

CITY COUNCIL MEETING

OCTOBER 5, 1983

cc-43
cc-72

LODI UNIFIED
DISTRICT
DECLARATION OF
IMPACTION
1983-84 SET FOR
PUBLIC HEARING

City Clerk Reimche presented a letter from Ellerth E. SCHOOL Larson, Superintendent of the Lodi Unified School District requesting that the Lodi City Council set a public hearing to consider the Lodi Unified School District Declaration of Impaction 1983-84. On motion of Mayor Pro Tempore Snider, Reid second, Council set the matter for hearing at 8:00 p.m. on October 19, 1983.

pg 39



Lodi Unified School District

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

ALICE M. REIMCHE
CITY CLERK
CITY OF LODI

22

September 21, 1983

Mrs. Alice Reimche
City Clerk
Lodi City Hall
221 West Pine Street
Lodi, CA 95240

Dear Mrs. Reimche:

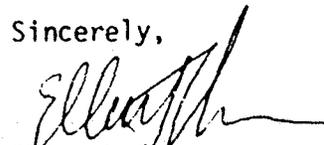
SUBJECT: Declaration of Impaction/Continuation of Development Fees
1983-1984

The Lodi Unified School District Board of Trustees has adopted the 1983-1984 Declaration of Impaction Resolution. Please accept this letter as a request for public hearing, pursuant to City Ordinance, for the consideration of the Board's Declaration. At the same time we would also like to present the expenditure report to the Council as required by State Code and City Ordinance.

Please advise us of the hearing date in advance of your agenda mailing, and we will provide you with copies of the Development Fee Report for distribution to the Council.

Thank you for your consideration.

Sincerely,



Elmerth E. Larson
Superintendent

EEL:MJS:eh

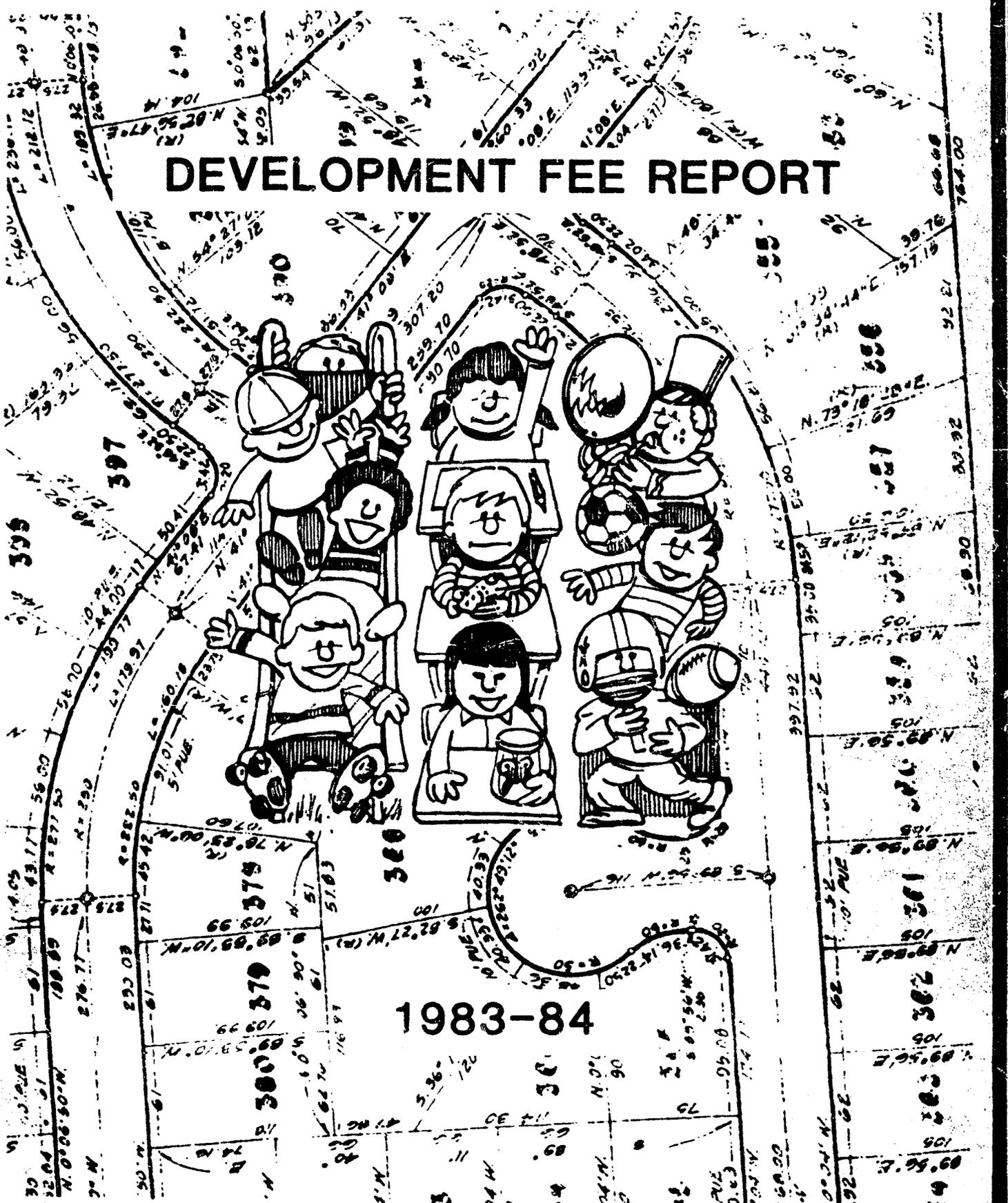


lodi unified school district

DEVELOPMENT FEE REPORT



1983-84



Governing Board

ANN JOHNSTON, PRESIDENT

ROBERT BALL, VICE PRESIDENT

JOHN VATSULA, CLERK

BONNIE MEYER

FRANCES DERRICK

FLOYD DALE

ELEANOR TODD

Administration

Ellerth E. Larson, Superintendent
Tom Bandelin, Assistant Superintendent
Ronald Alsup, Assistant Superintendent
Mary Joan Starr, Facility Planner
Joan Pipes, Business Manager
Ralph Wetmore, Administrative Director of Personnel
Joan Jensen, Administrative Assistant

