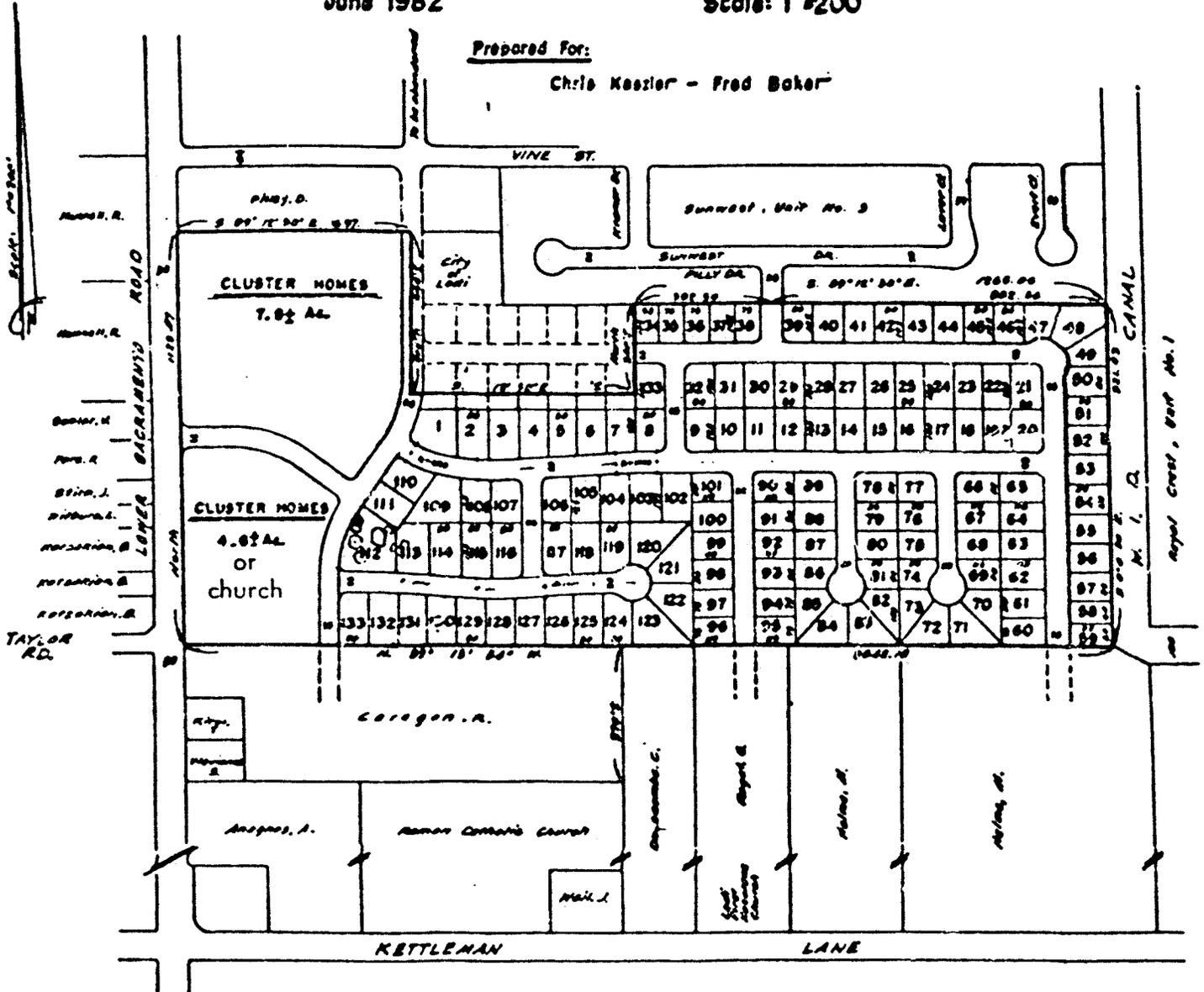
Being a portion of the southeast quarter of  
Section 10, T.3N, R.6E, M.D.B. & M,  
City of Lodi, San Joaquin County, California.

June 1982

Scale: 1"=200'

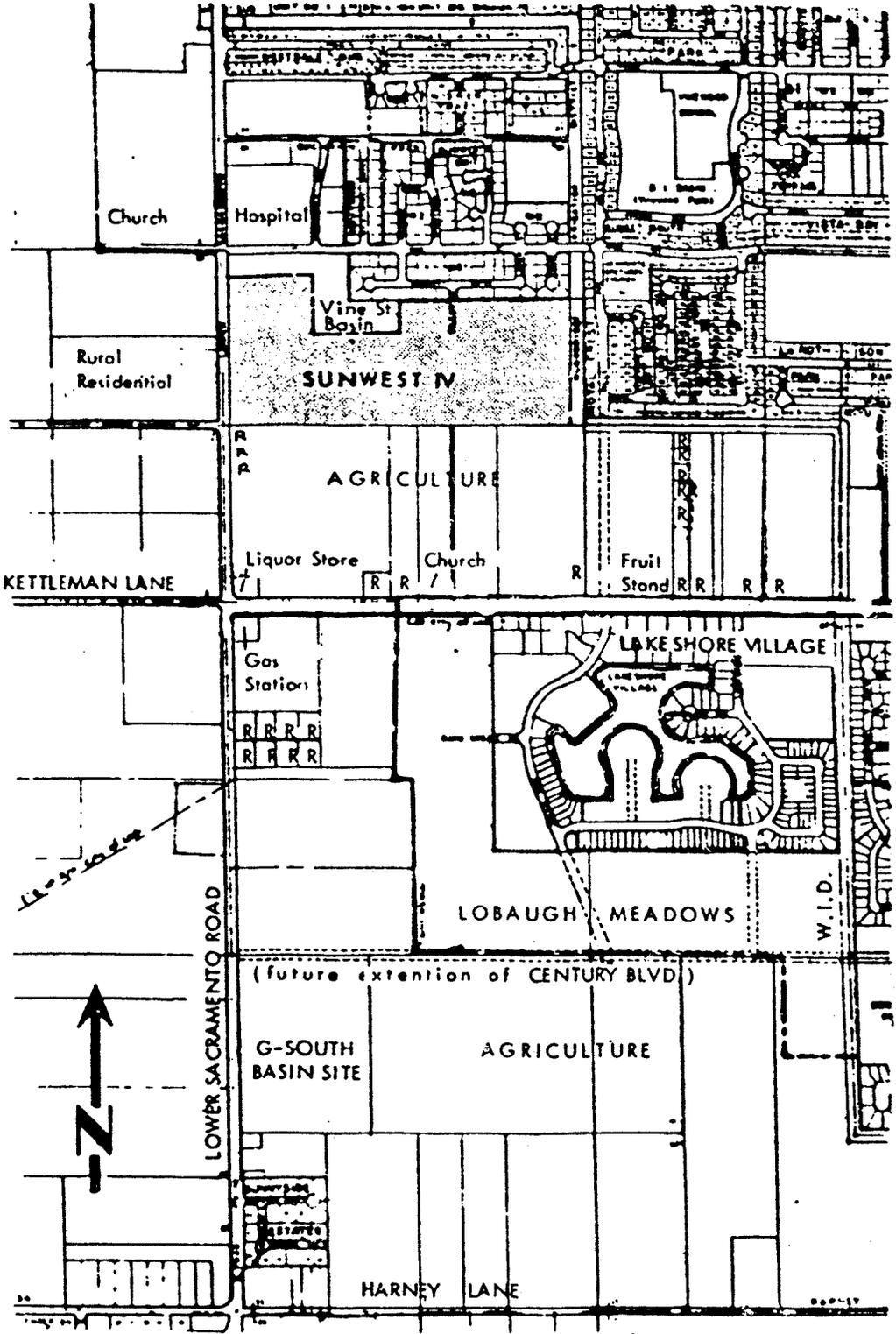
Prepared For:

Chris Keesler - Fred Baker



	ACRES	UNITS	U.P.A.
RESIDENTIAL	40.2	133	3.3
CLUSTER HOMES	12.4	186	15
TOTAL	52.6	319	—
NET DENSITY — 6.1 U.P.A.			

**SUNWEST IV  
LAND USE MAP**





## SUMMARY

### SUN WEST UNIT NO. 4

#### Environmental Impact Report

#### PROJECT DESCRIPTION

The project is a 52.6± acre residential development. The project will contain 133 single-family lots and 186 cluster homes.

The subject site is currently designated low-density residential in the Lodi General Plan. This designation permits an overall residential density of 1-10 units per acre. The parcel is currently zoned GA-40 (San Joaquin County) and will require a rezoning to P-D, Planned Development. The project will require an annexation to the City of Lodi and the approval of the voters of the City of Lodi under the requirements of Measure A (Greenbelt Initiative).

#### LOCATION

The project will be located on the east side of Lower Sacramento Road, 1/4 mile north of Kettleman Lane (Highway 12). The parcel is designated as San Joaquin County Assessor's parcel 027-040-21.

#### ENVIRONMENTAL IMPACTS

1. Loss of 52.6± acres of prime agricultural soil. Parcel is Class 1 soil made up of Hanford Sandy Loam; well suited for a variety of agricultural uses. Development will mean loss of agricultural use of land.  
  
Urbanization will affect adjacent agricultural parcels by restricting normal spraying and cultivation operations. Vandalism, trespassing and homeowner's complaints could increase.
2. Traffic will increase on Lower Sacramento Road and Vine Street. The project will generate approximately 2,449 vehicle trips per day when fully developed.
3. Air pollution will increase slightly as a result of increased vehicular traffic. Increase will be less than 1% of City of Lodi emissions.
4. Residential units adjacent to Lower Sacramento Road will be subject to noise levels that exceed recommended levels for residential units.
5. Approximately 263 additional school-aged children could be added to the already overcrowded L.U.S.D. Providing adequate classroom space could be a problem.

## MITIGATING MEASURES

1. No real mitigation possible for loss of agricultural land. Entire Lodi area is prime agricultural land.
2. Additional traffic can be mitigated by proper design and construction of the street system, and by limiting access to Lower Sacramento Road.
3. Noise levels in residential structures can be reduced by shielding the units with a sound wall along Lower Sacramento Road. Also design features can be built into the units (insulation, double-glazed windows, etc.) to reduce noise levels inside of the units.
4. Impaction of schools can be mitigated by the developer financially assisting the L.U.S.D.. to provide additional classroom space. The developer has signed an agreement with the L.U.S.D. to pay an agreed upon amount to the school district. (See page 22.a)

## ALTERNATIVE TO THE PROJECT

1. "No building" alternative. Eliminates all impacts by leaving the site in agricultural use.
2. Different mix of residential and/or commercial uses. Does not significantly improve or change the environmental impacts of the proposed project. Loss of agricultural land is not affected.

## IRREVERSIBLE AND LONG-TERM IMPACTS

1. Loss of agricultural land is permanent and irreversible.

## CUMULATIVE IMPACTS

Loss of agricultural land is cumulative. In the past years, several hundred acres of land have been developed with various residential, commercial and industrial projects. Because the City of Lodi is entirely surrounded by prime agricultural land, all future projects will utilize agricultural land.

2. There is a cumulative impact on the L.U.S.D. The L.U.S.D. includes much of the northern San Joaquin County, including the City of Lodi and north Stockton. It is estimated that there is the potential for an additional several thousand students in projects currently approved and in some state of development. This includes Lodi, north Stockton and the unincorporated County areas. This would seriously affect the L.U.S.D.

The L.U.S.D. is working with developers in the north County area to assist the District financially to provide additional classroom space. Many, including the Sun West Unit No. 4 developer, have signed agreements with the District.

## GROWTH-INDUCING IMPACT

1. The installation of public utilities in the area, particularly storm drainage could have an affect on growth in the area. The "Greenbelt" initiative will, however, be a major factor controlling growth.

SUN WEST UNIT NO. 4  
Environmental Impact Report

I. PROJECT DESCRIPTION

The applicants are proposing a 52.6± acre mixed residential project. The project will contain a total of 319 residential units broken down as follows:

	Acres	Units	Units/Acre
Single Family lots	40.2	133	3.3
Cluster Housing	12.4	186	15
TOTAL	52.6	319	

Overall density 6.1 U.P.A.

The project is designed as an extension of an existing subdivision, Sun West No. 1, No. 2 and No. 3. The first three units of the Sun West Subdivision are developed and contain 126 single family lots. Units No. 1 and No. 2 are completely built-out and Unit No. 3 has approximately 93% of the lots built on. The existing 3 units of Sun West are within the City limits of Lodi. The proposed Sun West No. 4 is located immediately south of Unit No. 3 but is outside of the City Limits.

The proposed project will require the following governmental actions: Certification of an Environmental Impact Report; rezoning by the City of Lodi; voter approval under the requirements of Measure A (Greenbelt Initiative); annexation approval by LAFCO and City of Lodi; granting of a City of Lodi zoning classification of Planned Development; and approval of a subdivision map and specific plan.

The project is requesting annexation to the City of Lodi in order to obtain City services and utilities such as water, sewer, storm drainage, etc.

II. SITE LOCATION & DESCRIPTION

The project site contains 52.6± acres and is located adjacent to the existing Lodi City Limits. The parcel is San Joaquin County Assessor Parcel 027-040-21. The area is located east of Lower Sacramento Road and approximately 1300' north of Highway 12 (Kettleman Lane). See Vicinity Map.

The 52.6 acre parcel is the remainder of what once was an 80 acre parcel. The northern 37.4 acres were annexed to the City of Lodi several years ago, and are currently being developed as a part of the Sun West Subdivision. A portion of that land is also being used as a temporary storm drainage facility for the Sun West area.

The project property is currently being farmed. Approximately 8 acres are planted in vineyards with the remainder planted in field crops. There is also a farm residence and related structures located on the property.

The area surrounding the project site is primarily residential or agricultural. On the north are residential subdivisions and Lodi Community Hospital. On the east, across the Woodbridge Irrigation Canal (W.I.D.) are residential subdivisions. To the south are agricultural properties with scattered residences, a church and a commercial business. To the west are agricultural parcels and a concentration of small lot rural residences located along Taylor Road and Lower Sacramento Road. (See Land Use Map).

### III. GENERAL PLAN AND ZONING DESIGNATION

The project parcel is currently designated General Agriculture-40 acre minimum parcel size (GA-40) by the San Joaquin County General Plan and Zoning Map. The property is not included in the City of Lodi General Plan as a result of Measure A (Greenbelt Initiative) that was passed by the voters in 1981. This Initiative removed from the City's General Plan all land that was not within the City limits at the time the Initiative was approved. In order to be included in the City's General Plan the voters of the City of Lodi must approve an amendment to the General Plan. Unless the General Plan Amendment is approved, the land cannot be annexed to the City or developed as a part of the City of Lodi. (See Appendix for text of Measure A).

The applicants will be requesting a General Plan designation of low density residential. The overall project density of 6.1 units per acre will meet the requirements of the low density designation. The zoning requested will be Planned Development (P-D), which will permit the mix of single family lots and cluster housing if approved by the City.

### IV. DESCRIPTION OF ENVIRONMENTAL SETTING

#### A. TOPOGRAPHY

The project site and the surrounding area are generally flat with elevations of approximately 40-45 feet above sea level. The land in Lodi slopes gently from the northeast to the southwest at the rate of approximately 5' per mile. It is probable that the land was leveled sometime in the past to facilitate surface irrigation. The parcel contains no natural drainage channels or other topographic feature.

#### B. HYDRAULICS

There are no natural water features or drainage channels located on the project site. The Woodbridge Irrigation Canal runs along the east propertyline and is a source of agricultural irrigation to this and other properties in the area. The property does not lie within the floodplain of the Mokelumne River and would not be affected during a 100 year flood.

Except for agricultural properties served by the Woodbridge Irrigation District Canal, the majority of properties in the Lodi area, including the City of Lodi, are supplied by water pumped from underground sources. There are existing private agricultural and domestic water wells on the property.

Using figures provided by the San Joaquin County Farm advisor for agricultural water uses, we can make some water use comparisons. The average vineyard requires approximately 35 inches of water annually. Natural rainfall provides approximately 9 inches of the annual demand. The remaining 26 inches are supplied by irrigation. Converted to acre feet, each acre of vineyard will use approximately 2.2 acre feet of water per year, excluding rainfall.

The 52.6 acres of the project x 2.2 acre feet equal approximately 115.7 acre feet of water required by the agricultural operation annually.

The following water consumption chart breaks down the various water uses by acre feet/acre year for different types of residential development.

Single family residence	3.1 acre feet/acre year
Multiple family residence	2.4 acre feet/acre year

The proposed development has the following number of acres in the above described uses.

Use	No. Acres	No./Ac. ft/ Acre/Year	Total No/Ac.Ft/ Year
Single Fam. Res.	40.1	3.1	124.62
Multi-Fam. Residential	12.4	2.4	29.76
			<u>154.38</u>

The estimated water usage for the proposed project will be approximately 154 acre feet/year compared to the existing water usage of 115.7 acre feet/year.

### C. SOIL CONDITIONS

The soil type of the project site is Hanford Sandy Loam. The surface soil of the Hanford Sandy Loam consists of an 8 to 14 inch layer of light, grayish brown, soft friable sandy loam which has a distinct grayish cast when thoroughly dry. The material grades downward into a subsoil of slightly darker and richer brown soil.

Agriculturally, Hanford Sandy Loam is one of the best soils. It is used in the production of orchard, vineyard and other intensive perennial crops. In the Lodi area this soil is primarily used for grape vineyards. The soil conservation

service rates Hanford Sandy Loam as Class 1 (the highest rating) and the Storie Index rates it at 95 percent for the ability to produce crops.

The soil is also rated good for construction purposes. The bearing capacity of the soil is 2,000 lbs. per square foot. It does not have expansive qualities and will support most structural building loads.

The 1978 edition of the Uniform Building Code designates Lodi as being in Seismic Zone 3, one that requires the strictest design factors for lateral forces.

D. SEISMIC HAZARD

Earthquake faults are not found in the immediate vicinity of the subject parcel. The nearest faults are approximately 14 miles to the south and west. The most probable sources of strong ground motion are from the San Andreas Fault, Hayward Fault, the Livermore Fault and the Calaveras Fault, all located in the San Francisco Bay area.

E. BIOTIC CONDITIONS

The site has been cleared of natural vegetation and replaced with cultivated crops. The property currently contains grape vineyards and field crops. The type of plants and wildlife found on the site are common to lands in the agricultural areas surrounding Lodi. There are no known rare or endangered species of plant or animal located on the project site.

F. ATMOSPHERIC CONDITIONS

Air Quality in the San Joaquin Valley is affected by a combination of climatology and topography. Topographically, San Joaquin County is located approximately in the middle of the Sacramento/San Joaquin Valley. The valley has a trough-like configuration that acts as a trap for pollutants. Mountain ranges surrounding the valley restrict horizontal air movement and frequent temperature inversions prevent vertical air movement. The inversion forms a lid over the valley trough, preventing the escape of pollutants.

Climatology also affects the air quality. High summer temperatures accelerate the formation of smog. This, combined with summer high pressures which create low wind speeds and summer temperature inversions to create the potential for high smog concentrations.

San Joaquin county air quality is not in compliance with National Air Quality Standards.

Pollutant	Nat. Air Quality Standard	San Joaquin Air Quality
Ozone	0.12 pp. (1 hr. avg)	0.17 ppm
Carbon Monoxide	9.0 ppm <sub>3</sub> (8 hr. avg)	14.4 ppm
Total suspended particulate matter	75 ug/m <sup>3</sup> (AGM)	81 (highest AGM)
Sulfur-dioxide	365 ug/m <sup>3</sup> (24 hr. avg) 80 ug/m <sup>3</sup> (annual avg)	no measurement

The primary source of air pollution generated by the development will be from vehicular traffic. The trip generation estimates are based on data from the Institute of Traffic Engineers.

Single-Family Residential:

Based on 9 vehicle trip ends per unit, the 133 units will generate 1197 vehicle trips per day.

Attached Housing Units:

Based on 7 vehicle trip ends per unit, the 186 units will generate 1302 vehicle trips per day.

Total vehicle trip generation will be 2,499 vehicle trips per weekday generated by the proposed development

There is no specific data for the City of Lodi, so information was generated based on the data for San Joaquin County. The City of Lodi was assumed to generate 9.9% of the total for San Joaquin County. The following emission data was generated:

	*SOx	*Particulate Matter	Lead	Hydro-Carbons	*CO	*NOx
San Joaquin County	1.687	3.065	0.209	22.052	221.394	26.851
City of Lodi 9.9% of S.J.C.	.167	.303	.021	2.183	21.918	2.658
Sun West Unit No. 4 2 cars per house	.007	.012	.001	.088	.886	.107

\*Figures in Tons/day

Sun West Unit No.4 would account for less than 1% of the total for the City of Lodi. This is a worst-case situation and the figure for Sun West Unit No. 4 is probably higher than what will actually be generated.