Lodi Unified School District

1983-84

DEVELOPMENT FEE REPORT

PREPARED BY

FACILITIES AND PLANNING OFFICE

This report has been prepared in fulfillment of the requirements of State Government Code Sections 65976, 65975, and 65981 and the requirements of the implementing ordinances of the Cities of Lodi (Ord. 1149, August 2, 1978), and Stockton (Ord. 3095 D.S., July, 1978), and San Joaquin County (Ord. 2574, July, 1978). The report is presented in three sections: Declaration of Impaction and Notification of Conditions of Overcrowding for the 1983-84 School Year; Allocation of Development Fees; and Student Housing Option Update.

APPROVED BY

THE

GOVERNING BOARD

AUGUST 2, 1983

DECLARATION OF IMPACTION

and

NOTIFICATION OF CONDITIONS OF OVERCROWDING

1983-84 SCHOOL YEAR

The following details the conditions of overcrowding anticipated in the coming school year and provides the District's formal declaration of continued impaction.

The projected Lodi Unified School District student enrollment for the 1983-84 school year is 16,433 students. This is a projected increase of approximately 400 students over last year and does not take into account any sudden influx of students which might occur as the result of significant residential construction within the District. In January, 1983, local agencies and developers reported probable summertime construction of approximately 710 residential units with an additional 5,000± units in the planning stages.

181, or more importantly, 3,047 of the statistically projected number of students planned for arrival are considered "unhoused," meaning that there are insufficient regular classrooms available in the coming school year in the District, thereby necessitating the implementation of continued temporary student housing alternatives.

It is the District's plan to house regular, special education and pull-out program students in the following manner during the 1983-1984 school year.¹

431 permanent classrooms

??? "other" in-school spaces, i.e., storage areas, work rooms, offices, etc. that are "unofficially" used as classroom space

12 leased and District-owned trailers

14 mini-school rooms in temporarily converted duplexes

13 maxi-school rooms in temporarily converted duplexes

45 District-owned relocatable rooms

84 State-lease emergency portables

The following facilities are used to house LUSD programs; however, Development Fees can not be applied at these locations:

1 leased house used for deaf-blind student education

6 rooms in leased quarters for the Career Center

7 District-owned relocatable rooms for Adult Education

Enrollment projections and classroom loading are detailed by Attendance Area¹ school in Exhibit A.

The number of "unhoused" students reported for the coming school year is reduced drastically from the number reported in 1982-83. This is due to a definitional change and not to a decrease in actual numbers of students. In past years, District-owned relocatable buildings were considered interim housing; however, they are now counted as permanent classrooms as a result of a re-evaluation of how these buildings are used over the short and long-term and clarified information on how they are viewed by State school building officials. The District will have 46 relocatable buildings, including eight at the new Stonewood School site. One of the buildings at Stonewood is planned for use in the coming year as a special program/multi-purpose room and is temporarily not available as a regular classroom. Inclusion of the 45 buildings as interim housing would result in an additional 1,350 "unhoused" students, bringing the total to 4,397, which is an approximate increase of 400 students over last year.

Based on the known extent of overcrowding, the anticipated increase in enrollment, and the known potential for all residential construction activity within the impacted attendance areas of the Lodi Unified School District, the Governing Board declared the following attendance areas impacted for the purposes of requesting the continued imposition and collection of development fees by local governments. A copy of Board Resolution 83-45 is set forth as Exhibit B in this report.

Lodi Unified School District

IMPACTED SCHOOL ATTENDANCE AREAS

1983 - 1984

Lodi High School Attendance Area
Tokay High School Attendance Area
Liberty High School Attendance Area

Morada Middle School Attendance Area
Needham Middle School Attendance Area
Woodbridge Middle School Attendance Area

Davis Elementary School Attendance Area
Elkhorn Elementary School Attendance Area
Henderson Elementary School Attendance Area
Heritage Elementary School Attendance Area
Lawrence Elementary School Attendance Area
Leroy Nichols Elementary School Attendance Area
Oakwood Elementary School Attendance Area
Otto Drive Elementary School Attendance Area
Parklane Elementary School Attendance Area
Stonewood Elementary School Attendance Area
Victor Elementary School Attendance Area
Vinewood Elementary School Attendance Area

¹Attendance Areas are determined each year by the Assistant Superintendent, Elementary Education in cooperation with the principals and the District Administration and Staff. A publication, reviewed by the Board is prepared each year. There may be more than one elementary school in an Attendance Area. A partial listing of attendance areas is in Exhibit C.

EXHIBIT A
1983-84
DETERMINATION OF IMPACTION

SCHOOL (18)	PERMANENT CLASSROOMS						STUDENT CAPACITY OF PERMANENT CLASSROOMS			SPACE UTILIZATION	INTERIM HOUSING (19)			
	A # Permanent Classrooms	B Add # PM Kindergartens	C _a ¹ C _b ¹ (14) Minus Special Program Rooms		D Add District Owned Relocatables	E NET Permanent Classrooms A + B - C + D	F (15) Regular Student Capacity E x 30 Students	G (14) Special Program Capacity C x 12 Students	H Net Student Capacity of School F + G	I (16) Projected 1983-84 Enrollment	J Total Enrollment	K State Lease Portables	L Leased or Owned Trailers	M Mini or Mini School Rooms
Lodi High School	66	-	2	1	4	67	2010	24	2034	2134	2134	2	-	-
Tokay High School	69	-	2	1	2	68	2040	24	2064	2421	2421	14	1	-
Liberty High	3	-	-	-	4	7	210	0	210	248	248	-	-	-
Morada Middle School	12	-	1	1	1	12	360	0	366	550	550	9	2	-
Senior Elementary School	32	-	1	2	3	32	960	12	972	880	880	-	3	-
Woodbridge Middle	17	-	2	1	1	15	450	24	474	528	528	2	1	-
Needham Middle (1)	13	-	-	1	-	12	360	0	360	488	488	8	-	-
Davis Elementary (2)	20	1	1	1	-	19	570	12	582	756	756	4	-	6 (17)
Elkhorn Elementary (2)	7	0	2	-	6	11	330	24	354	756	756	6	-	8 (17)
Henderson Elementary (3)	3	0	-	-	-	3	90	0	90	250	250	6	-	-
Heritage Elementary	18	2	1	-	-	19	570	12	582	676	676	-	2	-
Houston Elementary (4)	13	-	1	-	-	12	360	12	372	350	350	-	-	-
Lakewood Elementary	19	1	3	-	-	17	510	36	546	462	462	-	-	-
Lawrence Elementary	7	1	1	-	-	7	210	12	222	293	293	3	1	-
Live Oak Elementary	11	1	3	-	2	11	330	36	366	350	350	-	-	-
Lockeford Elementary (5)	7	-	-	-	2	9	270	0	270	250	250	1	-	-
Clements Elementary (5)	3	1	-	-	-	4	120	0	120	105	105	-	-	-
Dorothy Mahin (6)	6	-	6	-	-	-	-	12	72	50	50	-	-	-
Leroy Nichols (7)	20	2	-	1	-	21	630	0	630	722	722	2	1	-
Oakwood Elementary (8)	0	-	1	1	6	5	180	12	192	694	694	17	-	-
Otto Drive Elementary (9)	0	-	-	-	-	-	0	-	0	439	439	-	-	13
Parklane Elementary (10)	7	1	1	1	6	12	360	12	372	954	954	10	1	0 (20)
Ray Elementary (11)	3	1	-	-	-	4	120	0	120	62	62	-	-	-
Erna Reese Elementary	17	1	3	1	-	14	420	36	456	401	401	-	-	-
Stonewood Elementary (21)	0	0	-	-	7	7	210	0	210	214	214	-	-	-
Turner Elementary	2	0	-	-	2	2	60	0	60	60	60	-	-	-
Tokay Colony (12)	4	0	-	-	1	5	150	0	150	82	82	-	-	-
Victor Elementary	9	1	1	1	-	8	240	12	252	254	254	-	-	-
Vinwood Elementary	18 (13)	1	2	1	-	16	480	24	504	632	632	-	-	-
Washington Elementary	14 (13)	1	2	1	-	12	360	24	384	372	372	-	-	-
TOTAL	420	16	35	14	45	431	12,960	426	13,386	16,433	16,433	84	12	27

NOTATIONS:

- (1) Grade 7 and 8 students from portions of Elkhorn and Oakwood Areas will be housed at Needham until construction of the new school in North Stockton. Needham elementary students--K to Nichols and 1-6 to Vinwood.
- (2) Includes the Davis/Parklane and Elkhorn Mini Schools. Students from old Venice-King Island attendance area (AA) go to Elkhorn.
- (3) Henderson will house grades 4-6 students from Normandy Village Subdivision and classes of gifted and talented students. Henderson AA students attend Vinwood.
- (4) Houston is a grade 1-8 school with 7 and 8 grade students from Lockeford/Clements AA.
- (5) Grades 2-6 go to Lockeford and K-1 to Clements.
- (6) Mahin houses only special education students.
- (7) Students from the old Terminous AA attend Nichols.
- (8) Grades 1-5 from Oakwood AA attend Oakwood with Stonewood Subdivision kindergartners also attending Oakwood. Western Valley and Davis Oaks Subdivision kindergartners attend Elkhorn Mini.
- (9) Otto Drive is grades 1-6; kindergartners attend Elkhorn Mini.
- (10) Parklane includes grades 2-3 from Normandy Village Subdivision.
- (11) Grades K-3 attend Ray and grades 4-6 attend Turner.
- (12) Grades 1-6 attend Tokay Colony and Kindergartners attend Live Oak.
- (13) There are 21 classrooms at Washington School, with 7 to be converted to a DCH facility.
- (14) Includes all type of special education classes, i.e., English as a second language, learning disability, resource specialists, etc. Rooms are deducted because they are loaded at less than 50% of the loading of a regular classroom, i.e., 12 students vs. 30 students. This column is intended to include only permanent classrooms used for these classes. Column "a" is rooms housing children "full-time." These students are assigned to a specific room. Column "b" is "pullout" program rooms. Children using these rooms are from a regular 30-student class and therefore are accounted for in those columns. There may be minor discrepancies between these figures and others used by the District due to scheduling modifications after data compilation.
- (15) Thirty students is used as a multiplier. Actual loading may vary with conditions and contractual agreements.
- (16) These are locally generated enrollment projections, calculated for the purposes of classroom planning. There may be some deviation from those done by Office of Local Assistance due to varying considerations.
- (17) There are 4 kindergarten rooms with 2 sessions equaling 8 loadings for Elkhorn Mini and 4 rooms with 2 first grades and 4 kindergarten sessions at Davis/Parklane Mini.
- (18) Generally the attendance area (AA) and the school are the same; however, in certain situations (as noted above) students from one attendance area may be attending a school in another area or areas have been combined. This has been taken into account in the figure in Column 1.
- (19) There may also be interim housing in the permanent facilities, i.e., in closets, offices, etc., and double sessions.
- (20) With Davis School.
- (21) Stonewood grades 4-6, Oakwood 6th grade to attend Otto Drive.