G. NOISE

The primary source of noise in the area of the proposed project will be vehicular traffic on Lower Sacramento Road. Lower Sacramento Road serves as a major north-south collector street connecting the north San Joaquin County area with Lodi and Stockton.

City of Lodi noise contour maps based on 1995 traffic projections show the following:

70 decibels to 60' of the roadway  
65 decibels to 160' of the roadway

Readings are based on Ldn noise criteria.

The San Joaquin County Noise Element sets forth the following noise guidelines for residential development:

Less than 60 decibels	= Acceptable
60 - 69 decibels	= Conditionally acceptable
70 - 74 decibels	= Normally unacceptable
75 decibels or greater	= Clearly unacceptable

This data indicates that noise levels up to 60' of the roadway are unacceptable and noise levels up to 160' of the roadway are classified as conditionally acceptable:

As currently proposed, a portion of the parcels designated for cluster housing units will fall within the high noise area.

V. UTILITIES

A. STORM DRAINAGE

The City of Lodi operates a system of interconnecting storm drainage basins to provide temporary storage for peak storm runoff. The runoff is stored until the water can be pumped into the Woodbridge Irrigation District Canal or the Mokelumne River at a controlled rate. Currently, the City does not have a storm drainage basin to serve the Sun West No. 4 drainage area.

The Sun West No. 4 project is located in storm drain Area G. This particular drainage area is bordered by the W.I.D. Canal on the north and east, Lower Sacramento Road on the west, and Harney Lane on the south. Presently, there are two areas of the G-Basin area that are developed or under development with subdivisions.

The northern portion, between the W.I.D. Canal on the north and Kettleman Lane on the south is developed with several subdivisions, including Sun West No. 1, No. 2 and No. 3. These existing subdivisions are served by two small temporary basins, the Westdale pump station at Tokay and the W.I.D. Canal and the Vine Street basin located at the west end of Sun West Drive. Both basins are only designed to serve the existing developments and will be eliminated once a permanent basin is constructed.

The other area of G-Basin drainage area that is under development is the area south of Kettleman Lane and north of Harney Lane. Two developments are approved for this area, Lakeshore Village and Lobaugh Meadows. Lakeshore Village has development underway on a 90+ acre office and residential development. Storm drainage for this project is being provided by an on-site lake. The lake functions as both a private recreational lake for the development and a temporary drainage basin. The lake/basin will serve the project until a permanent City basin is constructed to provide drainage for the entire area.

Lobaugh Meadows is a 90+ acre development that wraps around Lakeshore Village. The office and residential project has been approved by the City but development has not begun. Except for the northern 20 acres, the majority of this project is not served by storm drainage. The northern 20 acres will be served by the adjacent Lakeshore Village Lake/Basin. The remaining 70± acres cannot be developed until all or a portion of the City's G-South Basin is constructed.

A permanent storm drainage solution for the G-Basin area will require the construction of a City basin(s) with sufficient capacity to serve the entire drainage area. The City of Lodi Public Works Department recently prepared a report entitled "G-Area Storm Drain Basin Study."

The study analyzed two alternatives for providing storm drainage for providing storm drainage for the G-Basin area. The study examined cost, engineering, time frames, land use, etc.

Alternative A was for a two-basin system. One basin (G-North) would be located north of Kettleman Lane (Highway 12) and a second basin (G-South) would be located south of Kettleman Lane, on a parcel owned by the City. G-North would serve the area north of Kettleman Lane, including the Sun West No. 4 project. G-South would serve the area south from Kettleman to Harney Lane.

Alternate B proposes to construct a single basin to serve the entire G-Basin service area. This basin would be large enough to provide storm water retention for both the G-North and G-South area. The basin would be located on Lower Sacramento Road and the extension of Century Boulevard where the City currently owns some property.

After considering the two alternatives, it was decided by the City Council to adopt Alternate B, the single basin proposal. This means that the storm drainage from the proposed Sun West No. 4 will be handled by the Alternative B basin site. Until the basin is constructed and the interconnecting storm drain lines are installed, the Sun West No. 4 project cannot be developed.

The Alternate B plan will require the construction of a major storm drain line from the northern portion of the drainage area south to the proposed basin site. The line will either run along

Lower Sacramento Road or down an alignment midway between Lower Sacramento Road and the W.I.D. Canal. This alignment would take it through Lobaugh Meadows to Century Boulevard then west to the basin site.

The basin itself can either be built all at once or be built in phases according to demand. The development of Sun West No. 4 will require at least the partial construction of the basin, the installation of the pump works, and the installation of the major storm drain lines.

B. SANITARY SEWER

The proposed project will be served by the City of Lodi Sanitary System. There is an existing line along Lower Sacramento Road that will handle the western portion of the project. Sufficient grade is not available to all the sewage from the eastern portion of the the development to Lower Sacramento Road. The area east of Filley Drive is planned to drain south to Highway 12 at Mills Avenue to a future lift station.

The City's White Slough Waste Water Treatment Facility has adequate capacity to handle all sanitary sewage generated by this project.

C. DOMESTIC WATER

Domestic water will be provided by the City of Lodi. There are existing lines on Lower Sacramento Road, Vine Street and Filley Drive, which will be extended to serve the project. The City's Water Master Plan does not include a City well site in this project. Some looping of waste lines may be required in order to obtain reasonable interim fire flows.

Existing agricultural and private domestic wells on the site will be abandoned when the project is developed.

D. OTHER UTILITIES

Electricity will be provided by the City of Lodi. Natural gas will be supplied by P.G. & E. and Pacific Telephone Company will provide telephone service. All services can be adequately supplied to the project with normal line extensions.

VI. COMMUNITY SERVICES

A. TRAFFIC AND CIRCULATION (Also see Atmospheric section)

The project site will tie into the City's street system. Lower Sacramento Road which runs along the west property line, will be the major street serving the property. The property will also be served by extensions of Community Drive and Filley Drive which will connect to Vine Street to the north. Community Drive should be extended to Vine Street at this time.

Lower Sacramento Road is a major north-south street carrying traffic between Stockton, Lodi and north county areas. Traffic counts taken by the City of Lodi in 1979 and 1980 for Lower Sacramento Road are 7,500 vehicle trips per day north of Vine Street, and 6,500 vehicle trips per day between Vine Street and Kettleman Lane.

The Specific Plan for Lower Sacramento Road requires a total right-of-way width of 110 feet. This provides for a main thoroughfare having two travel lanes and one emergency parking lane in each direction and also provides for a center median. The Specific Plan denies access on the east side of Lower Sacramento Road from Kettleman Lane to Vine Street. The developer is proposing access to Lower Sacramento Road via a public street. This proposed access will require an amendment to the existing Specific Plan. The developer is proposing that all access to the cluster home parcels be taken off of interior streets and not off of Lower Sacramento Road.

Kettleman Lane Lane (Highway 12) is a major east-west street and is located 1/4 mile south of the project site. Kettleman Lane currently carries 10,000 vehicle trips per day between Lower Sacramento and Ham Lane. Kettleman Lane serves as a major connector between the west and east side of Lodi. The street also connects I-5 and State Highway 99.

Lodi Avenue, located 1/4 mile north of the project site is a major connector between West Lodi and the central business district. Current traffic volumes on Lodi Avenue are 5,500 vehicle trips per day between Lower Sacramento Road and Mills Avenue and 10,000 vehicle trips per day between Mills Avenue and Ham Lane.

Filley Drive will connect the proposed development to Sun West Subdivision to the north. Community Drive will serve as the major north-south collector street in the project, connecting to Vine Street to the north and to future developments to the south.

The proposed project will have a total of 319 residential units. There will be 133 single-family lots and 186 units of cluster housing.

Using a factor of 9 vehicle trips per single family dwelling, the single-family lots will generate 1,197 vehicle trips per day (v.t./sfd x 133 units = 1,197 v.t.).

For the cluster housing we use a factor of 7 v.t. per unit. The cluster housing would generate 1,302 v.t. per day (7 v.t./cluster unit x 186 units = 1,302 v.t.).

The total vehicle trips generated by the Sun West No. 4 project would be 2,499 v.t. per day.

B. POLICE AND FIRE PROTECTION

The City of Lodi will provide police and fire protection to the proposed development. The Chief of Police has indicated that the department has no "level of reserve" which should be maintained in the city department. He indicates that the additional service for the subject property will come from reordering of departmental enforcement priorities. The Chief notes, however, that this new development and other areas of the city will receive uniform treatment with regard to service levels.

The Chief of Police will review the project plans to insure that the street lighting system and building and street layout permit adequate security surveillance by police patrol units.

The nearest fire station to the subject development is the Fire Station No. 3 at Ham Lane and Arundel Court. The Fire Chief will review all plans to assure adequate fire protection. He will work with the developer on the number and location of fire hydrants and will review the project plan to insure adequate accessibility for fire equipment.

C. SCHOOLS

The Lodi Unified School District (LUSD) is experiencing a problem of student overcrowding in many of its schools. Many of the schools are at maximum capacity and the District must transport students out of their normal attendance area to accommodate all the students.

In order to defray the costs of construction of needed interim school facilities, the City of Lodi passed City Ordinance No. 1149. This ordinance, passed pursuant to Senate Bill 201, was enacted prior to the passage of Proposition 13 of 1978. The ordinance provided for the City Building Department to collect a "fee" of \$200 per bedroom in new residential developments.

The developer has a recorded agreement with the LUSD to provide some type of payment to the school district. The developer has agreed to pay directly to the district a monetary amount equal to the fees established by No. 1149.

The agreement also states that the LUSD can request dedication of a school site in lieu of payment of the fees. This would be at the discretion of LUSD.

The proposed project will contain approximately 319 residential units. The number of students is estimated as follows:

<u>Housing Type</u>	<u>No. of Units</u>	<u>Child Per Unit</u>	<u>TOTAL</u>
Single Family homes	133	1.0	133
Cluster Homes	186	0.7	<u>130</u>
TOTAL CHILDREN			263

The school district allocates children in new developments proportionately among their thirteen grade system

It can be concluded that the proposed development does not, in itself, warrant construction of a school or schools; however, in combination with existing need and future development in the project area, additional classroom space will be required.

#### D. RECREATION

The proposed project does not set aside any land for parks or other public recreation. It is possible that some private recreational facilities will be constructed as a part of the cluster home developments. These might include a swimming pool, a spa, a recreation room or other facilities provided for the tenants of the cluster housing.

The Sun West Swim and Racquet Club, a private facility is located approximately 1/2 mile north of the proposed project. The Vinewood park, a City storm basin/park is located approximately one mile to the northwest. Vinewood Park has ball diamonds, playing fields, picnic areas and play equipment that are open to the public.

Additionally, there will be a permanent storm drainage basin/park approximately 1 mile south when G-South basin is constructed at Lower Sacramento Road and Century Boulevard. This facility, when fully developed, will have a variety of open space and recreational facilities.

#### E. SOLID WASTE

Existing collection of residential solid waste within the City of Lodi is on a weekly basis by a franchise collector. At the present time the waste is hauled to a transfer station and resource recovery station located at the company's headquarters in the east side industrial area. The refuse is sorted with recyclable material removed. The remaining refuse is then loaded onto large transfer trucks and hauled to the Harney Lane Disposal site, a Class II-2 Landfill. Current operations are consistent with the San Joaquin County Solid Waste Management Plan, adopted June, 1979. The subject area is within County Refuse Service Number 3 and the North County Disposal Area, which is served by the Harney Lane Site.

The number of units built in the project will be 319. The City's franchise collector estimates that each residential unit in the City of Lodi generates an average of 39 lbs. of solid waste per week.

$$317 \text{ units} \times 39 \text{ lbs/week} = 12,441 \text{ estimated lbs. of solid waste.}$$

## VII. SPECIAL DISTRICTS

The proposed project will affect two special districts - the Woodbridge Irrigation District (W.I.D.), which has a canal along the east property line of the project, and the Woodbridge Fire Protection District.

The W.I.D. has an open irrigation canal along the east property line. Because the Canal is open, the District is concerned with possible trespass and accidents involving their canal. They have requested that the developer be required to construct a 6' chainlink fence along the project boundary adjacent to the Canal. The fence will serve as a barrier between the project and the Canal. This could be done as a part of requirements of the project approval or as a condition of the tentative subdivision map.

The property will also be detached from the W.I.D. Once the property is annexed to the City of Lodi.

The Woodbridge Fire Protection District will be affected by having the subject property detached from their District. The City of Lodi will take over fire protection responsibility once the property is annexed to the City. The District is concerned with the loss of property tax revenue which is lost when property is removed from their District. The W.F.P.D. and other special districts are experiencing financial problems as a result of Proposition 13 tax limits.

## VIII. MEASURE A - "GREENBELT INITIATIVE"

On August 25, 1981, the voters of the City of Lodi passed an initiative ordinance to limit future expansion of the City. The initiative, known as the "Greenbelt" initiative, amended the City's General Plan by removing the Planned Urban Growth Area from the Land Use Element of the General Plan. The Urban Growth area now includes only those areas that were within the City Limits at the time of passage of the initiative. The ordinance now requires that any addition to the Urban Growth area, i.e. annexations, requires an amendment to the Land Use Element of the General Plan. These annexation related amendments to the General Plan require approval by the voters.

Because the proposed Sun West No. 4 property is outside of the present City limits, therefore, outside of the Urban Growth Boundaries, it will require voter approval. An election will have to be held prior to any action being taken by the City to amend the General Plan or annexing the property.

## IX. HISTORIC AND ARCHEOLOGICAL SITE

There are no sites or buildings on the subject property that are designated as historical landmarks by any Federal, State or local agencies. The nearest recorded landmarks are in the community of Woodbridge, 1½ miles to the north.

Although there are no recorded archeological surveys of the site, it is doubtful that there are any archeological sites on the property. Known Indian sites in the Lodi area are usually located along the banks of the Mokelumne River, 2 miles to the north.

The property has been extensively cultivated for many years. There is no record of any items of antiquity every being unearthed on the site. Additionally, the extensive digging and plowing to cultivate the vineyards and the trenching to install irrigation lines would have destroyed any archeological material.

If, during construction, some article of possible archeological interest should be unearthed, work will be halted and a qualified archeologist called in to examine the findings.

## X. ENVIRONMENTAL ASSESSMENTS

### A. ENVIRONMENTAL IMPACTS

The development of the Sun West No. 4 project will result in the loss of 52.6 acres of prime agricultural land. The project site currently contains 10 acre vineyard and 40± acres of row crops. The project soil is made of Hanford Sandy Loan, the predominant soil type in the Lodi area. This type of soil is rated as Class I soil for agricultural production. The soil can be planted with a wide variety of crops. In the Lodi area the soil type is extensively planted in vineyards.

Development of the site with residential uses will terminate further use of the property for agricultural purposes. The existing crops will be removed and the land covered with streets, houses and other urban improvements.

Urbanization of the subject parcel will also affect the continued agricultural use of adjacent parcels. The presence of a residential development may restrict or limit normal farming operations on adjacent agricultural lands. The use of certain pesticides and herbicides will be restricted on areas adjacent to residential developments. Cultivation and harvesting operations may result in complaints from urban residents concerning noise and dust. Agricultural operations adjacent to urbanized areas may also be subject to an increased amount of trespassing and vandalism.

The project will increase traffic on adjacent streets, particularly Lower Sacramento Road and Vine Street. The project

is estimated to generate 2,499 additional vehicle trips per weekday when fully developed.

The increased vehicular traffic will produce additional air pollution in the area of the project. The project-generated pollution will have a localized affect on air quality, but will not significantly affect the overall air quality of San Joaquin County. Based on a worst-case situation, vehicular traffic generated by the development would increase overall air pollutants in the City of Lodi by less than 1%.

Portions of the project will be located adjacent to Lower Sacramento Road, a high noise traffic route. The project will have residential units that will fall within areas that exceed 60 decibels of noise. The 60 decibel noise level is generally considered the maximum acceptable level of noise for a residential unit. Units built in areas that exceed the 60 decibel level may require some sound reduction measures.

The project will generate an estimated 263 additional school-aged children when fully developed. The addition of these students will adversely affect the L.U.S.D. and its ability to provide adequate classroom space. The L.U.S.D. has filed a Declaration of Impaction that states that the schools are at maximum capacity and that new students cannot be guaranteed classroom space.

#### B. MITIGATION MEASURES

If the Sun West No. 4 project is approved and constructed, the 52.6 acres of prime agricultural land will be removed from further agricultural use. There is no practical way to mitigate the loss of this land. Once cleared and developed with streets and houses, it is unlikely that the land will ever return to agricultural use. The property is currently not in the Urban Growth area of the General Plan. Prior to the Greenbelt Initiative, the property was designated residential in the General Plan for a number of years.

The possible impact on adjacent agricultural properties is also difficult to mitigate. The project will have residential lots that back up to agricultural properties to the south. Constructing a solid fence along the entire south property line will help to reduce trespassing and vandalism. Another possible mitigation would be to provide a buffer area between the residential units and the agricultural area. The buffer would probably need to be at least 50' or more to be effective. This would not be possible with the proposed layout and would require a redesign of the project.

To some extent, the agricultural properties along the west property line are already affected by non-agricultural uses. There are existing residential subdivisions to the east across the W.I.D. Canal. There are also existing scattered residential and commercial uses, as well as a church, along the north side of

Kettleman Lane (Highway 12) There are also large commercial and residential developments under construction on the south side of Kettleman Lane. To the west there are concentrations of rural residential homes along Lower Sacramento Road and Taylor Road. These existing uses already affect the agricultural activities on the surrounding agricultural properties

Alternatives proposed by the developer are for possible change in the use of the 2 parcels designated for cluster housing. It is possible that one of the parcels could be utilized as a church site. This would reduce traffic generation except for the one or two days a week when large services or activities are conducted. It would also decrease the impact of traffic noise from Lower Sacramento Road and would eliminate approximately 48 school-aged children from the project.

The other alternative is to utilize one or both of the cluster housing sites for an office-institutional use. This could include medical offices or a skilled nursing facility. This type of facility would be compatible with Lodi Community Hospital located one block north of the project. These types of projects would eliminate the impact on the L.U.S.D. Traffic generation would be higher if both properties were developed with medical offices.

Neither of the alternatives would affect the major impact which is the loss of agricultural land.

The problem of high noise levels along Lower Sacramento Road and its impact on residential structures can be mitigated in two ways. First, construction of a sound wall along the roadway will partially shield the residential units and reduce the noise levels by approximately 10 dBA. Second, the design and placement of the residential units can further reduce the noise levels. Those structures immediately adjacent to the roadway will require special noise insulation that could include double glazed windows, extra wall insulation, caulking of all pipe and electrical wire holes cut in the walls, etc. Additionally, limiting the first row of houses to single story structures will make the same barrier more effective.

The impact of the additional students on the L.U.S.D. has been at least partially mitigated by the signing of an agreement between the developer and the school district. The agreement provides for the payment of an agreed upon amount of money for each residential unit to help pay for additional classroom space.

#### C. ALTERNATIVES TO THE PROJECT

The principle alternative to the proposed project would be a "no build" alternative. This would maintain the existing agricultural use of the land and eliminate the adverse impacts resulting from the proposed project.

The other alternative would be a different type of project. This could involve a different combination of land uses, i.e., more single family/less attached housing or less residential/some commercial, etc.

Ultimately, the second alternative would not significantly change the impacts resulting from the project. The primary impact, the loss of agricultural land, would result regardless of the project mix. The other impacts, the air quality, noise and school children would change slightly according to the mix, but not enough to make a significant difference.

D. IRREVERSIBLE AND LONG TERM IMPACTS

The loss of agricultural land will be an irreversible and long-term impact. Once the land is developed with homes and businesses, there is little likelihood that the land will ever be used for agricultural purposes.

E. CUMULATIVE IMPACTS

The proposed project will have a cumulative impact on the loss of agricultural land. In the past several years, Lakeshore Village, a 96± acre development, Lobaugh Meadows, a 92± acre development and Kennedy Ranch, a 88± acre development have been approved. These developments will utilize a total of 276± acres of agricultural land when these projects are constructed.

Unfortunately, all land in and around the City of Lodi is designated prime agricultural land. The entire area surrounding the City is in agricultural use. Almost every development, large or small, must utilize agricultural land. There are no non-prime soil, non-agricultural parcels around Lodi. The residential, commercial and industrial requirements of the City and its residents necessitate urbanization of agricultural land.

The other significant cumulative impact is the impact on the L.U.S.D. L.U.S.D. estimates place the number of new students generated by developments in Lodi and North Stockton at several thousand students in the next few years. These students place a strain on the District's ability to provide classroom space, particularly in light of the fiscal problems facing schools.

Currently, developers both in Lodi and in Stockton have been working with the L.U.S.D. to provide funds for additional classroom space. This will help alleviate some of the short-term problems facing the schools.