BEFORE THE BOARD OF TRUSTEES OF THE LODI UNIFIED SCHOOL DISTRICT
OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA

RESOLUTION NO. P3-45
1983-84 DECLARATION OF IMPACTION

WHEREAS, the development of new residential property results in the demand for school facilities; and

WHEREAS, the construction of new residences and the resultant increase of students continues; and

WHEREAS, students from new residential units in overcrowded attendance areas cause an immediate need for classroom solutions; and

WHEREAS, Lodi Unified School District has considered and acted upon such options as (1) presentation to the voters of bond measures to provide capital funds for permanent school housing, (2) temporary buildings, (3) double sessions, (4) bussing, (5) school attendance boundary realignment, and has considered, and for good and sufficient reasons chosen not to act upon, (6) year-round school attendance and (7) extended day programs (high school); and

WHEREAS, there have been no developer provided facilities as defined in Government Code Section 69578; and

WHEREAS, pursuant to Government Code Section 65978 the City of Lodi has enacted Ordinance No. 1149, the City of Stockton has enacted Ordinance No. 3095-C.S., and the County of San Joaquin has enacted Ordinance No. 2574 to assist school districts mitigating the impact of new home construction; and

WHEREAS, the aforementioned Ordinances require residential developers to participate in the cost of interim solutions necessitated by the overcrowding of existing classroom facilities due to new residential construction; and

WHEREAS, this Board has reviewed the content of the Development Fee Report prepared by staff, a copy of which is attached hereto, and has approved said report for public distribution;

THEREFORE, IT IS HEREBY RESOLVED that the Lodi Unified School District declares impaction in these school attendance areas affected by current and proposed development plans, to wit:

Lodi High School AA (Attendance Area)	Heritage Elementary School AA
Tokay High School AA	Lawrence Elementary School AA
Liberty High School AA	Leroy Nichols Elementary School AA
Morada Middle School AA	Oakwood Elementary School AA
Needham Middle School AA	Otto Drive Elementary School AA
Woodbridge Middle School AA	Parklane Elementary School AA
Davis Elementary School AA	Stonewood Elementary School AA
Elkhorn Elementary School AA	Victor Elementary School AA
Henderson Elementary School AA	Vinewood Elementary School AA

BE IT FURTHER RESOLVED that the Superintendent be, and he hereby is, directed to transmit a certified copy of this resolution and the accompanying staff report to the City Councils of Lodi and Stockton and the Board of Supervisors of the County of San Joaquin for their consideration and concurrence.

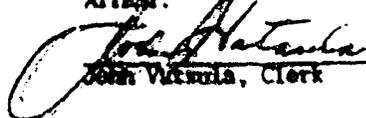
PASSED AND ADOPTED this 2nd day of August, 1983, by the following vote of the Board of Trustees, to wit:

AYES: Johnston; Ball; Meyer; Derrick; Todd; Vatsula

NOES: None

ABSENT: Dale

ATTEST:


John Vatsula, Clerk


Ann Johnston, President

ALLOCATION OF DEVELOPMENT FEES

Between implementation of the Impaction Ordinances and May of 1982 (inclusive), local agencies collected fees from developer/builders for each bedroom to be constructed on parcels created after the effective date of the particular ordinance. However, as a result of litigation in Shasta County, all fees were "impounded" until the State Supreme Court settled the issue, whereupon the "impounded" fees, totaling \$638,942.74, were released to the District. During the time that the fees were being collected the District expended well in excess of \$1,200,000 on interim solutions to the student housing problems. A detailed accounting of Development Fees allocated in 1982-83 is contained in the July 1, 1982 "Report on Allocation of Development Fees" which was presented to all affected jurisdictions last year.

At that time the Board authorized transfer of \$595,987.74 from the Development Fee Fund to the General and/or Site Funds as "payback" for expenditures made during the qualifying period. All "expenditure paybacks" were made on the premise that fees collected from Subdivision X were to be used for "qualifying" expenditures at impacted schools serving Subdivision X. This is the same philosophy that has been followed in the allocation of all Development Fees that have been received to date.

The recommended allocation of development fees is based on strict interpretation of the enabling legislation. Government Code Sections 65970 - 65981 (SB 201 - 1977) permit local jurisdictions to adopt ordinances requiring land dedication or to exact fees from residential developers in lieu of land dedication for purposes of providing interim school facilities. Section 65978 requires that Lodi Unified School District maintain an accounting of fees, while Section 65980 limits their use to strictly defined interim facilities. In addition, Government Code Section 65974 (d) states in part,

The location and amount of land to be dedicated or the amount of fees to be paid, or both, shall bear a reasonable relationship and will be limited to the needs of the community for interim elementary or high school facilities and shall be reasonably related and limited to the need for schools caused by the development; . . .

Based on the District's desire to use the Fees only in the manner intended by the implementing legislation and the local ordinances, assumptions and qualifiers were developed in 1982 to guide in the allocation of Development Fees. With minor modifications, these same assumptions have been used in the allocation of Development Fees in 1983.