F. GROWTH-INDUCING IMPACTS

The installation of various public utilities, particularly storm drainage, could allow additional development of the area. The construction of the G-South storm drainage basin could provide storm drainage for the area from Vine Street south to Harney

Lane. This would remove a major roadblock to development of this area.

It must be noted, however, that the "Greenbelt" initiative will determine whether any further development will take place in this area. Currently all the land outside of the existing City limits must have voter approval prior to annexation and development.

G. ENERGY CONSERVATION

Structures in the project will be constructed to meet State of California Energy Standards. The standards include such things as window area, insulation, energy efficient appliances, etc.

A majority of the lots in the project have a north-south orientation. This orientation provides the best adaptability for both passive and active solar design. The developer could also offer various solar design packages as part of the construction of the homes.

LIST OF RESOURCE PUBLICATIONS

Residential Growth Statistics - City of Lodi, 1981.

Planning Level Subsurface Investigation - Lodi-Tamba Development,  
Moore & Taber - Consulting Engineers & Geologist, 1979.

Lakeshore Village Final EIR, City of Lodi, 1980.

City of Lodi General Plan - City of Lodi.

San Joaquin County General Plan to 1995 - Noise Element.

Transportation & Engineers Handbook - Institute for Traffic  
Engineers, 1976.

San Joaquin County General Plan - Conservation Element.

Procedure for Basis for Estimating On-Road Motor Vehicle  
Emissions - State of California Air Resources Board,  
January 1981.

Kennedy Ranch Draft EIR, City of Lodi, 1981

Soils Investigation - Proposed 10 Acre Lake - Kennedy Ranch,  
J. H. Kleinfelder & Assoc., Geotechnical Consultants,  
Engineering Lab; 1981.

Filley Ranch EIR 81-2 - City of Lodi, 1981

COMMENTS



# State of California

GOVERNOR'S OFFICE  
OFFICE OF PLANNING AND RESEARCH  
1400 TENTH STREET  
SACRAMENTO 95814

GEORGE DEUKMEJIAN  
GOVERNOR

June 17, 1983

David Morimoto  
City of Lodi  
221 W. Pine Street  
Lodi, California 95240

Subject: # 83050502 Sunwest IV Draft EIR (83-1)

Dear Mr. Morimoto:

The State Clearinghouse submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is closed and the comments of the individual agency(ies) is(are) attached. If you would like to discuss their concerns and recommendations, please contact the staff from the appropriate agency(ies).

When preparing the final EIR, you must include all comments and responses (CEQA Guidelines, Section 15146). The certified EIR must be considered in the decision-making process for the project. In addition, we urge you to respond directly to the commenting agency(ies) by writing to them, including the State Clearinghouse number on all correspondence.

A 1981 Appellate Court decision in Clery v. County of Stanislaus (118 Cal. App. 3d 348) clarified requirements for responding to review comments. Specifically, the court indicated that comments must be addressed in detail, giving reasons why the specific comments and suggestions were not accepted. The responses must show factors of overriding significance which required the suggestion or comment to be rejected. Responses to comments must not be conclusory statements but must be supported by empirical or experimental data, scientific authority or explanatory information of any kind. The court further said that the responses must be a good faith, reasoned analysis.

In the event that the project is approved without adequate mitigation of significant effects, the lead agency must make written findings for each significant effect and it must support its actions with a written statement of overriding considerations for each unmitigated significant effect (CEQA Guidelines Section 15088 and 15089).

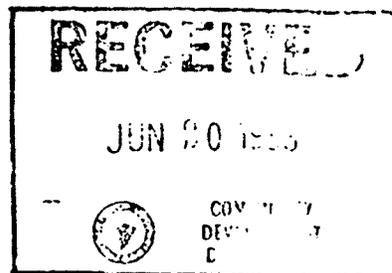
If the project requires discretionary approval from any state agency, the Notice of Determination must be filed with the Secretary for Resources, as well as with the County Clerk. Please contact Debora Fudge at (916) 445-0613 if you have any questions about the environmental review process.

Sincerely,

*Ron Bass*

Ron Bass, Director  
State Clearinghouse

cc: Resources Agency  
attachment



# Memorandum

To : Ron Bass, Director  
State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814

Date: June 7, 1983

File : 10-SJ-12  
Sunwest IV  
Residential Development  
SCH #83050502

From : DEPARTMENT OF TRANSPORTATION  
Preston W. Kelley, District 10 Director

Subject:

We have reviewed the above noted report and offer the following comment:

The EIR should address the impact of increased traffic from the subdivision on the intersection of Lower Sacramento Road and State Route 12.

Please send a copy of the final report to John Gagliano, Caltrans, District 10 Office, P. O. Box 2048, Stockton, CA 95201.

*John Gagliano*  
JOHN GAGLIANO, P.E.  
A-95 Coordinator  
(209) 948-7875  
ATSS 423-7875

RECEIVED  
JUN 14 1983

JGE:jh  
Attachment  
cc: TGSmith

State Clearinghouse

**Memorandum**

To : Ron Bass  
STATE CLEARINGHOUSE  
1400 Tenth Street, Room 121

Date : JUN 08 1983

Subject: Sunwest IV DEIR  
SCH #83050502

From : ENVIRONMENTAL HEALTH DIVISION  
714 P Street, Room 430  
322-2308

The Department has reviewed the subject environmental document and offers the following comments.

The section on noise indicates that a portion of the site is and will continue to be exposed to noise levels in excess of standards specified in the County's Noise Element. Because the noise exposures are high, i.e., in excess of 65  $L_{dn}$ , specific mitigation measures and their effectiveness should be described.

A potential noise source not described in the EIR is that due to agricultural operations immediately south of the site. Although such noise impacts may be seasonal, they do warrant some discussion.

Finally, noise is described in units of decibels, not "decibles".

If you have any questions or need further information concerning these comments, please contact Dr. Jerome Lukas of the Noise Control Program, Office of Local Environmental Health Programs, at 2151 Berkeley Way, Room 613, Berkeley, CA 94704, 415/540-2665.

  
Harvey F. Collins, Ph.D.  
Deputy Director  
ENVIRONMENTAL HEALTH DIVISION

**RECEIVED**  
JUN 08 1983

STATE CLEARINGHOUSE



# lodi unified school district

FACILITIES and PLANNING, 815 W. LOCKEFORD ST., LODI, CA. 95240 (209) 369-7411 - 466-0353

June 8, 1983

City of Lodi  
Community Development Department  
221 West Pine Street  
Lodi, CA 95240

Subject: Draft EIR - Sun West Unit No. 4

Gentlemen:

The EIR should fully address the following:

- A. Number of students per home the project will generate.
- B. Schools students will be attending and distance from project site.
- C. Will busing be required.
- D. Current enrollment in attendance area schools.
- E. Ways developer can help mitigate the impact of additional students.

This project is located in the following attendance areas:

Vinewood	K-6
Sr. Elementary	7-8
Lodi High	9-12

Projected enrollment for 1983-84:

Vinewood	620
Sr. Elementary	880
Lodi High	2134

Student transportation:

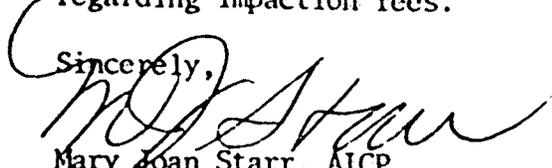
Transportation is provided if students live no less than the following distances from school.

K-6	1.5 miles
7-8	2.5 miles
9-12	3.5 miles

Exceptions to the above may be made at the discretion of the Superintendent on the basis of pupil safety, pupil hardship, or District convenience.

District has signed agreement with developer for direct payment of development fees. These monies can then be applied towards construction of permanent facilities, rather than interim facilities as mandated by the law now in effect regarding impaction fees.

Sincerely,

  
Mary Joan Starr, AICP  
Facilities & Planning

RM/js

RECEIVED

JUN 10 1983



COMMUNITY  
DEVELOPMENT  
DEPARTMENT

now recorded  
in the Rock Canyon  
and which  
815 to Lockwood St  
Lodi, Ca. 95210

01020030

RECORDED AT REQUEST OF

1981 APR 24 AM 10:25

RECORDED AT REQUEST OF

*[Signature]*

FEE *[Signature]*

AGREEMENT

This AGREEMENT, made and entered into this 21<sup>st</sup> day of April, 1981, by and between FILLEY RANCH, a General Partnership, having its principal place of business in Lodi, California, (hereinafter, "DEVELOPER") and LODI UNIFIED SCHOOL DISTRICT OF SAN JOAQUIN COUNTY, a Political Subdivision of the State of California, (hereinafter, "LODI UNIFIED").

W I T N E S S E T !!:

The parties hereto acknowledge and mutually agree that:

1. The purpose of this Agreement is to mitigate the adverse environmental impacts upon Lodi Unified caused by Developer's planned residential development.

2. During a period to cover approximately three (3) years, Developer plans to construct approximately two hundred twenty-five (225) residential units within the district governed by Lodi Unified, as part of a project commonly know as "FILLEY RANCH."

3. Construction of said residential units will cause increased enrollment in the district, compounding the current problems faced by Lodi Unified in providing facilities for students.

4. Developer desires to alleviate the impact upon Lodi Unified of said anticipated increase in enrollment.

5. The real property constituting the site upon which the heretofore mentioned project is to be constructed is more particularly described as:

That certain real property situate in the County of San Joaquin, State of California, described as follows:

A portion of the Southeast Quarter of Section 10, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, more particularly described as follows:

Parcel "B" as said Parcel is shown upon that certain

collect any fees under said Ordinance, upon residential units for which Developer has already paid a fee under this Agreement, Lodi Unified shall reimburse Developer for any duplication of payment based upon the same residential units, and in no event shall Lodi Unified collect the fee both under the Ordinance and this Agreement.

8. In the event that school facilities are constructed with proceeds from the sale of bonds and/or by levy of a special override tax by Lodi Unified eliminating the student housing shortage caused by Developer's project prior to completion of said project, Developer shall be released from its obligation under this Agreement, and shall be refunded all unexpended moneys then on deposit with Lodi Unified.

9. There is currently a "County Task Force Dealing With School Housing Shortage" which is working to find a solution to the aforementioned shortage of facilities for students in the Lodi Unified School District. In order that this Agreement will not hinder the efforts of said Task Force, in the event that the "Task Force" should conclude that a fee is an appropriate vehicle to remedy the aforementioned shortage of facilities, and the City Council of Lodi should approve of, and assess such a fee within six months of the execution of this Agreement, the Developer shall abide by said fee and Ordinance, and this Agreement shall become null and void and of no further effect.

10. In the event that the Developer should breach any term of this Agreement, Lodi Unified reserves the right to notify the City of said breach and request that the City withdraw its approval of Developer's project and refrain from issuing any further approvals until Developer agrees to remedy the breach or otherwise mitigate the impact of its project on Lodi Unified's overcrowded classroom conditions. Lodi Unified's reserved right under this paragraph shall be in addition to, and shall in no way preclude, its right to pursue other lawful remedies for breach of this Agreement.

11. So long as Developer performs under the terms of this Agreement, Lodi Unified will not oppose Developer's efforts to gain approval from any public agency or entity of any aspect of the "Filley Ranch" project.

12. Lodi Unified shall record a copy of this Agreement in the Official Records of San Joaquin County. From and after the date of such recording, the obligation to pay any fee under this Agreement shall constitute a lien on the title to each residential unit contained in the "Filley

Parcel Map filed December 7, 1976, in Book 3 of Parcel Maps, at page 173, San Joaquin County Records.

6. Lodi Unified has no objection to Developer's "Filley Ranch" project, provided that Developer makes a reasonable and appropriate contribution to mitigate the impact that the project may have on Lodi Unified.

7. Developer shall make such reasonable and appropriate contribution by:

(a) Depositing with Lodi Unified an amount equal to, and in lieu of, any sums prescribed to be deposited for such a residential development by Lodi City Ordinance number 1149, Chapter 19A of the Lodi City Code, commonly referred to as the "School Facilities Dedication Ordinance."

(1) It is understood by the parties hereto that the fee schedule, under the provisions of said Ordinance, is set by the City Council periodically by resolution.

(2) The rate of fees applicable to this Agreement shall be the rate in effect on the date payment becomes due under the terms of this Agreement.

(3) In no event shall the fees exceed two percent (2%) of the actual construction cost of the Developer.

(4) In the event that said Ordinance is declared unconstitutional by any court of law having jurisdiction over the City of Lodi, the applicable rate of fees shall be the last rate set by the Lodi City Council prior to the effective date of the court's ruling. Said declaration of unconstitutionality shall have no force or effect upon Lodi Unified's ability or right to collect the fees set by this Agreement.

(5) Said fees shall be due and deposited with Lodi Unified at such time as Developer shall be in a position to receive from the City of Lodi, all building permits necessary for the construction of such portion of the development as Developer is then currently planning to develop.

(6) Upon receipt of the fees provided for by this Agreement, Lodi Unified shall notify the City of Lodi of its receipt thereof and request that the Developer be exempt from any fee imposed upon the same residential units by Lodi City Ordinance number 1149, Chapter 19A of the Lodi City Code.

(7) In the event that the City of Lodi should

Ranch" Development, until such time as the lien is extinguished by payment of the appropriate fee. Lodi Unified shall execute appropriate releases for each residential unit upon receipt of fees pursuant to this Agreement.

13. In the event any portion of the Agreement shall be found or declared by a court of competent jurisdiction to be invalid, the remaining terms and conditions hereof not expressly declared invalid shall remain in full force and effect. A legislative or judicial amendment or declaration altering or eliminating the authority conferred upon the City of Lodi by the provisions of Government Code Section 65970, et seq., or otherwise declaring the School Facilities Dedication Ordinance to be invalid shall not affect the rights and obligations created by this Agreement, except as specifically provided hereinbefore.

14. In the event that either party to this Agreement resorts to litigation to enforce the terms and conditions hereof, or to seek declaratory relief, or to collect damages for breach hereof, the prevailing party in such litigation shall be entitled to recover reasonable attorney's fees.

15. All notices and payments to be given or made under this Agreement shall be in writing and shall be delivered either personally or by first-class U.S. mail, postage prepaid to the following persons at the locations specified:

FOR THE DISTRICT

Director of Facilities & Planning  
Lodi Unified School District  
815 West Lockeford Street  
Lodi, California 95240

FOR THE DEVELOPER

Ronald B. Thomas  
1209 W. Tokay Street  
Suite 7  
Lodi, California 95240

16. TERM. This Agreement shall be effective the date first above written and shall terminate upon completion of the construction of the final residential unit in the project, unless otherwise agreed by the parties.

17. MODIFICATION. This Agreement contains each and every term and condition agreed to by the parties and may

not be amended except by mutual written agreement.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement the day and year first written above.

FILLEY RANCH, a Partnership,

By *Ronald S. Thomas*

By *Richard G. ...*

-Hereinabove Called "DEVELOPER"-

LODI UNIFIED SCHOOL DISTRICT OF  
SAN JOAQUIN COUNTY, a Political  
Subdivision of the State of  
California,

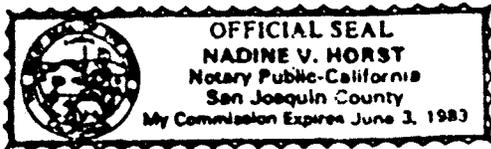
By *Robert ...*

-Hereinabove Called "LODI UNIFIED"-

STATE OF CALIFORNIA )  
 ( SS.  
 COUNTY OF SAN JOAQUIN)

On this 22<sup>nd</sup> day of April, 1981, before me, the undersigned, a Notary Public in and for the County of San Joaquin, State of California, residing therein, duly commissioned and sworn, personally appeared Ronald S. Thomas and Richard S. Ward known to me to be two of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.



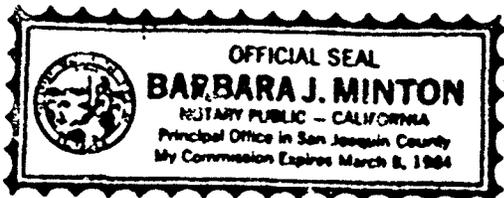
Nadine V. Horst  
 - NOTARY PUBLIC  
 in and for the State of California,  
 with principal office in the County  
 of San Joaquin.

My Commission Expires: 6/3/83

STATE OF CALIFORNIA )  
 ( SS.  
 COUNTY OF SAN JOAQUIN)

On this 21<sup>st</sup> day of April, 1981, before me, the undersigned, a Notary Public in and for the County of San Joaquin, State of California, residing therein, duly commissioned and sworn, personally appeared Erluth C. Larson known to me to be the superintendent of the entity described in and that executed the within instrument, and also known to me to be the person who executed the within instrument on behalf of the entity therein named, and acknowledged to me that such entity executed the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of San Joaquin the day and year in this Certificate first above written.



Barbara J. Minton  
 - NOTARY PUBLIC  
 in and for said County and State.

My Commission Expires: 3/8/84

June 14, 1983

Mr. David Morimoto  
Lodi Planning Department  
221 West Pine Street  
Lodi, CA 95240

Re: Draft EIR No. 83-1  
SUNWEST IV Development

Dear Mr. Morimoto:

Two comments regarding the draft EIR:

1. Potential Office - Institutional Uses.

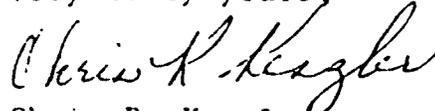
Because of the proximity of SUNWEST IV to Lodi Community Hospital, we have been approached and are considering using the property closest to Lodi Community Hospital and along Lower Sacramento Road for offices or institutions (nursing home/board and care). The two parcels I am speaking of are currently designated on the map as "cluster homes".

2. SUNWEST III 92.6% built out.

On page 1, paragraph I you indicate that SUNWEST Unit No. 3 has approximately 85% of the lots built on. We now find that, of the 54 lots in SUNWEST III, only 4 remain bare. Therefore SUNWEST III is actually 92.6% built on at this time.

Thank you for this opportunity to comment.

Very truly yours,

  
Chris R. Keszler

June 8, 1983

City of Lodi  
Planning Department  
221 West Pine Street  
Lodi, CA 95240

Attention: Mr. David Morimoto

Re: Draft EIR No. 83-1  
SUNWEST IV Development

Dear Mr. Morimoto:

We, the undersigned, are neighbors immediately adjacent to the proposed SUNWEST IV development. In talking with the developers, we understand that this project will generally be low-density residential with some higher density or office-institutional uses toward Lower Sacramento Road.

It appears that one of the main concerns contained in the draft EIR is the impact of the SUNWEST IV development on adjacent farmland. (See SUNWEST IV Draft EIR, Summary paragraph 1, page V.)

For many years urbanization of property in our area has been a reality. Many of the parcels have been cut and recut in size. This has already restricted farming operations.

It is therefore our belief that this project will have no impact, neither will it restrict or limit the farming operations as they presently exist in the areas surrounding this project.

Very truly yours,

James Amaguchi  
1801 E. Hwy 12  
Lodi CA

Melvin A. Helms  
1813 E. Hwy 12  
Lodi, CA 95240

Robert E. Jones  
970 E. Hwy 12 Lodi

Jack Weil  
Box 1081 E. Hwy 12  
Lodi Ca. 95240

RESPONSES TO COMMENTS

RESPONSE TO DEPARTMENT OF TRANSPORTATION COMMENT  
TRAFFIC IMPACT ON HIGHWAY 12 - LOWER SACRAMENTO ROAD INTERSECTION

The project will generate approximately 1197 vehicle trips per day. Assuming that approximately one-half of the project vehicles will travel north on Lower Sacramento Road and one-half will travel south on Lower Sacramento Road, 600 v.t.s. will be added to the Kettleman Lane/Lower Sacramento Road intersection. Currently there are 6,500 v.t.s. on Lower Sacramento Road between the project and Kettleman Lane (Highway 12) and 10,000 v.t.s on Kettleman Lane east of Lower Sacramento Road. The 600 v.t.s. added by the project will represent an additional 9% on Lower Sacramento Road and 6% on Kettleman Lane.

It is not expected that the added traffic volume will significantly impact the Kettleman Lane/Lower Sacramento Road intersection. The current 4-way stop handles traffic without any unusual traffic delays or safety hazards. At some future date, as the southwest portion of Lodi continues to develop, there may be a need for a traffic signal light at the intersection. That determination will be made by Cal Trans and San Joaquin County.

## RESPONSE TO DEPARTMENT OF HEALTH SERVICES

### Noise Impact on Residences

The Noise Contour estimates prepared by the City of Lodi in cooperation with the San Joaquin County Council of Governments (COG) indicates that the 1995 traffic projections show the following:

70 decibels to 60' of the roadway  
65 decibels to 160' of the roadway.

The U.S. Department of Transportation has determined that with proper construction techniques, the full reduction potential of a sensitive use structure can be realized. This corresponds to approximately 20 dBA for an ordinary wood frame construction and 25 dBA for masonry buildings.

<u>Building Type</u>	<u>Window Condition</u>	<u>Noise Reduction Due to Exterior of the Structure</u>
All	Open	10 dB
Light Frame	Ordinary Sash Closed	20
	With Storm Windows	25
Masonry	Single Glazed	25
Masonry	Double Glazed	35

With the use of good construction techniques, double-glazed windows and reduced window area on the west sides of the building, a reduction of 25 dBA is possible. With added insulation and at least 30' of setback from the nearest travel lane of Lower Sacramento Road.

The City can require that the developer provide an acoustical analysis for any residential project that falls within the high noise contours. The analysis would determine the extent of the noise problem, what is the most effective and economical way of reducing those levels and make sure that the required results are achieved.

### Agricultural Noise

Although there will be some agriculturally related noise from tractors, spraying and harvesting equipment, the noise is seasonal and intermittent. Agricultural noise also occurs primarily during the day, when there is already a higher ambient noise level and most people are not sleeping.

In 1973, the San Joaquin COG conducted a countywide survey on noise. Of the several hundred responses received, not one complaint involved agricultural noise. This is significant considering that San Joaquin

County is a highly agricultural area. Every city in the county has numerous residential developments adjacent to agricultural land.

While this does not mean that there are not agriculturally related noise problems, it does appear that people are less bothered by agricultural noises than by other sources of noise. It may be that because the noise is seasonal, of relatively short duration and primarily daytime, people are more tolerant of these noises.

**TANDY-JOHNSON  
RANCH**

**FINAL**

**83-3**

**ENVIRONMENTAL IMPACT REPORT**

---

FINAL ENVIRONMENTAL IMPACT REPORT

FOR

TANDY-JOHNSON RANCH SUBDIVISION

EIR 83-3

APPLICANT

Ronald B. Thomas  
P. O. Box B-28  
Lodi, California 95241

DEVELOPER

Johnson Ranch, a partnership  
Tandy Ranch, a partnership  
c/o Ronald B. Thomas  
P. O. Box B-28  
Lodi, California 95241

AGENCY PREPARING EIR

City of Lodi  
221 West Pine Street  
Lodi, California 95240

DESCRIPTION OF ACTION

The project is a 48± acre residential and commercial planned development. There will be 161 single-family lots, 88 condominium units and 6 acres of commercial.

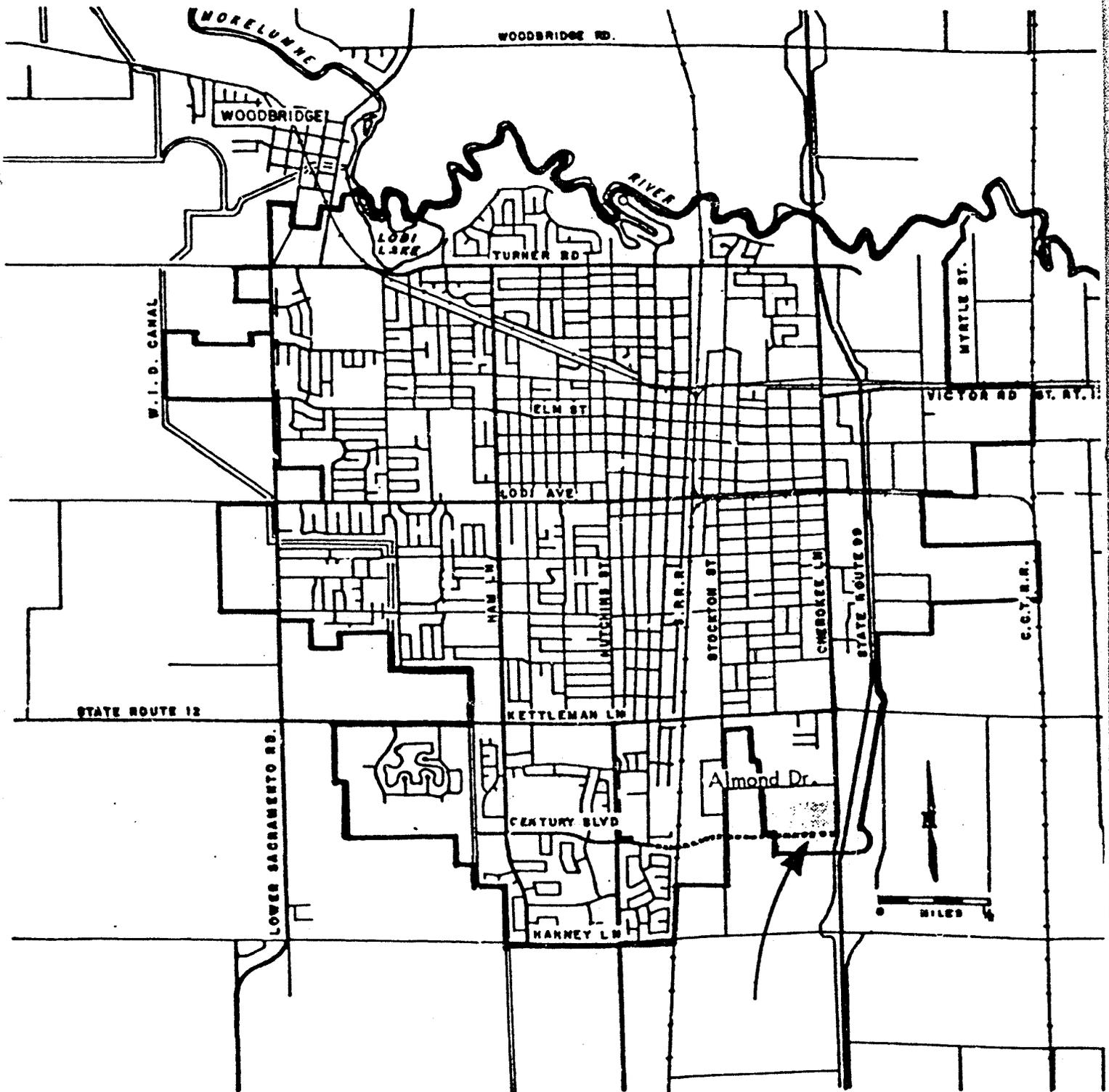
The subject site is currently designated low-density residential in the Lodi General Plan and has a zoning of U-H, Unclassified-Holding. The project will require a rezoning to P-D, Planned Development, a General Plan change, and approval of a specific development plan.

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# TANDY-JOHNSON RANCH

Vicinity Map



FILED AS A Tentative Map \_\_\_\_\_ 1982. APPROVED by the City of Lodi Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_ 1981.

Planning Director - City of Lodi

Chairman - Planning Commission

ALMOND

CARVER

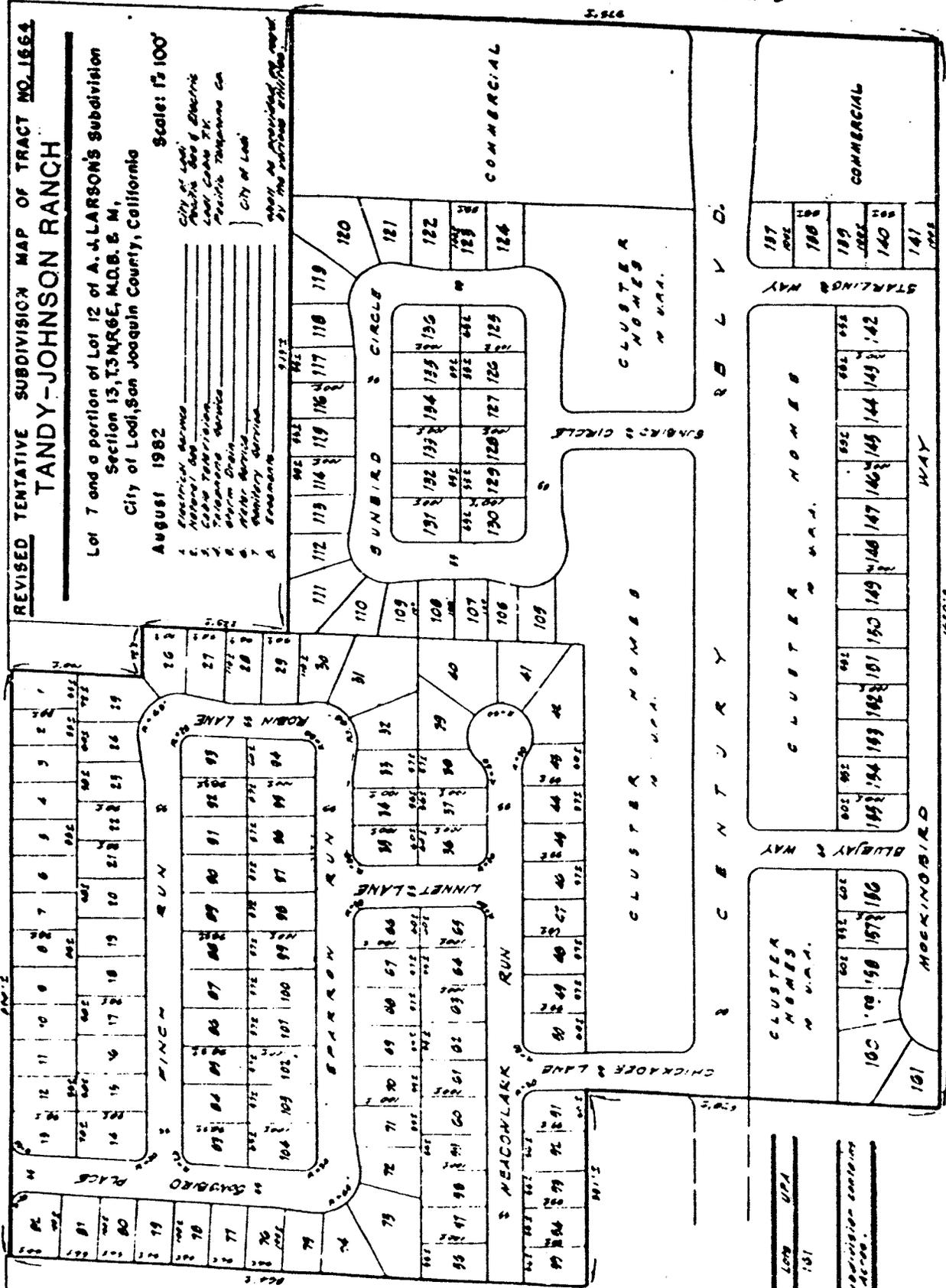
REVISED TENTATIVE SUBDIVISION MAP OF TRACT NO. 1554

TANDY-JOHNSON RANCH

Lot 7 and a portion of Lot 12 of A. J. LARSON'S Subdivision  
 Section 13, T3N R6E, M.D.B. & M,  
 City of Lodi, San Joaquin County, California

August 1982 Scale: 1" = 100'

1. Existing Service
  2. Natural Gas
  3. Cable Television
  4. Telephone Service
  5. Electric Service
  6. Water Drain
  7. Sewer Service
  8. City of Lodi
- City of Lodi  
 Public Works & Planning  
 1001 Canal St.  
 Lodi, California 95240
- City of Lodi  
 Planning Commission  
 1001 Canal St.  
 Lodi, California 95240



Area 100' UPA  
 & 151  
 The subdivision contains  
 & above.

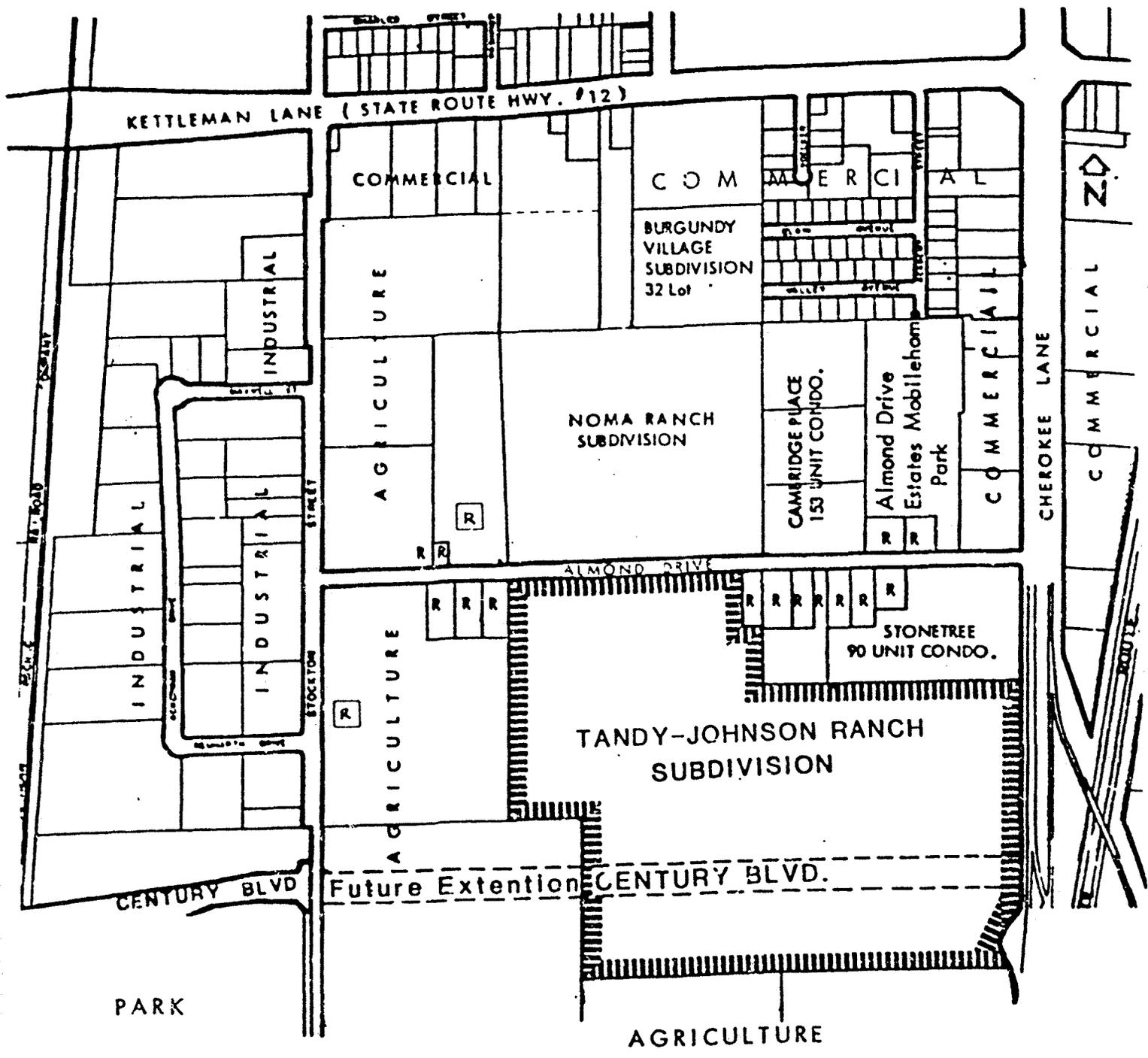
BAUMNACH & PIAZZA  
 CIVIL ENGINEERS  
 1001 W. OAK ST. LODI, CALIF.  
 95240-1000

PREPARED FOR  
 THOMAS DEVELOPMENT

DATE  
 SHEET NO. 1  
 1554

# TANDY-JOHNSON RANCH

## Land Use Map



## SUMMARY

### PROJECT DESCRIPTION

The project is a 48± acre residential and commercial planned development. There will be 161 single-family lots, 88 condominium units and 6 acres of commercial.

The subject site is currently designated low-density residential in the Lodi General Plan and has a zoning of U-H, Unclassified-Holding. The project will require a rezoning to P-D, Planned Development, a General Plan change and approval of a specific development plan.

### LOCATION

The project site is located in the southeast section of Lodi. The area is located approximately 1/2 mile south of Kettlemen Lane (Highway 12) and west of Cherokee Lane. The area is bound by Almond Drive to the north, Cherokee Lane to the east and the extension of Century Boulevard to the south.

### ENVIRONMENTAL IMPACTS

- 1) The loss of 48± acres of prime agricultural soil. The property is made up of Hanford Sandy Loam, a Class I soil well suited for a variety of agricultural uses. Development will mean the end of the agricultural use of the land.
- 2) Urbanization of the subject parcel could affect the agricultural use of adjacent parcels by possibly requiring modification of spraying and cultivation practices. Vandalism, trespassing and homeowners' complaints could increase.
- 3) Traffic will increase by 5,800± vehicle trips per day. Almond Drive would have an additional 1,000 vehicle trips per day, Cherokee Lane an additional 4,000-4,500 vehicle trips per day, and Century Boulevard will have a vehicle trip count of 1,000-1,500 vehicle trips per day. The Century Boulevard/Cherokee Lane intersection will require a redesign of a section of Cherokee Lane.
- 4) The increase in air pollution generated by the project is estimated to be less than 2/10 of 1%. This would not significantly affect the air quality of the area.
- 5) The project will generate an estimated 223 additional school-aged children that will affect the overcrowded LUSD.

### MITIGATION MEASURES

- 1) If the Tandy-Johnson Subdivision is approved and developed, the loss of prime agricultural land cannot be mitigated.

- 2) Farmers on adjacent parcels will need to take particular care in the use and application of certain controlled chemicals. Strict conformance with State and Federal regulations will allow the continued use of agricultural chemicals.
- 3) Solid fencing along the entire west and south property line will reduce trespassing and vandalism on adjacent agricultural properties.
- 4) The increased traffic can be handled by the careful design of the project streets adjacent to the property. The Century Boulevard/Cherokee Lane intersection will require a redesign of a section of Cherokee Lane adjacent to the project.

The addition of curbs, gutters and sidewalks on Almond Drive will upgrade the street and improve traffic flow on the street.

- 5) The developer has signed an agreement with the LUSD for payment of development fees. The LUSD has determined that the payment of the fees will mitigate the impact on the LUSD.

#### ALTERNATIVES TO THE PROJECT

- 1) The "no build" alternative would eliminate the environmental impacts by maintaining the existing agricultural uses. A "no build" alternative would affect the future supply of affordable housing. The proposed project is designed to provide homebuyers with moderately-price housing.
- 2) The second alternative would be an all single-family project. This would eliminate the 88 condominium units and the 6 acres of commercial. This alternative would add approximately 85 single-family lots for a total of 246 single-family lots.

An all single-family subdivision would reduce vehicular traffic generated by the project substantially. The number of vehicle trips would drop from 5,829 to 2,460 vehicle trips per day, a 58% reduction.

On the negative side, an all single-family subdivision would place residential units adjacent to Cherokee Lane, a high noise source. This alternative would also increase the number of school-aged children from 223 to 246 - a 10% increase.

- 3) A third alternative would replace the commercial acreage with condominiums. This would result in an additional 53 condominium units for a total of 141 condominium units and 161 single-family lots.

This alternative would result in less traffic than the original project, 2,529 vehicle trips vs. 5,829 vehicle trips - a 57% reduction. It would also result in additional students, 260 vs. 223 - a 17% increase. It would also place residential units adjacent to Cherokee Lane.

Neither Alternative 2 nor 3 would change the impact of the loss of agricultural land. Additionally, if either Alternative 2 or 3 is approved by the City, a condition of approval should be to require an acoustical analysis by a licensed acoustics engineer.

#### Alternative 4

Alternative 4 would be to construct the project in some other location using an "infill" piece of property. This alternative is not possible because the City has already utilized all the large vacant parcels within the developed areas of Lodi. The remaining parcels are either too small in size or already have some project planned for the property.

#### IRREVERSIBLE AND LONG-TERM IMPACT

The loss of agricultural land is permanent and irreversible once development occurs.

#### CUMULATIVE IMPACTS

- 1) Loss of agricultural land is cumulative. In the past years, several hundred acres of land have been developed with various residential, commercial and industrial projects. Because the City of Lodi is entirely surrounded by prime agricultural land, all future projects will utilize agricultural land.
- 2) There is a cumulative impact on the LUSD. The LUSD includes much of the northern San Joaquin County, including the City of Lodi and north Stockton. It is estimated that there is the potential for an additional several thousand students in projects currently approved and in some state of development. This includes Lodi, north Stockton and the unincorporated County areas. This would seriously affect the LUSD.

The LUSD is working with the State and local officials and developers to come up with a long term solution to the problem. Developers are currently paying an impact fee to help finance school construction.

#### GROWTH-INDUCING IMPACT

The Tandy-Johnson project will have a limited growth-inducing impact on the area. The surrounding area to the west, south and east are outside of the City limits of Lodi. These properties are covered by the "Greenbelt" Initiative and will require a vote of the electorate before they can be annexed and developed. Any further development in the area will be controlled by this process.