ASSUMPTIONS AND QUALIFIERS

1. Allocations are made on a fiscal year basis; however, due to the time periods in which fees are sent to the District, the last quarter of every year is reported separately or in the following year. The starting date for allocation was Fiscal Year 1979-80.
2. Based on a 1980 change in the definition of interim, a State Attorney General Opinion 79-625 (October 16, 1979), and the advice of County Counsel, the expenses of Otto Drive Maxi School and the two mini schools were not considered eligible, and, therefore, do not appear in any totals in last year's report (except Elkhorn set-up, which predated the code change). In 1983, AB 1645 was signed into law, permitting Lodi Unified to use development fees for the payment of mini/maxi school leases.
3. Consistent with Government Code Section 65974, all expenditures must be related to the impacted attendance area containing the contributing residential development. Expenditures by school were "credited" on the basis of the District's Declaration of Impaction Report and the Board formula. Non-impacted schools are not considered eligible.
4. Development fees are used to cover expenditures at schools outside of the attendance area containing the generating residential development, IF that is the overflow school for that attendance area. For example, Lodi High School takes the overflow from Tokay High School.
5. In those attendance areas with several schools (specifically Elkhorn), it is recognized that the impact of any specific development is on the entire attendance area; therefore, expenditures made for any school in the attendance area are considered relative to any paying development built in the attendance area.
6. "Unpaid" or "unrecovered" expenditures made in the past were not carried to the next year. However, it has been determined that it is reasonable to carry expenditures, as well as revenue, forward from one year to the next, based on the rationale that the District may provide interim housing in advance of the development fee income and the arrival of the students from the subject development(s).
7. "Unspent" fees or "unexpendable" revenue received in any given year is carried from year to year for future expenditure on the basis that the need for interim facilities to serve children from the related developments may not arrive at the schools until sometime after the revenue is collected. This is the companion condition to that discussed above.
8. Interest is applied only to qualifying expenditures and not for any other district purpose, although that may technically be possible. It is felt that the only proper use of interest is in the manner ascribed since a portion of the interest is earned while the fees are still in City and County accounts.
9. Leased trailers financed directly or indirectly by the General Fund are included in the expenditures. Students housed in leased trailers are substantially from the attendance area of the school where they are located.
10. At the present time, interim housing expenditures are budgeted from the District's general fund at the beginning of each fiscal year. At the end of the fiscal year development fee revenue is allocated to the various expenditures based on the above and a lump sum is transferred from the Development Fee Fund to the General Fund, where it appears in the ending balance. At the beginning of the fiscal year an anticipated sum may be transferred in advance through the budget process. The amount is based on a conservative projection of fees to be received relative to qualifying expenditures. This procedure is presently to facilitate cost-accounting.

Attendance Areas

Elementary, Middle and High School Attendance Areas and specific schools serving each City subdivision paying fees in 1982-83 are listed below. All County fees were accounted for permit by permit; therefore, attendance areas for County developments are listed as coming from individual builders. All attendance area information was obtained from the annual attendance area reports.

Exhibit C details the attendance areas for the 1982-1983 school year. These attendance areas are applicable to the allocation of development fees received during the 1982-1983 school year. Although generally reflective of the 1983-1984 attendance areas, there are modifications, including the addition of the Stonewood School.

EXHIBIT C

1982-1983

ATTENDANCE AREAS AND SCHOOLS

<u>Subdivision/ Jurisdiction</u>	<u>Elementary School Attendance Area</u>	<u>Middle School Attendance Area</u>	<u>High School Attendance Area</u>
<u>City of Lodi</u>			
Aaron Terrace	Vinewood	Senior Elementary	Lodi High
Beckman Ranch	Nichols	Senior Elementary	Tokay High
Cambridge Place	Heritage	Senior Elementary	Tokay High
Lakeshore	Vinewood Rural	Senior Elementary	Tokay High
Millswood	Reese	Woodbridge	Lodi High
N. School St. Condos	Washington	Woodbridge	Lodi High
Palomar Drive	Reese	Woodbridge	Lodi High
Pinewood	Reese	Woodbridge	Lodi High
Stonetree	Heritage	Senior Elementary	Tokay High
Winchester Acres	Nichols	Senior Elementary	Tokay High
<u>City of Stockton</u>			
Colonial Estates	Elkhorn Mini/ Otto Drive	Senior Elementary	Tokay High
Falcon Crest	Elkhorn	Senior Elementary	Tokay High
Fox Creek	Davis/Parklane	Morada	Tokay High
Harpers Ferry	Elkhorn Mini/ Oakwood	Needham	Tokay High
Paloma Estates	Parklane	Senior Elementary	Tokay High
Summer Place	Parklane	Senior Elementary	Tokay High
<u>County</u>			
Country View Estates	Lakewood	Woodbridge	Lodi High
River Meadows	Lakewood	Woodbridge	Lodi High
Individual Builders	Davis	Morada	Tokay High
Individual Builders	Live Oak	Morada	Tokay High
Individual Builders	Lorkeford/ Clements	Houston	Lodi High

Development Fee Revenue

During the fourth quarter of Fiscal Year 1981-82 a total of \$31,850.00 in Development Fees was generated and forwarded to the District. This brought the total Development Fee Revenue received for that fiscal year to \$141,273.55. During the period July, 1982 through March, 1983 a total of \$233,266.00 was received in Development Fees. This is approximately \$123,000 more than the previous year (for the same time period) and \$133,000 more than had been projected in last year's report for receipt this year. This is taken as tangible evidence that residential building in the Lodi Unified School District is definitely on the increase. It is also noted that a substantial proportion of those residences for which permits have been drawn are not yet occupied; therefore, the District's estimate of 400 new students is probably quite conservative.¹

Allocation of Fees

The basis upon which Development Fees are used for payment of interim housing expenditures is detailed in the introductory portion of this section of the report (above). It is reiterated that the District uses the most stringent interpretation of the State Code and implementing ordinances and directives in the allocation of Development Fees. At the present time Development Fees are used exclusively for the lease of portables, trailers and the setup of these units, and the mini-maxi school leases (by special legislation).