TANDY-JOHNSON RANCH

DRAFT EIR 83-3

PROJECT DESCRIPTION

The applicants are proposing a 48± acre residential and commercial planned development. The project acreage will be developed as follows:

	<u>Acres(gross)</u>	<u>Units</u>
Single-family lots	30	161
Cluster housing	12 (8.8 acres net)	88
	<u>42</u>	<u>249</u>
Commercial	6 (5.3 acres net)	
TOTAL	<u>48</u>	

The single-family lots will be developed to an R-2 standard which requires a minimum lot size of 5,000 square feet. The lots will actually have a minimum lot size of 5,390 square feet and average around 5,600 square feet. There are no plans to construct duplexes on corner lots.

There are 4 parcels that will contain cluster housing. These parcels range in size from 1.1± acre to 3.6± acre. The parcels will be developed with condominiums constructed at a maximum density of 10 units/net acre. The lots, if developed to the maximum density would yield a maximum of approximately 88 units.

The proposed project will also contain 2 commercial parcels. These parcels, which front on Cherokee Lane, are 1.6 and 3.7 acres in size. The parcels will be developed with neighborhood commercial uses.

The proposed project will require the following governmental actions: Certification of an Environmental Impact Report; a General Plan Amendment; a Rezoning; and approval of a subdivision map and specific development plan.

II. SITE LOCATION AND DESCRIPTION

The project site is located in the southeast section of Lodi. The area is located approximately one-half mile south of Kettleman Lane (Highway 12) and west of Cherokee Lane. The area is roughly bounded by Almond Drive to the north, Cherokee Lane to the east and the extension of Century Boulevard to the south. The parcels are designated as San Joaquin County Assessor Parcels 057-160-29, 057-160-27 and 057-380-03. (See Vicinity Map).

The 48± acre parcel is currently planted in agricultural crops. Approximately 32± acres are planted in grape vineyards, 9± acres in a walnut orchard and 4± acres are in field crops. There are also between 1 and 2 acres of land that are unplanted. This is a strip of land on the southern portion of the project site that contains a major City storm drain line. The line was installed several years ago. When the line was installed, the vines and the trees that were located over the route of the line were removed to allow the construction work. The vines and trees have not been replanted. The line is located in the right of way of Century

Boulevard. There is also approximately an acre that is occupied by a residence and other farm structures.

The project is located in an area of the City of Lodi that is in transition from a semi-rural environment to an urban environment. Over the past 20 plus years the area has gradually been developed with various residential, commercial and industrial uses. This trend has accelerated over the past 5 years.

Prior to the 1950's, the area south of Kettleman Lane between Cherokee Lane to the east and the Southern Pacific Railroad to the west was largely agricultural. There was some residential and commercial development along Kettleman Lane (State Highway 12) and Cherokee Lane, which at that time, served as U.S. Highway 99-50.

Beginning in the 1960's, the area south of Kettleman Lane and along Almond Drive began to develop. A 40+ lot subdivision was constructed along Elgin, Valley and Academy Streets. Along Almond Drive, Almond Drive Estates Mobilehome Park, a 68-space mobilehome park was constructed, along with a small golf course at the southwest corner of Almond Drive and Cherokee Lane. There were also 8-10 residential parcels created along Almond Drive.

During the 1970's there was increased commercial development along both Cherokee Lane and Kettleman Lane. In the mid-1970's the area along Stockton Street began to develop with light-industrial uses. Two industrial parks were developed along the west side of Stockton Street between Kettleman Lane and Century Boulevard. These parks have developed with a variety of commercial, industrial and warehouse uses.

In the past three years there have been several residential projects approved or constructed along Almond Drive. Cambridge Place, a 153 unit condominium project, was completed on the north side of Almond Drive. Stonetree Condominiums, a 90-unit project, was recently completed at the southwest corner of Almond Drive and Cherokee Lane. A third project, Burgandy Village, a 32-lot subdivision, has been approved by the City, but has not yet been constructed.

In 1982, 6 residential lots on the south side of Almond Drive were rezoned. The Hausler rezoning changed the zoning on those parcels from R-1, Residential Single-Family, to R-MD, Residential-Medium Density (maximum 40 units/acre). These lots currently contain single family houses and there are no current plans to develop these parcels.

Finally, there is a project that has been recently approved by the City called Noma Ranch. This is a 20 acre residential project located on the north side of Almond Drive midway between Stockton Street and Cherokee Lane. The project is a planned development containing 67 single family lots, 13 duplex lots and 41 condominiums.

### III. GENERAL PLAN AND ZONING

The project site currently has a General Plan designation of Low Density Residential. This permits residential development to a maximum of 10 units/acre. The overall residential density of the

project does not exceed 10 units/acre and the residential portions will not require a general plan change. The commercial portion of the project will require an amendment to the General Plan. The General Plan will have to be changed from Low Density Residential to Commercial.

The current zoning on the project property is U-H, Unclassified-Holding. This is a zone used by the City when property is annexed to the City without a specific development request. The proposed project will require a rezoning to P-D, Planned Development. This zoning would permit, with City approval of the specific development plan, both the residential and commercial development.

On August 25, 1981, the voters of the City of Lodi passed an initiative ordinance to limit future expansion of the City. The initiative, known as Measure A, amended the City's General Plan by removing the Planned Urban Growth Area from the Land Use Element of the General Plan. The Urban Growth area now includes only those areas that were within the City Limits at the time of passage of the initiative. The ordinance now requires that any addition to the Urban Growth area, i.e., annexations, requires an amendment to the Land Use Element of the General Plan. These annexation-related amendments to the General Plan require approval by the voters.

#### IV. DESCRIPTION OF ENVIRONMENTAL SETTING

##### A. TOPOGRAPHY

The project site and the surrounding area are generally flat with elevations of approximately 45-50 feet above sea level. The land in Lodi slopes gently from the northeast to the southwest at the rate of approximately 5' per mile. It is probably that the land was leveled sometime in the past to facilitate surface irrigation. The parcel contains no natural topographic feature.

##### B. HYDRAULICS

There are no natural water features or drainage channels located on the project site. The property does not lie within the floodplain of the Mokelumne River and would not be affected during a 100 year flood.

Except for agricultural properties served by the Woodbridge Irrigation District Canal, the majority of properties in the Lodi area, including the City of Lodi, are supplied by water pumped from underground sources. There are existing private agricultural and domestic water wells on the property.

Using figures provided by the San Joaquin County Farm Advisor for agricultural water uses, we can make some water use comparisons. The average vineyard requires approximately 35 inches of water annually. Natural rainfall provides approximately 9 inches of the annual demand. The remaining 26 inches are supplied by irrigation. Converted to acre feet, each acre of vineyard will use approximately 2.2 acre feet of water per year, excluding rainfall.

The 48 acres of the project x 2.2 acre feet equal approximately 106 acre feet of water required by the agricultural operation annually.

The following water consumption chart breaks down the various water uses by acre feet/acre year for different types of residential development.

Single family residence	3.1 acre feet/acre year
Multiple family residence	2.4 acre feet/acre year
Commercial	2.3 acre feet/acre year

The proposed development has the following number of acres in the above described uses.

Use	No. Acres	No. Acre Feet/ Acre/Year	Total No/Ac.Ft./ Year
Single Family. Res.	30	3.1	93
Multi-Family Residential	12	2.4	29
Commercial	6	2.3	14
			138

The estimated water usage for the proposed project will be approximately 138 acre feet/year compared to the existing water usage of 106 acre feet/year.

#### C. SOIL CONDITIONS

The soil type on project site is Hanford Sandy Loam. The surface soil is the Hanford Sandy Loam and consists of an 8 to 14 inch layer of light, grayish brown, soft friable sandy loam which has a distinct grayish cast when thoroughly dry. The material grades downward into a subsoil of slightly darker and richer brown soil.

Agriculturally Hanford Sandy Loam is one of the best soils. It is used in the production of orchard, vineyard and other intensive perennial crops. In the Lodi area this soil is primarily used for grape vineyards. The soil conservation service rates Hanford Sandy Loam as Class 1 (the highest rating) and the Storie Index rates it at 95 percent for the ability to produce crops.

The soil is also rated for construction purposes. The bearing capacity of the soil is 2,000 lbs. per square foot. It does not have expansive qualities and will support most structural building loads.

The 1978 edition of the Uniform Building Code designates Lodi as being in Seismic Zone 3, one that requires the strictest design factors for lateral forces.

D. SEISMIC HAZARD

Earthquake faults are not found in the immediate vicinity of the subject parcel. The nearest faults are approximately 14 miles to the south and west. The most probable sources of strong ground motion are from the San Andreas Fault, Hayward Fault, the Livermore Fault and the Calaveras Fault, all located in the San Francisco area.

E. BIOTIC CONDITIONS

The site has been cleared of natural vegetation and replaced with cultivated crops. The property currently contains grape vineyards, walnut trees and field crops. The type of plants and wildlife found on the site are common to lands in the agricultural areas surrounding Lodi. There are no known rare or endangered species of plant or animal located on the project site.

F. ATMOSPHERIC CONDITIONS

Air Quality in the San Joaquin Valley is affected by a combination of climatology and topography. Topographically, San Joaquin County is located approximately in the middle of the Sacramento/San Joaquin Valley. The valley has a trough-like configuration that acts as a trap for pollutants. Mountain ranges surrounding the valley restrict horizontal air movement and frequent temperature inversions prevent vertical air movement. The inversion forms a lid over the valley trough, preventing the escape of pollutants.

Climatology also affects the air quality. High summer temperatures accelerate the formation of smog. This, combined with summer high pressures which create low wind speeds and summer temperature inversions creates the potential for high smog concentrations. San Joaquin County air quality is not in compliance with National Air Quality Standards.

Pollutant	Nat. Air Quality Standard	San Joaquin Air Quality
Ozone	0.12 pp. (1 hr.avg)	0.17 ppm
Carbon Monoxide	9.0 ppm (8 hr.avg)	14.4 ppm
Total suspended particulate matter	75 ug/m <sup>3</sup> (AGM)	81 (highest AGM)
Sulfure-dioxide	365 ug/m <sup>3</sup> (24 hr.avg) 80 ug/m <sup>3</sup> (annual avg)	no measurement

The primary source of air pollution generated by the development will be from vehicular traffic. The trip generation estimates are based on data from the Institute of Transportation Engineers, Trip Generation 1979.

Single-Family Residential:

Based on 10 vehicle trip ends per unit, the 161 units will generate 1610 vehicle trips per day.

Attached Housing Units:

Based on 5.1 vehicle trip ends per unit, the 88 units will generate 449 vehicle trips per day.

Commercial:

Based on 65 vehicle trip ends per 1,000 square feet of building, the potential 58,000 square feet of building will generate 3,770 vehicle trips per day.

TOTAL VEHICLE TRIP GENERATION WILL BE 5,829 VEHICLE TRIPS PER WEEKDAY GENERATED BY THE PROPOSED DEVELOPMENT. There is no specific data for the City of Lodi, so information was generated based on the data for San Joaquin County. The City of Lodi was assumed to generate 9.9% of the total for San Joaquin County. The following emission data was generated:

	*SOx	Particulate Matter	Lead	Hydro-Carbons	*CO	*NOx
San Joaquin County	1.51	3.186	.22	21.18	220.74	27.78
City of Lodi 9.9% of S.J.C.	.515	.3186	.022	2.118	22.074	2.778

\*Figures in Tons/day

The Tandy-Johnson Subdivision would account for less than two-tenths of 1% of the total for the City of Lodi.

G. NOISE

The primary source of noise in the area of the proposed project will be vehicular traffic from Cherokee Lane and Highway 99. These two

roadways run along the east side of a portion of the project site. According to the Noise Contour Map prepared by the Lodi Planning Department, portions of the project site adjacent to these roadways will fall within noise contours that exceed 65 Ldn. Noise levels in excess of 65 Ldn are considered unacceptable for residential development unless some type of sound reduction measures are taken.

The proposed plan for Tandy-Johnson Ranch has placed commercial lots adjacent to the problem frontage. The depth of the commercial lots, plus the construction of a masonry wall to separate the commercial from the residential lots will be sufficient to protect the planned residences from the high noise levels. The nearest residence will be in excess of 250 feet from the Cherokee Lane roadway.

If for some reason the plan is changed and residential or institutional uses are proposed for the area adjacent to Cherokee Lane, a noise analysis will be required. A noise analysis will determine what type of noise reduction measure will be required.

## V. UTILITIES

### A. STORM DRAINAGE

The City of Lodi operates a system of interconnecting storm drainage basins to provide temporary storage for peak storm runoff. The runoff is stored until the water can be pumped in the W.I.D. Canal or the Mokelumne River at controlled rates and locations. The subject property is located in the "D" drainage basin area which is served by the Salas basin-park.

Salas basin-park is located at the southwest corner of South Stockton Street and Century Boulevard (future extension). This basin-park was constructed several years ago and serves the "D" drainage basin. This drainage area generally covers the area from Lodi Avenue on the north, Central Avenue, (North of Kettleman Lane and Highway 99 South of Kettleman Lane on the east), Harney Lane on the south, and the SPRR on the west. The basin serves both a storm drainage function and a park function.

The project will be connected to Salas basin by existing major lines in Almond Drive (30"), Century Boulevard (36") and South Stockton Street (60"). These lines and the basin facilities are adequate to provide storm drainage for this property.

### B. SANITARY SEWER

The proposed project will be served by the City of Lodi sanitary sewer system. There are existing lines in Almond Drive (8"), and Century Boulevard (24") that can adequately serve the subject property.

The City's White Slough Water Treatment Facility has adequate capacity to handle all sanitary sewage generated by this project.

C. DOMESTIC WATER (Also see Hydraulics section).

Water for the project will be provided by the City of Lodi. There is an existing 8" line on Almond Drive located at the northeast corner of the project. This line will be used to be extended west across the Almond Drive frontage of the property and must continue to the Stockton Street line. This line will be extended to serve the project. The water line will be tied to lines south on Century Boulevard when those lines are installed. A 10" line is planned for Century Boulevard and will be installed when that portion of the project is developed. Some additional looping of water lines may be required to improve water pressure and flows for the entire area.

On Cherokee Lane a 10" to 12" line will be extended by the developer from Almond Drive to Century Boulevard. There may also be a requirement for a City well site to be located on the commercial property that fronts on Cherokee Lane.

Existing agricultural and private domestic wells on the site will be abandoned when the project is developed.

D. OTHER UTILITIES

Electricity will be provided by the City of Lodi. Natural gas will be supplied by P.G. & E., and Pacific Telephone Company will provide telephone service. All services can be adequately supplied to the project with normal line extensions.

VI. COMMUNITY SERVICES

A. TRAFFIC CIRCULATION

The project will have access to two existing streets, Almond Drive to the north and Cherokee Lane to the east. A third major street, Century Boulevard, will be constructed as a part of the southern portion of the project.

The internal design of the subdivision will also make provisions to tie to properties to the west (Meadowlark Run) and to the south (Mockingbird and Starling Way). These streets will dead-end at project property line until the adjacent properties are developed.

Almond Drive will serve the northern part of the subdivision. Almond Drive is an east-west street running between Stockton Street and Cherokee Lane. The street was originally built to County road standards with a 20' paved roadway, dirt shoulders and no curb, gutters or sidewalk. There have been several developments that have been built since portions of the street were annexed to the City. The street frontage of these projects have been developed to City standards which include a 44' roadway, plus curb, gutter and sidewalk.

In future years, as properties along the entire length of the street are developed, the entire street will have a 60' right of way, a 44' road width and curb, gutters and sidewalk. Currently, to eliminate

patchwork construction resulting from new developments, the City has expended street funds to improve portions of Almond Drive in conjunction with development projects.

If the Tandy-Johnson Ranch Subdivision is developed, along with the Noma Ranch Subdivision across the street, approximately 2/3 of Almond Drive will be built to City street standards.

Currently Almond Drive has relatively low traffic volumes. Most of the traffic is local traffic generated by residents along the street. There is also some through traffic between Stockton Street and Cherokee Lane. Current traffic volumes on Almond Drive are approximately 1200 vehicle trips per weekday. When Noma Ranch Subdivision is completed, it and other projects recently constructed, will double the traffic volume to approximately 2,400 vehicle trips per weekday. If Tandy-Johnson Ranch is approved, approximately 1,000 additional vehicle trips could be added to the total. That would bring the total to approximately 3,400 vehicle trips.

Cherokee Lane runs along the east edge of the subject property. Cherokee Lane is a divided 4-lane thoroughfare that parallels Highway 99. Prior to the construction of the nearby freeway, Cherokee Lane served as Highway 99. Cherokee Lane now serves as a major commercial street in Lodi.

Near the point where Cherokee Lane passed the subject property, there is an interchange system for vehicles entering and exiting Highway 99. Vehicles can enter the southbound lanes of Highway 99 or continue on Cherokee Lane which then becomes the frontage road for the Highway. Near that same location cars exiting from the northbound lanes of Highway 99 come over the freeway and enter Cherokee Lane.

This interchange is located near the point where Century Boulevard is proposed to intersect with Cherokee Lane. Currently, the interchange is not designed to accommodate an intersecting street. Traffic entering from Century Boulevard could only turn right and would have to go south to Harney Lane.

In order to create a safe and efficient intersection at Cherokee and Century, the entire interchange will require redesign. The City of Lodi will work with the California Department of Transportation to redesign the intersection to accommodate the freeway traffic as well as allow both left and right turning movements for cars entering from Century Boulevard. The redesign will need to be done in conjunction with the design of Century Boulevard. The cost of the work will be borne by the developer with some City participation.

Currently, the traffic volume on Cherokee Lane south of Kettleman Lane is 9,000 vehicle trips per day. The project could add 4,000 - 4,500 additional vehicle trips to Cherokee Lane primarily as a result of the commercial acreage. This volume could only be accommodated if the Cherokee Lane/Century Boulevard intersection area is redesigned and upgraded.

Century Boulevard is planned as a major east-west street with an 80' right of way and four travel lanes. Currently only a portion of the street is constructed. This section is between Church Street and the W.I.D. Canal. Plans are for the street to go from the W.I.D. Canal west to Lower Sacramento Road. This will require a bridge over the Canal. East of Church Street the street will cross the S.P.R.R. and go east to Cherokee Lane. This will require either an underpass or overpass to cross the railroad.

As a part of this development a portion of Century Boulevard between the west property line of the project and Cherokee Lane will be constructed. Century Boulevard will provide the access for the southern half of the project including all the cluster housing and some of the commercial. As the property to the west is developed the street will be extended to Stockton Street.

When the Century Boulevard is constructed the intersecting section of Cherokee Lane will need to be reconstructed to accommodate the intersection. When the Tandy-Johnson project is fully developed, Century Boulevard will have a vehicle trip count of between 1,000-1,500 vehicle trips per day.

#### B. POLICE AND FIRE PROTECTION

The City of Lodi will provide police and fire protection to the proposed development. The Chief of Police has indicated that the department has no "level of reserve" which should be maintained in the city department. He indicates that the additional service for the subject property will come from reordering of departmental enforcement priorities. The Chief notes, however, that this new development and other areas of the city will receive uniform treatment with regard to service levels.

The Chief of Police will review the project plans to insure that the street lighting system and building and street layout permit adequate security surveillance by police patrol units.

The Fire Chief will review all plans to assure adequate fire protection. He will work with the developer on the number and location of fire hydrants and will review the project plan to insure adequate accessibility for fire equipment.

#### C. SCHOOLS

The Lodi Unified School District (LUSD) is experiencing a problem of student overcrowding in many of its schools. Many of the schools are at maximum capacity and the District must move students out of their normal attendance area to accommodate all the students.

The LUSD is attempting to meet the increased enrollment by constructing new school sites and by adding temporary facilities to existing school sites. In order to defray the cost of construction of needed interim school facilities, the City of Lodi passed City Ordinance No. 1149. The ordinance, passed pursuant to Senate Bill

201, was enacted prior to the passage of Proposition 13. The Ordinance provides for the payment of a fee of \$200 per bedroom for every residential unit constructed in a new subdivision. The fee is collected by the City at the time a building permit is issued. The money is then transferred to the LUSD. The money is used specifically to pay for temporary facilities for the impacted school attendance area.

An alternative would be for the developer to enter into a direct agreement with the LUSD. The agreement would be for the direct payment of a monetary amount equal to the fees established by City Ordinance No. 1149. These monies can then be applied towards the construction of permanent facilities, rather than interim facilities, as mandated by the law now in effect regarding impactation fees. The developers of the Tandy-Johnson project have submitted documents to the City showing that they have entered into a contract with the LUSD for the direct payment of these fees.

The proposed project will have 249 residential units. The number of students is estimated as follows:

<u>HOUSING TYPE</u>	<u>NO. OF UNITS</u>	<u>STUDENTS/UNITS</u>	<u>TOTAL</u>
Single-family	161	1	161
Condominiums	88	0.7	<u>62</u>
		Total Students	223

The Project is located in the following attendance areas:

Heritage School	K-6
Senior Elementary	7-8
Tokay High School	9-12

The current enrollment for these schools in the February 1984 school year is:

Heritage School	623
Senior Elementary	931
Tokay High School	2427

The projected capacity for the schools including portable rooms is:

Heritage School	614
Senior El	1032
Tokay High School	2534

Student Transportation: Transportation is provided if students live no less than the following distance from school:

K-1	1.5 miles
7-8	2.5 miles
9-12	3.5 miles

Exceptions to the above may be made at the discretion of the Superintendent of Schools on the basis of pupil safety, pupil hardship, or District convenience.

Distance from Tandy-Johnson Subdivision (approximately)

Heritage School	1.5 - 2.0 miles
Senior Elementary	2.0 - 2.5 miles
Tokay High School	2.0 - 2.5 miles

D. SOLID WASTE

Existing collection of residential solid waste within the City of Lodi is on a weekly basis by a franchise collector. At the present time the waste is hauled to a transfer station and resource recovery station located at the company's headquarters in the east side industrial area. The refuse is sorted with recyclable material removed. The remaining refuse is then loaded onto large transfer trucks and hauled to the Harney Lane Disposal site, a Class II-2 Landfill. Current operations are consistent with the San Joaquin County Solid Waste Management Plan, adopted June, 1979. The subject area is within County Refuse Service Number 3 and the North County Disposal Area, which is served by the Harney Lane Site.

The number of units built in the project will be 249. The City's franchise collector estimates that each residential unit in the City of Lodi generates an average of 39 lbs. of solid waste per week.

249 units x 39 lbs/week = 9,711 estimated  
lbs of solid  
waste per week.

E. RECREATION

The proposed project does not set aside any land for parks or other public recreation. It is possible that some private recreational facilities will be constructed such as a swimming pool, spa, or recreation room for the tenants of the condominiums.

There is a major public recreational facility located approximately 1/2 mile southwest of the project. This is Salas Park, a 21 acre

recreational complex constructed in conjunction with the Salas storm drainage basin. The complex contains lighted ball fields, a concession stand, picnic facilities, and walkways.

Future plans are for a parking lot, restrooms, and children's play equipment. These are all open to the public.

Approximately 1-1/2 mile to the north at Stockton and Poplar Street is another City facility - Blakely Park. This park contains ball fields, a swimming pool, picnic areas and restrooms.

## VII. HISTORIC AND ARCHEOLOGICAL SITE

There are no sites or buildings on the subject property that are designated as historical landmarks by any Federal, State or local agencies. The nearest recorded landmarks are in the community of Woodbridge, several miles to the northwest.

Although there are no recorded archeological surveys of the site, it is doubtful that there are any archeological sites on the property. Known Indian sites in the Lodi area are usually located along the banks of the Mokelumne River, several miles to the north.

The property has been extensively cultivated for many years. There is no record of any items of antiquity ever being unearthed on the site. Additionally, the extensive digging and plowing to cultivate the vineyards and the trenching to install irrigation lines would have destroyed any archeological material.

If, during construction, some article of possible archeological interest should be unearthed, work will be halted and a qualified archeologist will be called in to examine the findings.

## VIII. ENVIRONMENTAL ASSESSMENTS

### A. ENVIRONMENTAL IMPACTS

The development of the Tandy-Johnson Subdivision will result in the loss of 48 acres of prime agricultural land. The project property is currently planted in a grape vineyard, walnut orchard and row crops. The project soil is made up of the Hanford Sandy Loam, the predominate soil type in the Lodi area. This type of soil is rated as Class I soil for agricultural production and can be planted with a wide variety of crops. In the Lodi area this soil type is extensively planted in vineyards.

Development of the site with residential uses will terminate further use of the property for agricultural purposes. The existing crops will be removed in phases and the land covered with streets, houses and other urban improvements.

Urbanization of the subject parcel will also affect the agricultural use of adjacent parcels. The presence of a residential development may create modification of normal farming practices on adjacent

agricultural lands. The use of certain controlled pesticides and herbicides may be restricted on areas adjacent to residential developments. Cultivation and harvesting operations may result in complaints from urban residents concerning noise and dust. Agricultural operations adjacent to urbanized areas may also be subject to an increased amount of trespassing and vandalism.

The increased vehicular traffic will produce some additional air pollution in the area of the project. The project generated pollution will have a localized affect of air quality, but will not significantly affect the overall air quality of San Joaquin County.

Based on a worst-case situation, vehicular traffic generated by the development would increase overall air pollutants in the City of Lodi by less than two-tenths of 1 percent.

The proposed project, when fully developed, could generate approximately 5,829 vehicle trips per weekday. These vehicle trips would be added to Almond Drive, Cherokee Lane and Century Boulevard. Of the traffic generated, approximately 20% will use Almond Drive, 25% will use Century Boulevard and 55% will use Cherokee Lane. The majority of the traffic will result from the commercial acreage on Cherokee Lane. Additionally, Cherokee Lane will get approximately 1/2 of the Almond Drive traffic and all of the Century Boulevard traffic. This will change when Century is extended west to Stockton Street, sometime in the future.

Almond Drive currently has a traffic volume of approximately 1,200 vehicle trips per day. If the projects recently completed on Almond Drive are fully occupied, and Noma Ranch is constructed, the traffic volume could double to 2,400 vehicle trips. Tandy-Johnson Ranch could add another 1,000 vehicle trips to Almond Drive, bringing the total to 3,400 vehicle trips per day. Although the traffic would still be within the carrying capacity of Almond Drive, there will be a noticeable increase in traffic to those people currently residing on the street.

Cherokee Lane has a traffic volume of 9,000 vehicle trips per day south of Kettleman Lane. The project could add approximately 4,000-4500 vehicle trips to this figure. The major impact will result from the current design of Cherokee Lane adjacent to the project site. The current street is not designed to accommodate the Century Boulevard intersection. In order for the intersection to be built, the street will have to be redesigned and reconstructed. Work will have to be coordinated with Cal-Trans District 10.

The project will generate an estimated 223 additional school-aged children when fully developed. The addition of these students will affect the LUSD and its ability to provide adequate classroom space. The LUSD has filed a Declaration of Impaction which states that the schools are at maximum capacity and that new schools are at maximum capacity and that new students cannot be guaranteed classroom space.

B. MITIGATION MEASURES

If the Tandy-Johnson Subdivision project is approved and constructed, the 48 acres of prime agricultural land will be removed from further agricultural use. There is no practical way to mitigate the loss of this land. Once cleared and developed with streets and houses, it is unlikely that the land will ever return to agricultural use. The land has, however, been zoned residential and also been designated for residential use for many years by the Lodi General Plan.

Trespassing and vandalism on adjacent agricultural properties can be reduced by constructing a 7' high solid fence along the entire west and south property line. The fence should also be constructed across any street openings that will dead-end or remain undeveloped, such as Meadowlark Run and Century Boulevard. The fence will reduce trespassing and vandalism on the agricultural properties by cutting off easy access from the subdivision. The fence must be maintained by the developer, or the adjacent homeowner as the lots are sold.

As for any restriction on the use of pesticides, herbicides or other chemicals, these products are controlled by State and Federal regulations. All restricted chemicals, those with the potential to cause health or environmental problems, require a San Joaquin County Agricultural Department permit for use. The Agricultural Department determines the suitability of the chemical based on the location of the field, the types of crops in and around the field and the land uses in the area.

According to the San Joaquin County Agricultural Department, there are no definite distances required between the fields being treated and adjacent residences. Permits for application of restricted chemicals are issued based on the particular characteristics and restrictions of the chemical and the judgement of the agricultural commissioner. The Department noted that the key factor in the safe use of any chemical was proper application. This includes using the proper method of application, using the correct equipment, checking for favorable weather conditions and finally the proper care used by the applicator.

They also stated that in situations where a particular chemical or application method was felt to be unsuitable, there was usually an acceptable alternative. The presence of homes would not automatically mean that a farmer could not use chemicals. It would only mean that he would have to take particular care in its application, and, in certain cases, might have to use an alternate chemical or method of application. As for complaints about noise or dust from normal farming operations, it is always possible that these problems could arise. If, however, the farmer uses a reasonable amount of care in his operation, it is unlikely that this would be a problem. Farming operations completely surround the City of Lodi and the City has not experienced any particular problem with homeowner complaints regarding farming operations. If any problems did arise, the City would do whatever possible to resolve the problem.

The additional traffic on Almond Drive can be handled by the current street design, although the increase in traffic will be noticeable to current residents on the street. The development of properties adjacent to Almond Drive will greatly improve the street as well as adding traffic. If Noma Ranch and Tandy-Johnson Ranch are both developed, 2/3 of the north side and one-half of the south side of Almond Drive will be developed to City street standards. This will mean two full travel lanes, a parking lane on both sides and curb, gutter and sidewalks. The improvement in the roadway will permit safer traffic movement on the street, improved storm water runoff, and sidewalks for pedestrians.

As traffic increases on Almond Drive, the City will study whether any modifications are necessary at the Almond Dr./Cherokee Lane intersection. If it is determined to be necessary, a left-hand turn pocket on Almond Drive may be considered. Also, some work may be required on Cherokee Lane. This could be done in conjunction with the redesign of the Cherokee/Century intersection.

The Cherokee Lane/Century Boulevard intersection will require major redesign and reconstruction work. Cherokee Lane will need to be redesigned to permit the intersection of Century Boulevard, as well as existing on and off ramps to Highway 99. The new configuration will have to include some way for traffic from Century Boulevard to turn left and go north on Cherokee Lane. Currently this is not possible. The redesign will also have to accommodate safe ingress and egress to the commercial properties on Cherokee Lane.

Prior to any work being done on the Century Boulevard or properties fronting on Cherokee Lane, a satisfactory redesign of Cherokee must be completed. The design must provide safe traffic movement for both passing motorist and those entering or exiting from the project site. The design work must be coordinated with the California Department of Transportation District 10, who must approve any modification to that section of Cherokee Lane.

In order to mitigate the impact of the additional students on the LUSD, the developer has signed an agreement with the LUSD. The agreement states "Whereas, it has been determined that dedication of a school site or payment of development fees are means of alleviating the environmental impact of additional students as a result of new residential units." The agreement further notes that the LUSD has determined that it is in their best interest to receive the development fees instead of requiring dedication of a school site. The LUSD considers the development fees to constitute mitigation of the school impaction.

## ALTERNATIVES TO THE PROJECT

### Alternative 1

The principle alternative to the proposed project would be to not construct the project. This would maintain the existing agricultural use of the land and eliminate the adverse impacts resulting from the proposed project.

While this alternative would eliminate the environmental impacts, it could have other effects on the City of Lodi. The primary effect would be on the future supply of moderate cost housing.

Currently, there are approximately 424 vacant single family lots in subdivision with final subdivision maps. There are also approximately 596 vacant single family lots in subdivision with only a tentative subdivision map or tentative project approval. Subdivisions with a final map can obtain building permits while those with only a tentative map must still file a final map before any permits can be issued. Finally, there are approximately 80 single family/duplex lots in a subdivision currently being reviewed by the City. This project, Woodlake North, has obtained approvals as of March 1984.

The 424 lots with final subdivision maps represent approximately a 29-month supply of single-family lots based on a 10 year average of 179 single-family homes constructed per year. If the 596 lots in subdivisions with only a tentative map or tentative project approval are added in, the total number of available lots would be 1020 lots. This would represent a 5½ year supply based on a 10 year average.

The number of available lots are somewhat misleading since homebuyers are divided by the price of homes they can afford. If we take the 424 single family lots in subdivisions with a final map (Table 1) and separate them by housing price, we get a different picture. The price of units are estimates since the units are not yet constructed and market and economic conditions may change the price.

The categories we used are as follows:

Over \$120,000	(Category A)
\$85,000 - \$119,999	(Category B)
Less than \$85,000	(Category C)

TABLE 1

LOTS IN SUBDIVISIONS WITH AN APPROVED FINAL SUBDIVISION MAP

<u>Category A</u>	<u>No. Vacant Lots</u>	
Lakeshore Village		
Units 1,2,4,5 & 6	71	
Rivergate-Mokelumne	16	
Sunwest, Unit #3	2	
Aaron Terrace	2	
	<u>91</u>	= 22%

<u>Category B</u>	<u>No. Vacant Lots</u>	
Mokelumne Village	76	
Lakeshore Village		
Por Units 2 & 3	12	
Burlington Manor	2	
Homestead Manor	2	
Lodi Parkwest Unit #1(por)	10	
	<u>102</u>	= 24%
 <u>Category C</u>		
Turner Road Estates	43	
Beckman Ranch, Unit #5	50	
Lakeshore Village	52	
Por Units 2 & 3		
Lodi Parkwest Unit #1 (por)	46	
Burgundy Village	32	
Pinewood	8	
	<u>231</u>	= 54%
<hr/>		
TOTAL	424	= 100%

Of the total, 91 (21%) are in category A, 102 (24%) are in Category B and 231 (54%) are in Category C.

If we do the same thing for the subdivisions with only a tentative subdivision or tentative project approval (Table 2) we get the following:

TABLE 2  
APPROVED PROJECT WITH ONLY TENTATIVE SUBDIVISION  
MAP OR PROJECT APPROVAL

<u>Category A</u>	<u>No. Vacant Lots</u>	
Lobaugh Meadows (por)	95	
	<u>95</u>	= 16%
 <u>Category B</u>		
Lodi Parkwest (por)	289	
Lobaugh Meadows (por)	95	
	<u>384</u>	= 64%

<u>Category C</u>	<u>No. Vacant Lots</u>	
Noma Ranch	71	
Summerfield	<u>46</u>	
	117	= 20%
<u>TOTAL</u>	<u>596</u>	<u>= 100%</u>

Of the 596 total lots in this group, 95 (16%) are in Category A, 384 (64%) are in Category B, and 117 (20%) are in Category C.

PROJECTS UNDER REVIEW BY CITY - NO APPROVAL

	<u>No. Vacant Lots</u>
Woodlake North (Eilers property)	80

If the figures for Table 1 and Table 2 are added together, we get a total of 1020 vacant single-family lots. If the totals are then categorized we get the following:

TABLE 3

<u>Category</u>	<u>Table 1</u>	<u>Table 2</u>	<u>Total</u>	<u>%</u>
<u>Category A</u>	91	95	186	18%
<u>Category B</u>	102	384	486	48%
<u>Category C</u>	231	117	348	34%
	<u>424</u>	<u>596</u>	<u>1020</u>	<u>100%</u>

Of the combined totals, 186 (18%) are in Category A, 486 (48%) are in Category B and 348 (34%) are in Category C.

As the figures indicate, only 34% of the lots will have housing of less than \$85,000. In Lodi, housing that exceeds \$85,000 in price is beyond the price range of most people. It is only the housing that is less than \$85,000 that would come close to being considered moderate or affordable housing. The subdivisions that contain houses of less than \$85,000 are the most active in terms of building and selling, since they are in demand by the largest number of people. The 348 lots in this category probably constitute about a 2½ - 3 year supply of lots.

The developer of Tandy-Johnson Ranch feels that he can provide single-family housing for less than \$85,000, based on current economic conditions.

He would, therefore, be able to provide affordable housing for future homebuyers. This is particularly important since these units would not come on line until in late 1984 or early 1985, just as many of the other projects in Category C are built out. If Tandy-Johnson Ranch, or similarly priced projects are not developed, there will be a shortage of affordable single family housing in the very near future.

The construction of affordable units will result in even more affordable housing becoming available in other parts of the City. Some of the homebuyers will be trading up from less expensive houses in older parts of the City. These older houses represent the only source of detached housing in the less than \$50,000 range.

As for the proposed condominium units, the demand factor may be somewhat less. There are currently over 1,000 unbuilt multiple-family units in subdivisions with either a final or tentative map. Approximately 489 of these units are located in Lobaugh Meadows, although the final number of units in Lobaugh Meadows may be less. The remainder are scattered in a dozen or so projects of various sizes, and range in price from moderate to very expensive. Since this number includes both apartment and condominium units, it is difficult to compare prices. It does appear, however, that when these units are completed, there will be units available at all price ranges.

The 1000+ units represent a 5+ year supply of multiple-family units based on a ten-year average of 180 units per year.

#### Alternate 2

A second alternative would be an all single-family project. This alternative would eliminate the 88 units of condominiums and the 6 acres of commercial. If these areas were replaced with single-family dwellings, approximately 85 single-family lots could be added to the proposed 161 single-family lots for a total of 246 single-family lots.

An all single-family development would have both positive and negative impacts. The primary positive effect would mean a significant reduction in the amount of traffic generated by the project. The estimated traffic generated for the original project was 5,829 vehicle trips per day of which 3,770 vehicle trips were generated by the commercial acreage, and 449 vehicle trips were generated by the condominiums. An all single-family development with 246 single-family lots would only generate 2,460 vehicle trips, a reduction of 58%. The reduction would be primarily on Cherokee Lane and Century Boulevard.

There would be several negative effects from the change to an all single-family project. First, that type of design would place residential units adjacent to Cherokee Lane. Cherokee Lane is a high-noise street due to the traffic volumes and the proximity to the freeway. While noise levels within the living units could be reduced to acceptable levels with various construction methods, the exterior noise levels would remain high. The exterior noise levels could be reduced by the construction of a sound wall or other type of barrier along Cherokee Lane. The commercial acreage does provide a buffer between the residential uses and Cherokee Lane.

Second, there would be an added impact on the LUSD. The 246 single-family lots could produce 246 students as compared to 223 students in the original project. The additional 23 students will further affect the LUSD. The additional students will be offset by the payment of additional fees to the LUSD by the developer. The fees are based on the number of bedrooms in the new units. Since most single-family homes are three-bedroom units, while most condominiums are two-bedroom, the single-family units will generate more revenue to help offset the increased students.

### Alternate 3

The third alternative would be to replace the commercial acreage with condominiums and maintaining the same number of single-family lots. At 10 units per acre this would add 53 additional condominium units - for a total of 141 condominium units and 161 single-family lots.

This alternative would result in less traffic than the original project, 2,529 vehicle trips versus 5,829 vehicle trips, a 57% reduction. This alternative would result in additional students-- 260 versus 223 for the original plan - a 17% increase.

This alternative would place residential units adjacent to Cherokee Lane, a high noise corridor. As previously mentioned, however, noise reduction methods can be used to achieve acceptable noise levels within the living units.

### Alternates 2 and 3

Neither alternates 2 nor 3 would change the impact of the loss of agricultural land. Any type of residential or commercial development would eliminate the agricultural use of the land.

If either alternate 2 or 3 is approved by the City, a condition of approval should be to require an acoustical analysis by a licensed acoustical engineer. The engineer would determine the extent of the noise problem adjacent to Cherokee Lane, recommend corrective measures and test to see if the measures result in the required improvements.

### Alternate 4

Alternate 4 would be to utilize a vacant "infill" property located somewhere in the City of Lodi as an alternative site for this project. This would eliminate the development of the Tandy-Johnson property and place the project in a location that presumably is already impacted.

The problem with this alternative is that the City of Lodi does not have any large "infill" properties remaining. Because the City has had a continuous policy of only developing properties that are adjacent to developed areas of the City, there have never been many "infill" properties in the City. The City is, in fact, extremely compact in area for its population.

In recent years, Homestead Manor, Turner Road Estates (formerly Colony Ranch), Rivergate Mokelumne, Sanguinetti Park and Mokelumne Village have

been approved on "infill" properties. These subdivisions are all under construction with various types of development. These developments have utilized all the large vacant properties that existed within the developed parts of Lodi.

Of the remaining vacant parcels, most are too small for a residential subdivision. They range in size from individual single-family lots to parcels of several acres. Many of the larger parcels are owned by church groups or individuals who do not want to sell their properties. Other properties have an approved tentative map on them or have a map under review by the City. In any case these properties are not suitable for development for the Tandy-Johnson Subdivision.

#### C. IRREVERSIBLE AND LONG TERM IMPACTS

The loss of agricultural land will be an irreversible and long-term impact. Once the land is developed with buildings and streets, there is little likelihood that the land will ever be used for agricultural purposes.

#### D. CUMULATIVE IMPACTS

The proposed project will have a cumulative impact on the loss of agricultural land in the past several years, Lakeshore Village, a 96± acre development; Lobaugh Meadows, a 92± acre development; and Lodi Park West, an 88± acre development, have been approved. These developments will utilize a total of 276± acres of agricultural land as these projects are constructed. Additionally, if the Noma Ranch project is developed, this will utilize another 20 acres of agricultural land.

Unfortunately, all land in and around the City of Lodi is designated prime agricultural land. The entire area surrounding the City is in agricultural use. Almost every development, large or small, must utilize agricultural land. There are no non-prime soil, non-agricultural parcels around Lodi. The residential, commercial and industrial requirements of the City and its residents necessitate urbanization of agricultural land.