Expenditures

Between July, 1982 and March, 1983 the District expended \$361,018.10 on trailer, portable and mini/maxi- school leases, the setup of new portables, and the moving of trailers. These expenditures, by school attendance area are detailed in Exhibit D.

A total of \$4,661.00 in expenditures in the last quarter of Fiscal Year 1982-1983 may be paid by Development Fees. This amount is available for transfer to the General Fund. A total of \$200,654 in expenditures were paid with Development Fees during the period July, 1982 through March, 1983. This is the total amount that has been transferred to the District's General Fund (\$70,000 was transferred during the budget process in 1982, and \$119,074 was transferred at the end of the 1982-83 fiscal year to appear in the General Fund ending balance).

¹Reference is made to Exhibit A - Determination of Impaction, and the District's 1983 Attendance Area Report, available from the Office of the Assistant Superintendent, Elementary Education.

EXHIBIT D

LODI UNIFIED SCHOOL DISTRICT
 INTERIM HOUSING EXPENDITURES
 FOR PERIOD JULY, 1982 - MARCH 1983

SCHOOL	New Portable Lease Cost	Portable Setup ¹ Cost	Old Portable Lease Cost	Trailer Lease Cost	Mini and Maxi School	Total
DAVIS	\$ 6,389.68	\$ 4,359.39	\$.00	\$.00	.00	\$ 11,249.07
ELKHORN	6,203.36	3,435.26	4,000.00		\$108,600.00 ²	122,238.62
HENDERSON	10,587.36	3,427.46	.00	.00	.00	14,014.82
HERITAGE	.00	.00	.00	4,261.20	.00	4,261.20
LAWRENCE	3,485.28	4,834.16	.00	.00	.00	8,319.44
LOCKEFORD	1,424.80	3,302.61	.00	.00	.00	4,727.41
NEEDHAM	13,853.44	2,523.38	.00	.00	.00	16,376.82
NICHOLS	2,323.52	4,764.84	.00	4,261.20	.00	11,349.56
OAKWOOD	15,585.12	13,052.03	16,000.00	.00	.00	44,637.15
PARCLANE	2,926.32	5,862.10	16,000.00	4,261.20	18,000.00	47,049.62
MORADA	8,011.76	4,332.34	8,000.00	4,261.20	.00	24,605.30
LODI HIGH	1,161.76	2,112.28	.00	.00	.00	3,274.04
SENIOR ELEMENTARY	.00	.00	.00	4,261.20	.00	4,261.20
TOKAY HIGH	7,036.32 ³	13,356.33	16,000.00	.00	.00	36,392.65
WOODBIDGE	-00	.00	4,000.-0	4,261.20	.00	8,261.20
TOTALS	\$ 78,988.72	\$ 65,862.18	\$ 64,000.00	\$25,567.20	\$126,600.00	\$361,018.10

¹ Amount shown does not include money spent for electrical hookup. That portion of cost not reimbursed by the State will be included with the last quarter of Fiscal Year 1983-84 yet to be reported.

² Amount includes \$15,600 for the Elkhorn Mini School and \$93,000 for Otto Drive Maxi School.

³ Amount shown does not include the cost of final grading, which was delayed by ponded water. This expenditure will also be reported in the future.

A summary of the District's Development Fee Revenue and Expenditures for the first three quarters of Fiscal Year 1982-83 is given in Exhibit E. A detailed breakdown is given on the Development Fee Revenue/Expenditure Accounting Forms, included in this report as Exhibits F, G, and H. A total of \$200,654 was transferred by the end of the 1982-83 fiscal year from the Development Fee Fund to the General Fund.

EXHIBIT E

SUMMARY OF DEVELOPMENT FEE REVENUE AND EXPENDITURES

JULY 1982 - MARCH 1983

<u>REVENUE</u>	
Revenue Received 1982-83	\$233,266
Revenue Forward from 1981-82	<u>+ 70,144</u>
Total Revenue on Hand 1982-83	303,410
Revenue Spent 1982-83	<u>200,654</u>
Balance to Carry Forward for 1983-84	\$102,756
<u>EXPENDITURE</u>	
Total Expenditures for 1982-83	\$361,018
Expenditures Paid with Development Fees	<u>-200,654</u>
Unpaid Expenditures (No Eligible Funds)	\$160,364

A comprehensive summary of Development Fee Revenue and Expenditures by jurisdiction is contained in Exhibits I, J and K.

The District is currently researching how other districts use Development Fees, as well as legislative proposals for alternative uses of development fees. A future report to the District's governing board on this subject is anticipated. Aside from in-lieu agreements (discussed later in this section of the report) Development Fees are the exclusive means of mitigating the impact of new residential development within the Lodi Unified School District. The District is currently re-studying the entire area of the impact of residential development on the School District as a result of increasing information from other districts, the California Association of School Business Officials, and the State legislature; recent interpretations of State legislation; and recent court cases (including a significant case at the appellate level in El Dorado County). Additional information in this area will also be presented to the Board in the aforementioned report. Any consideration of mitigation must be made in relation to the District's long-term plans for student housing. This is to be detailed in the revised Facility Master Plan which is currently underway.