The other significant cumulative impact is the impact on the LUSD. LUSD estimates place the number of new students generated by developments in Lodi and North Stockton at several thousand students in the next few years. These students place a strain on the District's ability to provide classroom space, particularly in light of fiscal problems facing schools.

Currently, developers both in Lodi and in Stockton, have been working with the LUSD to provide funds for additional classroom space. This will help alleviate the short-term problems facing the schools.

#### E. GROWTH-INDUCING IMPACT

Development of the Tandy-Johnson Ranch project will not have a growth-inducing impact on the City of Lodi. The Tandy-Johnson Ranch property

is the last large piece of residential property with no proposed project in the southeast part of the City. All other residential properties of any size in the area are either developed or have something planned for them. The only other undeveloped properties in the area are Burgundy Village, both which have been approved by the City.

All other properties are outside of the City limits and are covered by the Measure A. This initiative requires an approval of the electorate for any General Plan Amendment/Annexation to the City of Lodi. In November, 1983, Sunwest #4, a residential project went before the voters under this Measure A process. The project was soundly defeated by the voters. If this is any indication of the future, there may be little or no growth within the City limits once existing projects are completed. Since most of the undeveloped land in the area of the proposed project is not in the City limits, the voters will ultimately determine whether any additional growth will occur.

F. ENERGY CONSERVATION

Structures in the project will be constructed to meet State of California Energy Standards. The standard include such things as window area, insulation, energy efficient appliances, etc. Approximately 75% of the lots in the project have a north-south orientation. This orientation provides the best adaptability for both passive and active solar design. The developer could also offer various solar design packages as part of the construction of the homes.

**APPENDIX A**  
**DEVELOPMENT FEE AGREEMENT - LUSD**



# Lodi Unified School District

815 W. LOCKEFORD ST., LODI, CA. 95240  
(209) 369-7411 • 466-0353

Mr. Ronald B. Thomas  
P.O. Box B-28  
Lodi, CA 95241

Dear Ron:

SUBJECT: Development Fee Agreements for Johnson Ranch and Tandy Ranch

Enclosed for your information are copies of the above agreements containing the recording data. The originals are on file in the Facilities Planning Office of the Lodi Unified School District.

If you have any questions or need additional copies, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Mary Joan Starr'.

Mary Joan Starr, AICP  
Facility Planner

MJS: EH:pc

Enclosures

83087973

RECORDED'S OFFICE  
JAMES H. JOHNSTON

1983 DEC -9 PM 4:24

RECORDED AT REQUEST OF

*Lodi Unified*  
FEE EXEMPT FROM FEE

Return to:  
Lodi Unified School District  
Facilities Planning  
815 W. Lockeford Street  
Lodi, CA 95240

LUSD  
Dt. C 20 1983  
Facilities Planning

AGREEMENT

This AGREEMENT, made and entered into this 15th day of November, 1983, by and between TANDY RANCH, a general partnership, having its principal place of business in Lodi, California (hereinafter referred to as "DEVELOPER"), and LODI UNIFIED SCHOOL DISTRICT OF SAN JOAQUIN COUNTY, a political subdivision of the State of California (hereinafter referred to as "LODI UNIFIED").

W\_I\_T\_N\_E\_S\_S\_E\_T\_H:

The parties hereto acknowledge and mutually agree that:

1. The purpose of this Agreement is to mitigate the adverse environmental impact upon Lodi Unified caused by developer's hereinafter described residential development.

2. During the period covering approximately two years, Developer plans to construct approximately 104 single family, residential units within the District, governed by Lodi Unified, as part of a project commonly known as "Tandy Ranch," consisting of approximately 18.68 acres, located in the City of Lodi, San Joaquin County, California.

3. Developer has not yet received approval from the City of Lodi for the construction of a residential development project, and, at present, is in the process of preparing a Supplemental Environmental Impact Report, as required by the Third District Court of Appeal and the San Joaquin County Superior Court.

4. Construction of said residential units will cause increased enrollment in the Lodi Unified School District, which could, depending upon future conditions, cause a problem for Lodi Unified in providing adequate facilities for its students.

5. Developer desires to mitigate the impact upon Lodi Unified of the anticipated increase in enrollment.

6. The real property constituting the site upon which the heretofore mentioned project is to be constructed is more particularly described as follows:

All that certain real property situated in the City of Lodi, County of San Joaquin, State of California, described as follows:

A portion of Lots seven (7) and twelve (12) of A. J. LARSON'S SUBDIVISION, being in the Northeast Quarter (NE 1/4) of Section thirteen (13), Township three (3) North, Range six (6) East, Mount Diablo Base and Meridian, and being more particularly described as follows:

COMMENCING at the center of said Section thirteen (13); thence North  $0^{\circ}41'30''$  West, 886.50 feet to the centerline of Almond Drive; thence along the centerline of Almond Drive, 713.75 feet; thence South  $0^{\circ}34'46''$  East, 25.03 feet to the South line of Almond Drive and the true point of beginning; thence continue South  $0^{\circ}34'46''$  East, 352.33 feet; thence North  $86^{\circ}44'$  East, 102.49 feet; thence North  $89^{\circ}30'41''$  East, 55.0 feet; thence North  $86^{\circ}44'$  East, 635.63 feet; thence South  $0^{\circ}40'$  East, 15.60 feet; thence North  $89^{\circ}20'$  East, 165.54 feet, to the East line of said Lot seven (7); thence North  $0^{\circ}40'06''$  West, 175.09 feet; thence South  $86^{\circ}44'$  West, 74.0 feet; thence North  $0^{\circ}40'06''$  West, 203.00 feet to the South line of Almond Drive; thence South  $86^{\circ}44'$  West, 884.34 feet to the true point of beginning.

To be known as Tract No. 1664,  
JOHNSON-TANDY RANCH, UNIT NO. 1

It is the intention of the parties to the transaction to include on the description of any conveyance or encumbrance of the herein described property the following:

EXCEPTING THEREFROM all oil, gas, minerals and other hydrocarbon substances lying below a depth of 500 feet below the surface of said land without the right of surface entry.

7. Developer shall make such reasonable and appropriate contribution by depositing with Lodi Unified an amount equal to, and in lieu of, any sums prescribed to be deposited for such a residential development by Lodi City Ordinance No. 1149, Chapter 19A of the Lodi City Code, commonly referred to as the "School Facilities Dedication Ordinance." It is understood by the parties hereto that the fee schedule, under the provisions of this Ordinance, is set by the Lodi City Council periodically by resolution. The rate or fees applicable to this Agreement shall be the rate in effect at the time Developer applies to the City of Lodi for a residential building permit.

In the event that said Ordinance is declared unconstitutional by a Court of law having jurisdiction over the City of Lodi, the applicable rate or fee shall be the last rate set by said City Council prior to the effective date of the Court's ruling. Any such declaration of unconstitutionality shall have no force or effect upon Lodi Unified's ability or right to collect the fees set by this Agreement. Said fees shall be due and deposited with Lodi Unified at such time as Developer, or its assignee, shall be in a position to receive from the City of Lodi all residential building permits necessary for the construction of such phase of the development as Developer is then currently planning to develop.

8. Upon receipt of the fees provided for by this Agreement, Lodi Unified shall immediately, and without delay, notify the City of Lodi of its receipt thereof and request that Developer be exempt from any fee imposed upon the same residential units by the City of Lodi, and that Developer be allowed to acquire building permits in the project phase for which full payment has been received. Failure to use all diligence to notify the City of Lodi of the receipt of the fee shall cause this Agreement to terminate and no event shall Lodi Unified receive double payment for any residential unit to be constructed by Developer.

9. It is understood and agreed by the parties hereto that in addition to the mitigation provided by way of Lodi City Ordinance No. 1149, Chapter 19A of the Lodi City Code, Lodi Unified is actively pursuing other methods to alleviate overcrowding. These include, but are not limited to, the following:

(a) Continued collection of bedroom tax revenues from the County of San Joaquin.

(b) The continued collection of bedroom tax revenues from the City of Stockton.

(c) The Leroy F. Green lease purchase program of 1976, funded by Proposition 1 in 1982 by \$500,000,000.00 in school construction bonds, for which Lodi Unified qualifies. This program, together with a chance of increased funding, has led to, or will lead to, the following enrollment mitigation projects:

(1) Construction of handicapped facilities at Washington School, in Lodi.

(2) Construction of a Kindergarten through Sixth Grade facility at Stonewood in North Stockton, scheduled to accommodate 650 A.D.A.

(3) Construction of a Kindergarten through Sixth Grade facility at Claremont in North Stockton, scheduled to accommodate 600 A.D.A.

(4) Addition to the Morada Elementary School, in Stockton, scheduled to accommodate 600 A.D.A.

(5) A middle school facility, located in Wagner Heights, North Stockton, scheduled to accommodate 600 to 700 A.D.A.

(6) Planning and ultimate construction by the District of a third high school site in North Stockton.

(7) Planning and construction of a continuation high school in North Stockton.

(8) Construction of permanent facilities at the Oakwood School in North Stockton.

(9) Planning for an additional elementary school K through 6, located in the vicinity of the Holt Ranch in North Stockton.

(10) The construction of English Oaks Elementary School K-6, to be located in South Lodi, which facility will increase the classroom space sufficient to serve the entire southern portion of Lodi, including the subject development.

10. In the event that during the term of this Agreement, permanent school facilities are constructed with

proceeds from the sale of bonds and/or by levy of a special override tax by Lodi Unified eliminating the student housing shortage caused by Developer's project prior to completion of said project, Developer shall be released from its obligation under this Agreement, and shall be refunded all unappropriated moneys then on deposit with Lodi Unified.

11. In the event that during the term of this Agreement the City of Lodi, or the Lodi Unified School District Board of Trustees should repeal ordinances or resolutions authorizing exaction of fees or dedication of land as a condition of approving divisions of land, then Developer shall be released from any obligation under this Agreement and shall be refunded all unappropriated moneys then on deposit with Lodi Unified. A reenactment of the necessary ordinances or resolutions shall not reestablish the obligation of Developer.

12. All fees collected from Developer by Lodi Unified under this Agreement shall be used only for the acquisition, construction, expansion, or improvement of permanent and/or interim classroom related school facilities. Any other use of such fees other than for interim or permanent classroom facilities shall be grounds for termination of this Agreement.

13. In the event that the Developer should breach any term of this Agreement, Lodi Unified reserves the right to notify the City of Lodi of said breach and request that the City of Lodi withdraw its approval of Developer's project and refrain from issuing any further approvals until Developer agrees to remedy the breach or otherwise mitigate the impact of its project on Lodi Unified's overcrowded classroom conditions. Lodi Unified's reserved right under this paragraph shall be in addition to, and shall in no way preclude, its right to pursue other lawful remedies for breach of this Agreement.

14. Lodi Unified shall record a copy of this Agreement in the Official Records of San Joaquin County.

15. In the event any portion of this Agreement shall be found, or declared by a Court of competent jurisdiction to be invalid, the remaining terms and conditions hereof not expressly declared invalid shall remain in full force and effect. A legislative or judicial amendment or declaration altering or eliminating the authority conferred upon the City of Lodi by the provisions of Government Code Section 65970, et seq., or otherwise declaring

the School Facilities Dedication Ordinance to be valid shall not affect the rights and obligations created by this Agreement, except as specifically provided hereinbefore.

16. In the event that either party to this Agreement resorts to litigation to enforce the terms and conditions hereof, or to seek declaratory relief, or to collect damages for breach hereof, the prevailing party in such litigation shall be entitled to recover reasonable attorney's fees.

17. All notices and payments to be given or made under this Agreement shall be in writing and shall be delivered either personally or by first-class U.S. mail, postage prepaid to the following persons at the locations specified:

FOR THE DISTRICT:

Facility Planner  
Lodi Unified School  
District  
815 W. Lockeford St.  
Lodi, Ca. 95240

FOR THE DEVELOPER:

Tandy Ranch, a Partnership  
c/o Ronald B. Thomas  
P. O. Box B-28  
Lodi, California 95241

18. This Agreement shall be effective the date first above written and shall terminate upon completion of the construction of the final residential unit in the project, unless otherwise agreed by the parties in writing.

19. This Agreement contains each and every term and condition agreed to by the parties and may not be amended except by mutual agreement.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement the day and year first written above.

DEVELOPER:

TANDY RANCH, a  
Partnership,

By Ronald B. Thomas  
Ronald B. Thomas,  
General Partner

DISTRICT:

LODI UNIFIED SCHOOL DIS-  
TRICT OF SAN JOAQUIN  
COUNTY, a Political Subdi-  
vision of the State of  
California

By Herth E. Larson  
Herth E. Larson,  
Superintendent

Approved as to Form  
GERALD A. SHERWIN  
County Counsel

Gerald A. Sherwin  
Deputy County Counsel

83087973



(Individual)

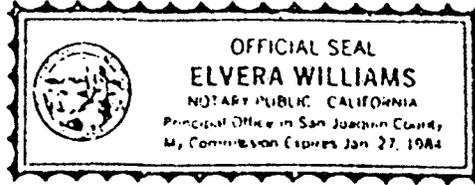
STATE OF CALIFORNIA }  
COUNTY OF San Joaquin } SS.

On December 8, 1983 before me, the undersigned, a Notary Public in and for said State, personally appeared Ellerth E. Larson

\_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

Signature *Ellerth E. Larson*



(This area for official notarial seal)

Misc.-8 Rev. 12-82 Top

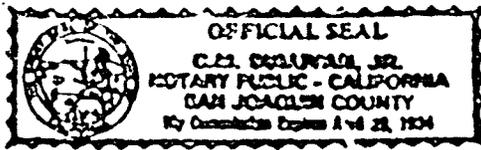
State of CALIFORNIA }  
County of SAN JOAQUIN } SS.

On this the 15th day of November 1983, before

C. M. SULLIVAN, JR.

the undersigned Notary Public, personally appeared

RONALD B. THOMAS



personally known to me  
 proved to me on the basis of satisfactory evidence to be the person(s) who executed the within instrument on behalf of partnership, and acknowledged to me that the partnership executed it  
WITNESS my hand and official seal:

Notary's Signature *C. M. Sullivan, Jr.*  
C. M. SULLIVAN, JR.

PARTNERSHIP ACKNOWLEDGMENT FORM 7130 057

NATIONAL NOTARY ASSOCIATION • 23012 Ventura Blvd. • Woodland Hills

COUNTY RECORDER'S OFFICE 83087973  
STATE OF CALIFORNIA }  
COUNTY OF SAN JOAQUIN }  
Stockton, California

RECEIPT

Date \_\_\_\_\_

Received for Record: Development Fee Agreement--TANDY RANCH

JAMES M. JOHNSTONE

County Recorder

Fees \$ Exempt Paid

Return to:  
Lodi Unified School District  
Facilities Planning  
815 W. Lockeford Street  
Lodi, CA 95240

83087979

SAN JOAQUIN COUNTY  
RECORDER'S OFFICE  
1150 N. J STREET  
LODI, CALIF. 95240

1983 DEC -9 PM 4: 29

RECORDED AT REQUEST OF

EXEMPT FROM FEE

11/2/83  
11/6/83  
Facilities Planning

AGREEMENT

This AGREEMENT, made and entered into this 15th day of November, 1983, by and between JOHNSON RANCH, a general partnership, having its principal place of business in Lodi, California (hereinafter referred to as "DEVELOPER"), and LODI UNIFIED SCHOOL DISTRICT OF SAN JOAQUIN COUNTY, a political subdivision of the State of California (hereinafter referred to as "LODI UNIFIED").

W I T N E S S E T H:

The parties hereto acknowledge and mutually agree that:

1. The purpose of this Agreement is to mitigate the adverse environmental impact upon Lodi Unified caused by developer's hereinafter described residential development.

2. During the period covering approximately three to five years, Developer plans to construct approximately 57 single family, residential units and 61 planned unit developments within the District, governed by Lodi Unified, as part of a project commonly known as "Johnson Ranch," consisting of approximately 29.84 acres, located in the City of Lodi, San Joaquin County, California.

3. Developer has not yet received approval from the City of Lodi for the construction of a residential development project, and, at present, is in the process of preparing a Supplemental Environmental Impact Report, as required by the Third District Court of Appeal and the San Joaquin County Superior Court.

4. Construction of said residential units will cause increased enrollment in the Lodi Unified School District, which could, depending upon future conditions, cause a problem for Lodi Unified in providing adequate facilities for its students.

5. Developer desires to mitigate the impact upon Lodi Unified of the anticipated increase in enrollment.

6. The real property constituting the site upon which the heretofore mentioned project is to be constructed is more particularly described as follows:

An undivided one-half interest in and to all that certain real property situate in the City of Lodi, County of San Joaquin, State of California, described as follows:

PARCEL ONE:

Lot six (6) of A. J. Larson's Subdivision of the Northeast Quarter (NE 1/4) of Section thirteen (13), Township three (3) North, Range six (6) East, Mount Diablo Base and Meridian, according to the Official Map thereof filed for record in Vol. 2 of Maps, page 4, San Joaquin County Records.

PARCEL TWO:

Beginning at the Northeast corner of the Southeast Quarter (SE 1/4) of Section thirteen (13), Township three (3) North, Range six (6) East, Mount Diablo Base and Meridian, and run thence South 87°47' West along North line of said Southeast Quarter (SE 1/4) of Section 13, 1650 feet; thence South 528 feet; thence North 87°47' East, 1650 feet; thence North 528 feet to the point of beginning.

EXCEPT THEREFROM that portion acquired by the State of California by Final Order of Condemnation, a certified copy of which was recorded April 24, 1958 in Book of Official Records, Vol. 2062, page 247, San Joaquin County Records.

EXCEPTING from parcels one and two above that certain tract of land conveyed to the State of California for highway purposes by Deed recorded November 21, 1944 in Book of Official Records, Vol. 907, page 41, San Joaquin County Records.

PARCEL THREE:

A portion of that certain parcel of land labeled Parcel No. 25 as described in Final Order of Condemnation, recorded April 24, 1958 in Book of Records, Vol.

2062, page 247, San Joaquin County Records, situated in the Southeast Quarter (SE 1/4) of Section thirteen (13), Township three (3) North, Range six (6) East, Mount Diablo Base and Meridian, said portion described as follows:

Beginning at the Southwest corner of said parcel; thence along the Southerly line of said parcel North  $36^{\circ}27'00''$  East, 63.81 feet; thence from a tangent that bears North  $9^{\circ}35'16''$  East, along a curve concave to the East, having a radius of 828 feet, through a central angle of  $0^{\circ}53'29''$ , an arc distance of 12.88 feet; thence North  $10^{\circ}06'58''$  East, 141.03 feet to the Westerly boundary of said parcel; thence along said Westerly boundary the following three courses; from a tangent that bears South  $20^{\circ}44'16''$  West, along a curve concave to the Northwest having a radius of 116 feet; through a central angle of  $24^{\circ}15'44''$ , an arc distance of 49.12 feet; South  $47^{\circ}01'45''$  West, 56.47 feet; and from a tangent that bears South  $45^{\circ}00'00''$  West along a curve concave to the Southeast, having a radius of 84 feet, through a central angle of  $56^{\circ}24'59''$ , an arc distance of 82.71 feet to the point of beginning.

7. Developer shall make such reasonable and appropriate contribution by depositing with Lodi Unified an amount equal to, and in lieu of, any sums prescribed to be deposited for such a residential development by Lodi City Ordinance No. 1149, Chapter 19A of the Lodi City Code, commonly referred to as the "School Facilities Dedication Ordinance." It is understood by the parties hereto that the fee schedule, under the provisions of this Ordinance, is set by the Lodi City Council periodically by resolution. The rate or fees applicable to this Agreement shall be the rate in effect at the time Developer applies to the City of Lodi for a residential building permit.

In the event that said Ordinance is declared unconstitutional by a Court of law having jurisdiction over the City of Lodi, the applicable rate or fee shall be the last rate set by said City Council prior to the effective date of the Court's ruling. Any such declaration of

unconstitutionality shall have no force or effect upon Lodi Unified's ability or right to collect the fees set by this Agreement. Said fees shall be due and deposited with Lodi Unified at such time as Developer, or its assignee, shall be in a position to receive from the City of Lodi all residential building permits necessary for the construction of such phase of the development as Developer is then currently planning to develop.

8. Upon receipt of the fees provided for by this Agreement, Lodi Unified shall immediately, and without delay, notify the City of Lodi of its receipt thereof and request that Developer be exempt from any fee imposed upon the same residential units by the City of Lodi, and that Developer be allowed to acquire building permits in the project phase for which full payment has been received. Failure to use all diligence to notify the City of Lodi of the receipt of the fee shall cause this Agreement to terminate and in no event shall Lodi Unified receive double payment for any residential unit to be constructed by Developer.

9. It is understood and agreed by the parties hereto that in addition to the mitigation provided by way of Lodi City Ordinance No. 1149, Chapter 19A of the Lodi City Code, Lodi Unified is actively pursuing other methods to alleviate overcrowding. These include, but are not limited to, the following:

(a) Continued collection of bedroom tax revenues from the County of San Joaquin.

(b) The continued collection of bedroom tax revenues from the City of Stockton.

(c) The Leroy F. Green lease purchase program of 1976, funded by Proposition 1 in 1982 by \$500,000,000.00 in school construction bonds, for which Lodi Unified qualifies. This program, together with a chance of increased funding, has led to, or will lead to, the following enrollment mitigation projects:

(1) Construction of handicapped facilities at Washington School, in Lodi.

(2) Construction of a Kindergarten through Sixth Grade facility at Stonewood in North Stockton, scheduled to accommodate 650 A.D.A.

(3) Construction of a Kindergarten through

Sixth Grade facility at Claremont in North Stockton, scheduled to accommodate 600 A.D.A.

(4) Addition to the Morada Elementary School, in Stockton, scheduled to accommodate 600 A.D.A.

(5) A middle school facility, located in Wagner Heights, North Stockton, scheduled to accommodate 600 to 700 A.D.A.

(6) Planning and ultimate construction by the District of a third high school site in North Stockton.

(7) Planning and construction of a continuation high school in North Stockton.

(8) Construction of permanent facilities at the Oakwood School in North Stockton.

(9) Planning for an additional elementary school K through 6, located in the vicinity of the Holt Ranch in North Stockton.

(10) The construction of English Oaks Elementary School K-6, to be located in South Lodi, which facility will increase the classroom space sufficient to serve the entire southern portion of Lodi, including the subject development.

10. In the event that during the term of this Agreement, permanent school facilities are constructed with proceeds from the sale of bonds and/or by levy of a special override tax by Lodi Unified eliminating the student housing shortage caused by Developer's project prior to completion of said project, Developer shall be released from its obligation under this Agreement, and shall be refunded all unappropriated moneys then on deposit with Lodi Unified.

11. In the event that during the term of this Agreement the City of Lodi, or the Lodi Unified School District Board of Trustees should repeal ordinances or resolutions authorizing exaction of fees or dedication of land as a condition of approving divisions of land, then Developer shall be released from any obligation under this Agreement and shall be refunded all unappropriated moneys then on deposit with Lodi Unified. A reenactment of the necessary ordinances or resolutions shall not reestablish the obligation of Developer.

12. All fees collected from Developer by Lodi Unified under this Agreement shall be used only for the acquisition, construction, expansion, or improvement of permanent and/or interim classroom related school facilities. Any other use of such fees other than for interim or permanent classroom facilities shall be grounds for termination of this Agreement.

13. In the event that the Developer should breach any term of this Agreement, Lodi Unified reserves the right to notify the City of Lodi of said breach and request that the City of Lodi withdraw its approval of Developer's project and refrain from issuing any further approvals until Developer agrees to remedy the breach or otherwise mitigate the impact of its project on Lodi Unified's overcrowded classroom conditions. Lodi Unified's reserved right under this paragraph shall be in addition to, and shall in no way preclude, its right to pursue other lawful remedies for breach of this Agreement.

14. Lodi Unified shall record a copy of this Agreement in the Official Records of San Joaquin County.

15. In the event any portion of this Agreement shall be found, or declared by a Court of competent jurisdiction to be invalid, the remaining terms and conditions hereof not expressly declared invalid shall remain in full force and effect. A legislative or judicial amendment or declaration altering or eliminating the authority conferred upon the City of Lodi by the provisions of Government Code Section 65970, et seq., or otherwise declaring the School Facilities Dedication Ordinance to be valid shall not affect the rights and obligations created by this Agreement, except as specifically provided hereinbefore.

16. In the event that either party to this Agreement resorts to litigation to enforce the terms and conditions hereof, or to seek declaratory relief, or to collect damages for breach hereof, the prevailing party in such litigation shall be entitled to recover reasonable attorney's fees.

17. All notices and payments to be given or made under this Agreement shall be in writing and shall be delivered either personally or by first-class U.S. mail, postage prepaid to the following persons at the locations specified:

FOR THE DISTRICT:

Facility Planner  
Lodi Unified School District  
815 West Lockeford Street  
Lodi, California 95240

FOR THE DEVELOPER:

Johnson Ranch, a partnership  
c/o Ronald B. Thomas  
P. O. Box B-28  
Lodi, California 95241

18. This Agreement shall be effective the date first above written and shall terminate upon completion of the construction of the final residential unit in the project, unless otherwise agreed by the parties in writing.

19. This Agreement contains each and every term and condition agreed to by the parties and may not be amended except by mutual agreement.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement the day and year first written above.

DEVELOPER:

JOHNSON RANCH, a Partnership,

By Ronald B. Thomas  
Ronald B. Thomas,  
General Partner

DISTRICT:

LODI UNIFIED SCHOOL DISTRICT  
OF SAN JOAQUIN COUNTY, a  
Political Subdivision of the  
State of California

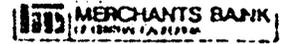
By Ellerth E. Larson  
Ellerth E. Larson,  
Superintendent

revised as to Form  
ALD A. SHERWIN  
County Counsel

[Signature]  
County Counsel

(Individual)

83087979



STATE OF CALIFORNIA }  
COUNTY OF San Joaquin } ss.

On December 8, 1983 before me, the undersigned, a Notary Public in and for said State, personally appeared Elmerth E. Larson

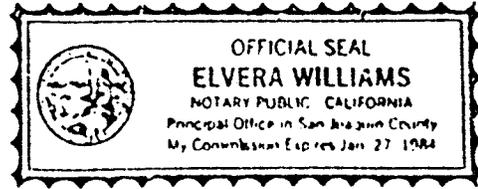
\_\_\_\_\_ , personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

STAPLE HERE

Signature Elmerth E. Larson

Misc. 9 Rev. 12-82 Top



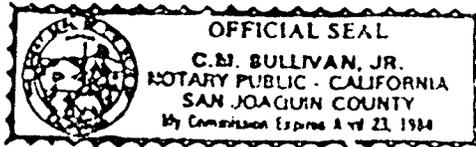
(This area for official notarial seal)

State of CALIFORNIA }  
County of SAN JOAQUIN } ss.

On this the 15th day of November, 1983, before

C. M. SULLIVAN, JR.  
the undersigned Notary Public, personally appeared

RONALD B. THOMAS



personally known to me  
 proved to me on the basis of satisfactory evidence to be the person(s) who executed the within instrument on behalf partnership, and acknowledged to me that the partnership executed  
WITNESS my hand and official seal.

Notary's Signature C. M. SULLIVAN, JR.

PARTNERSHIP ACKNOWLEDGMENT FORM 7130652

NATIONAL NOTARY ASSOCIATION - 23012 Ventura Blvd - Woodland Hills, CA 91364

COUNTY RECORDER'S OFFICE }  
STATE OF CALIFORNIA }  
COUNTY OF SAN JOAQUIN }

83087979

RECEIPT

Stockton, California

Date \_\_\_\_\_

Received for Record Development Fee Agreement--JOHNSON RANCH

JAMES M. JOHNSTONE

County Recorder

Fees \$ Exempt .Paid \_\_\_\_\_

By \_\_\_\_\_

**APPENDIX B**  
**COMMENTS AND RESPONSES**

RESPONSE TO COMMENTS  
OF DRAFT EIR  
RECEIVED BY THE CITY OF LODI

COMMENTS OF BARBARA LEA

1) Buffer Between Project and Adjacent Agricultural Areas.

Response: The City will, as a condition of the subdivision map, require a 7 foot solid fence around the entire project. The fence will be constructed and maintained by the developer. Additionally, the City can require a building setback of 20 feet for lots that rear on the agricultural properties. For lots 55, 56, 141 and 161 that side onto the agricultural properties, those lots may have to be widened to accommodate an increase sideyard setback.

2) Century Boulevard/Southern Pacific Railroad Grade Crossing.

Response: The City does not have any immediate plans to construct the Century Boulevard grade crossing and will not until such time in the future when there is sufficient traffic demand. The City has explored the possibility of a grade separation at Pine Street or Lodi Avenue in the downtown area. The major problem would be the number of existing structures and businesses that would be affected. Since both an overpass or underpass would require a large amount of land, numerous existing buildings would be affected. At both Pine Street and Lodi Avenue, the underpass or overpass would have to be much larger than the existing underpass at Turner Road. This is because at Turner Road there is only a single track, while in the downtown area there are double and tripple sets of tracks used for switching operations.

In the case of Century Boulevard, the right-of-way for the underpass has already been acquired, so no homes or other sirectures would be affected.

3) Projected School Enrollment Capacity.

Response: The following has been added to the text:

The Projected student capacity for the schools including portable rooms is:

Heritage School	614
Senior Elementary	1032
Tokay High School	2534

The current enrollment for these schools in February 1984 is:

Heritage School	623
Senior Elementary	931
Tokay High School	2427

4) Availability of Parks and Recreation Areas.

Response: When Salas Basin/Park is fully developed, the park will have playground equipment and play areas open to the public at all times. Currently the basin portion of the park is turfed, fenced and contains ball diamonds and a concession stand for organized team sports. The next phase will include a parking lot and various street improvements. The final phase will include restrooms, playground equipment and picnic areas. This area will be on the high ground outside of the fenced basin area and will be available at all regular park times. The final phase should be constructed in late 1984 or early 1985.

5) Questions About Possible Noise Problems.

Response: The City's noise projections are based on current noise levels and future estimates for increased traffic levels. In the area of the proposed project, the two problem noise sources are Cherokee Lane/Highway 99 and the Southern Pacific Railroad. The Cherokee Lane/Highway 99 corridor is immediately adjacent to the project site and therefore directly impacts the site.

The S.P.R.R. is also a major noise source. The railroad line is, however, far enough away from the project site so that it does not impact the site. While undoubtedly people in the project may still hear the train, the project will not fall within noise contour levels that exceed 65 Ldn from the railroad track.

Stockton Street or Century Boulevard are not designated as problem noise corridors. This is primarily based on the relatively low traffic volume projected for both these streets.

The level of 60 Ldn is the acceptable level for a residence with no sound reduction measures. The level of 65 Ldn is conditionally acceptable with minor sound reduction measures incorporated. It has been found that new residences constructed in California have sufficient sound reduction measures incorporated into them to reduce interior noise levels by 5 Ldn. This is largely a result of the new energy regulations which require additional insulation, double-paned windows, caulking of windows, electrical outlets, etc. These and other items that are required for energy conservation also have the effect of reducing the interior noise levels of the residence.

6) Questions Vacant Lot Survey.

Response: The list of vacant lots in subdivisions has been updated to include recently approved or submitted subdivisions. The Eilers property has been included, but only as a preliminary project with no approved map.

COMMENTS OF KEIZO OKUHARA

1) Request Construction of Fence Between Project and His Property.

Response: The EIR has as one of its mitigation measures, the construction of a solid 7 foot fence around the entire west and south property line of the project.

COMMENTS OF ED DE BENEDETTI, PARKS AND RECREATION DIRECTOR

1) Feels that there may be a need for a small recreation area(s) for small children within the project.

Response: It has been the City's policy to consolidate the City's recreation facilities in the basin/parks, like Salas Park. This has allowed the City to construct park facilities throughout the City at a minimal cost to the public. Cost for acquisition of the land is paid out of the Master Storm Drainage Funds. The only additional cost for the park facility is the cost for turfing, play equipment, sprinklers, restrooms, etc.

The other economy is maintenance cost. It is less expensive to maintain a single large facility than several smaller, scattered park facilities. The consolidation also allows the city to provide more amenities at each park facility. Things such as restrooms and large pieces of playground equipment would probably not be possible at small, neighborhood tot-lots

The neighborhood facilities do have the advantage of being more convenient to children in the surrounding areas. This may be particularly important to homes with small children, since parents may not want small children to play very far from home. The neighborhood facilities would be within a short walking distance of a larger number of houses.

It would be up to the City Council to determine if they wish to change current City policy and construct more neighborhood park facilities. These smaller parks could be built in addition to the basin/parks or as a partial substitution for the park portion of the basin/parks. Additionally, some determination would need to be made about how the land would be acquired and who would pay for the cost of construction.

COMMENTS OF DEPARTMENT OF TRANSPORTATION

1) State Concerns About the Effect on the Cherokee/Highway 99 Interchange.

Response: As a condition for any project or subdivision map approval, the City will require that a design for the Century Boulevard/ Cherokee Lane intersection be submitted to the Department of Transportation for their approval.

COMMENTS OF REMY & THOMAS, ATTORNEYS

1) Question Concerning the Legality of the Annexation Involving the Johnson-Tandy Property in Relation to Measure A.

Response: It is the opinion of the City Attorney Ronald Stein that the annexation was not affected by the decision of the Third Court of Appeal, and, therefore, the Tandy-Johnson property is within the City Limits and is not affected by Measure A. The City can, therefore, proceed with its review of the EIR, general plan amendment and rezoning.

2) Requests Discussion of the Necessity of Additional Housing in Lodi.

Response: Discussed on pages 16 through 20 of EIR.

3) Requests Discussion on Effect of Development on Agricultural Properties.

Response: Discussed on pages 13 through 15 of the EIR.

Comments on Tandy-Johnson Ranch E.I.R.

- page iv No buffer zone is provided around the project. Roads should be next to vineyard areas with a 7 foot fence.
- page 10 It is poor planning to continue to plan an underpass or an overpass for Century Flvd. when one is greatly needed in the downtown area.
- page 11 Projected school enrollment does not mean much if you don't know the school's capacity.
- page 12 Few children will be able to cross Kettleran Lane by themselves to go to Blakely Park. Salas Park is a locked park, so the play area for condo children will be the vineyards.
- page 12 in the '79 E.I.R. states noise levels of 60 Ldn are maximum acceptable level of noise for a residential structure without taking some type of sound reduction measures. Page 7 in the '84 E.I.R. states the maximum level is 65 Ldn, and only addresses Cherokee Lane and Highway 99. The earlier E.I.R. comments that Stockton and Century Flvd. could exceed the 60 Ldn level.
- page 17 The statement that there is only a 5 year supply of lots is misleading. Only lots with final or tentative approval are counted. Bare land, such as Eihlers 33 acres, without maps is not listed.
- page 18 I favor Alternate Plan 2:
- a. There is more need for single family homes.
  - b. There is an excess of commercial buildings in Lodi already.
  - c. There is an abundance of condo units already planned.  
Page 18 states 1,000 unbuilt multiple-family units are on final or tentative maps.
  - d. There would be a reduction of traffic by 58%.

*Barbara Lee*

February 8, 1984

James B. Schroeder, Director  
City of Lodi  
Community Development Director  
221 West Pine Street  
Lodi, CA 95240

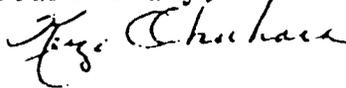
Dear Sir:

In regards to the Tandy-Johnson Ranch project, we would like you to take this request into consideration.

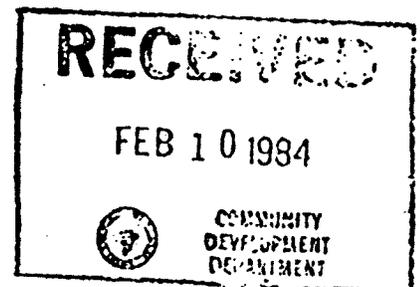
Our property is located on the southside of the proposed project. We request that a solid fence be put up between our property and the Tandy-Johnson Ranch.

Your attention to this request would be appreciated.

Yours truly,



Keizo Okuhara  
13977 North Cherokee Lane  
Lodi, CA 95240



M E M O R A N D U M

TO: David Morimoto, Community Development  
FROM: Ed DeBenedetti, Director, Recreation and Parks  
RE: Tandy-Johnson Ranch Environmental Impact Report  
DATE: January 18, 1984

I did not spend a tremendous amount of time reading all of the particulars regarding this project. I presume that generally the project would meet with all of the environmental needs that are recommended for today.

I do, however, have one comment and exception and this concerns recreation only. I noted that they have made no provision for recreation space within the proposed development, even though they talked about possibly putting in a pool and/or spa. I have to presume that this area would be populated by families with children of young ages. It would be my suggestion, therefore, that even though Salas Park is fairly close and Blakely Park is in the general vicinity, there is a definite need within this development for one and possibly two tot lots of 1/3 acre or maybe a little less.

Whether they would be City-owned and installed, I don't know; I would assume that possibly if they would make the land available to us, the City might be willing to develop and maintain the tot lots. These areas should be set aside, however, so that children may use play equipment, play some catch or kick some balls without having to go to the City parks some distance away or play in the streets.

I realize that to take 2/3rds of an acre out of this project is quite a bit, but possibly we could design something even smaller which would suffice. I do feel, though, that there is a definite need for a play facility within the subdivision.

ED:jd  
Attach.

## DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 (1976 E. CHARTER WAY)  
STOCKTON, CALIFORNIA 95201

October 26, 1983

10-SJ-99  
Tandy Ranch Subdivision  
NOP - EIRCity of Lodi  
Attention Mr. David Morimoto  
221 W. Pine Street  
Lodi, CA 95240

Dear Mr. Morimoto:

We have reviewed your NOP for the above-noted location and offer the following comments:

The proposal to extend Century Boulevard sometime in the future does point out a potential problem area in regard to traffic moves in the vicinity of Cherokee Lane Frontage Road and the on-ramp to southbound Route 99.

A detailed study for traffic distribution at this location should be included in your E.I.R.

A Caltrans Encroachment Permit will be required for any work within the existing state right of way.

Unless the applicant seeking an encroaching permit properly addresses the impacts that would affect the state highway, his permit will be denied.

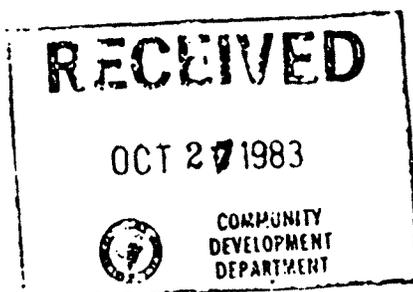
Application for the permit may be obtained at our District Office at 1976 E. Charter Way, P. O. Box 2048, Stockton, CA 95201.

A minimum of 4 to 6 weeks is required to process the application and issue a permit. Complex projects may require a considerably longer time.

Please send a copy of the final report to John Gagliano, Caltrans, District 10 Office, P. O. Box 2048, Stockton, CA 95201.

Very truly yours,

*John Gagliano*  
JOHN GAGLIANO, P.E.  
A-95 Coordinator  
(209) 948-7875



**REMY and THOMAS**  
ATTORNEYS AT LAW  
801 12TH STREET, SUITE 500  
SACRAMENTO, CALIFORNIA 95814

(916) 443-2745

MICHAEL H. REMY  
TINA A. THOMAS

October 28, 1983

Mr. David Morimoto  
City of Lodi  
221 West Pine Street  
Lodi, CA 95240

RE: Notice of Preparation for Tandy Ranch

Dear Mr. Morimoto:

Thank you for the receipt of the Notice of Preparation for the Tandy Ranch. As you are well aware, this office represents Rural Landowners' Association (RLOA). These comments are submitted on behalf of RLOA. We have reviewed the Notice of Preparation for the project described as the Tandy Ranch and have several specific comments.

First, it is our position that the City is in violation of Measure A, requiring a majority vote of the registered voters of the City of Lodi prior to amending the land use element of the general plan and annexing the project. Additionally, the City is in violation of the specific mandates of the Court of Appeal. Since the Court has set aside the decision of the City in approving the annexation, general plan amendment, prezone and tentative subdivision map, the City must essentially start from square one. In accordance with Measure A, the City must make the appropriate findings, then amend the City's general plan by a majority vote of the people voting in a city-wide election. Without a doubt, action counter to the provisions of Measure A invite subsequent litigation.

Second, the EIR must discuss the necessity of housing in the Lodi area. It is our understanding that the majority of housing projects recently built in Southeast Lodi are still unoccupied. Will the City be able to justify the existence of significant impacts with social or economic considerations other than the economic considerations of the developer.

We would also hope that the City would consider the impact of creating inconsistent land uses. This is the precise type of situation that ultimately results in nuisance suits (i.e., use of pesticides adjacent to urban uses).

Finally, in the event that the City proceeds with the project without following the voting procedures set forth in Measure A, the City will, at least, be required to prepare the findings which show that "the nonagricultural development ... will not interfere with the continued productive use of agricultural land in the Green Belt." The evidence to support those findings must be contained in the EIR.

Furthermore, we refer you to the published opinion of the Third District Court of Appeal for the need for further discussion in the new EIR.

Thank you for the opportunity to comment.

Very truly yours,  
REMY AND THOMAS

BY *Tina A. Thomas*  
TINA A. THOMAS