EXHIBIT F
LODI UNIFIED SCHOOL DISTRICT
DEVELOPMENT FEE REVENUE/EXPENDITURE FORM

FEE REVENUE RECEIVED BY DEVELOPMENT*	REVENUE BROUGHT FORWARD	OAKWOOD 16,000	NEEDHAM 4,788	ELIJAH 4,000	PARKLANE 7,360	HERITAGE 4,661	REVENUE TO CARRY FORWARD
BECKMAN RANCH \$2,400	6,000						\$ 8,400
CAMBRIDGE PLACE \$18,000						4,661	13,339
LAKE SHORE VILLAGE \$ 3,000	9,600						12,600
RYLISWOOD \$ 2,400	6,711						9,111
NO. SCHOOL ST. COND'NS \$ 1,200							1,200
WINCHESTER ACRES	21,236						21,236
COLONIAL ESTATES \$ 1,470	(-12,135) ¹						(-10,665)
FOX CREEK	6,143						6,143
COUNTY--LODI HIGH	1,200						1,200
COUNTY--DAVIS - MORADA - TOKAY	2,820						2,820
COUNTY--CLEMENTS/LOCKE- FORD-HOUSTON-LODI HIGH \$ 2,600	600						3,200
COUNTY--LIVE OAK-MORADA- TOKAY	780						780
RIVER MEADOWS \$ 780							780
UNPAID EXPENDITURES \$32,148		16,000	4,788	4,000	7,360	-0-	
REVENUE TO CARRY FORWARD TO 1982-83							\$70,144

REVENUE RECEIVED 4TH QUARTER 1981-82 \$ 31,850.00
 REVENUE FORWARD FROM 1ST 3 QUARTERS 1981-82 +42,955.00
 TOTAL REVENUE AVAILABLE 4TH QUARTER 1981-82 \$ 74,805.00
 REVENUE SPENT 4TH QUARTER 1981-82 - 4,661.00
 BALANCE TO CARRY FORWARD TO 1982-83 \$ 70,144.00

TOTAL 1981-82 EXPENDITURES REMAINING UNPAID AT 4TH QUARTER 1981-82 \$ 36,809.00
 TOTAL REVENUE SPENT 4TH QUARTER 1981-82 - 4,661.00
 UNPAID EXPENDITURES FOR 1981-82 YEAR \$ 32,148.00
 (No Eligible Funds)

*SEE SEPARATE LISTING FOR ATTENDANCE AREA AND/OR SCHOOL SERVING EACH SUBDIVISION

(1) FEES COLLECTED IN ERROR BY CITY OF STOCKTON AND REIMBURSED

EXHIBIT G cont'd

LODI UNIFIED SCHOOL DISTRICT

DEVELOPMENT FEE REVENUE/EXPENDITURE ACCOUNTING FORM

FOR PERIOD JULY, 1981 - JUNE, 1982

FEE REVENUE RECEIVED BY DEVELOPMENT *	EXPENDITURES BY SCHOOL ATTENDANCE AREA											REVENUE TO CARRY FORWARD
	REVENUE BROUGHT FORWARD	Oakwood 16,000	Needham 4,788	Morada 23,990	Elkhorn 4,000	Davis 8,487	Parklane 16,000	Tokay 16,000	Woodbridge 12,211	Heritage 4,661	TO: 79-80	
COUNTY, CLERY/DODGEFORD HOUSTON, LODI HIGH \$ 2,600	600											3,200
COUNTY - LIVBOAK, MORADA, TOKAY \$ 780												780
RIVER MEADOWS \$ 780												780
INTEREST \$7,298.55											7,298.55	-0-
UNPAID EXPENDITURES \$32,148		16,000	4,788	-0-	4,000	-0-	7,360	-0-	-0-	-0-	-0-	
REVENUE TO CARRY FORWARD TO 1982-83												70,144

12

REVENUE RECEIVED 1981-82 - \$141,273.55
 REVENUE FORWARD FROM 1980-81 - 10,158.00
 TOTAL REVENUE ON HAND 1981-82 - \$151,431.55
 REVENUE SPENT 1981-82 - -81,287.55
 BALANCE TO CARRY FORWARD FOR 1982-83 - \$ 70,144.00

TOTAL EXPENDITURES FOR 1981-82 \$106,137.00
 FUNDS APPLIED TO EXPENDITURES 1979-80 + 7,298.55
 \$113,435.55
 EXPENDITURES PAID WITH DEVELOPMENT FEES - 81,287.55
 UNPAID EXPENDITURES (No Eligible Funds) \$ 32,148.00

* SEE SEPERATE LISTING FOR ATTENDANCE AREA AND/OR SCHOOL SERVING EACH SUBDIVISION
 (1) FEES COLLECTED IN ERROR BY CITY OF STOCKTON AND REIMBURSED

EXHIBIT H

LODI UNIFIED SCHOOL DISTRICT

DEVELOPMENT FEE REVENUE/EXPENDITURE ACCOUNT FORM

FEE REVENUE RECEIVED BY DEVELOPMENT	REVENUE BROUGHT FORWARD	Devis (1) 11,249	Elkhorn (1) 122,239	Henderson (1) 14,015	Heritage 4,261	Lawrence (1) 8,319	Lockeford (1) 4,727	Needham (1) 16,377	Nichols (1) 11,350	Oakwood (1) 44,637	Parklans (1) (4) 47,050	Morada (1) 24,605	Sr. Elem. 4,261	Lodi High (1) 3,274	Tokay High (1) (2) 36,393	Wood-bridge 8,261	BALANCE FORWARD
AARON TERRACE \$2,800													2,800				-0-
BECKMAN RANCH \$9,200	8,400								11,350						6,250		-0-
CAMBRIDGE PLACE	13,330														13,330		-0-
LAKESHORE \$48,200	12,608												1,461		16,804		42,535
WELLSHOOD \$ 3,600	9,111															3,999	8,712
RD. SCHOOL ST. CONDOS	1,200															1,200	-0-
PALOMAR DRIVE \$ 600														416			184
PINEWOOD \$ 1,600														1,600			-0-
STONEHURST \$30,600					4,261												35,339
WINCHESTER ACRES	21,236																21,236
COLONIAL ESTATES \$ 5,415	(3) -10,665																(-5,250)
FALCON CREST (Mariner Dr.) \$ 4,160			4,160														-0-
FOX CREEK	6,143	6,143															-0-
HURPER'S FERRY \$ 1,040										1,040							-0-
PALOMA ESTATES \$ 3,300											3,300						-0-

EXHIBIT H cont'd

LODI UNIFIED SCHOOL DISTRICT
DEVELOPMENT FEE REVENUE/EXPENDITURE ACCOUNT FORM

FREE REVENUE RECEIVED BY DEVELOPMENT*	REVENUE BROUGHT FORWARD	Davis (1)	Elkhorn (1)	Henderson (1)	Heritage	Lawrence (1)	Lockeford (1)	Needham (1)	Nichols (1)	Onwood (1)	Parklane (1) (4)	Morada (1)	Sr. Elem.	Lodi High (1) (2)	Trinity High (1) (2)	Mood-bridge	BALANCE FORWARD
SUMNER PLACE \$15,910											15,910						-0-
COUNTRY VIEW ESTATES \$1,560																1,560	-0-
COUNTY - DAVIS-MORADA-TOKAY \$1,040	2,820	3,860															-0-
COUNTY-LIVE OAK-MORADA-TOKAY \$2,080	780											2,860					-0-
COUNTY-LOCKEFORD-CLEMENS-HOUSTON-LODI HIGH \$3,200	3,200						3,200										-0-
RIVER MEADOWS \$780	780													58		1,502	-0-
COUNTY-LODI HIGH \$1,200	1,200													1,200			-0-
(5) INTEREST \$88,829		1,246	9,479	5,558			1,527	16,377		43,597	5,498	5,547					-0-
UNPAID EXPENDITURES \$32,985		-0-	108,600	8,457		8,319	-0-	-0-	-0-	-0-	22,262	16,198	-0-	-0-	-0-	-0-	-0-

REVENUE TO CARRY FORWARD 1983-84 \$102,756

EXHIBIT I

DEVELOPMENT FEES

TOTAL REVENUE AND EXPENDITURES*

CITY OF LODI

SUBDIVISION	TOTAL AMOUNT COLLECTED 1979-83	SCHOOLS AND AMOUNT OF FUNDS EXPENDED	TOTAL AMOUNT SPENT	BALANCE OF UNUSED DEVELOPMENT FEES
AARON TERRACE	\$ 2,800.00	Sr. Elem. \$ 2,800.00	\$ 2,800.00	\$ -0-
BECKMAN RANCH	17,600	Nichols 11,350.00 Tokay High 6,250.00	17,600.00	-0-
CAMBRIDGE	58,800.00	Tokay 54,139.00 Heritage 4,661.00	\$ 58,800.00	-0-
LAKESHORE	60,800	Tokay 16,804.00 Sr. Elem. 1,461.00	18,265.00	42,535.00
MILLSWOOD	34,400.00	Woodbridge 25,688.00	25,688.00	8,712.00
NO. SCHOOL ST. CONDOS	1,200.00	Woodbridge 1,200.00	1,200.00	-0-
PALOMAR DRIVE (Millswood)	600.00	Lodi High 416.00	416.00	184.00
PINWOOD	1,600.00	Lodi High 1,600.00	1,600.00	-0-
STONETREE	39,600.00	Heritage 4,261.00	4,261.00	35,339.00
WINCHESTER ACRES	34,800.00	Tokay High 13,564.00	13,564.00	21,236.00
TOTAL LODI	\$252,200.00	\$144,194.00	\$144,194.00	\$108,006.00

*Through March 1983

EXHIBIT J

DEVELOPMENT FEES
TOTAL REVENUE AND EXPENDITURES*
CITY OF STOCKTON

SUBDIVISION	TOTAL AMOUNT COLLECTED 1979-83	SCHOOLS AND AMOUNT OF FUNDS EXPENDED	TOTAL AMOUNT SPENT	BALANCE OF UNUSED DEVELOPMENT FEES
CLAIRMONT	\$ 47,610.00	Parklane \$ 43,660.00 Tokay 3,950.00	\$ 47,610.00	-0-
COLONIAL ESTATE	247,005.00	Elkhorn Mini 53,725.00 Elkhorn 12,821.00 Oakwood 185,709.00	252,255.00	(\$5,250.00) ¹
FALCON CREST	4,160.00	Elkhorn 4,160.00	4,160.00	-0-
FOX CREEK	124,495.00	Davis 14,630.00 Parklane 69,875.00 Morada 23,990.00 Tokay 16,000.00	124,495.00	-0-
HARPERS FERRY	1,040.00	Oakwood 1,040.00	1,040.00	-0-
PALOMA ESTATES	9,260.00	Parklane 9,260.00	9,260.00	-0-
SUMMER PLACE	25,110.00	Parklane 25,110.00	25,110.00	-0-
TOTAL STOCKTON	\$458,620.00	\$463,930.00	\$463,930.00	(\$5,250.00) ¹

¹Deficit balance is due to City of Stockton collecting fees in error and then refunding developers.

*Through March 1983

EXHIBIT K

DEVELOPMENT FEES
TOTAL REVENUE AND EXPENDITURES*
SAN JOAQUIN COUNTY

SUBDIVISION	TOTAL AMOUNT COLLECTED 1979-83	SCHOOLS AND AMOUNT OF FUNDS EXPENDED	TOTAL AMOUNT SPENT	BALANCE OF UNUSED DEVELOPMENT FEES
COUNTRY VIEW ESTATES	\$ 1,560.00	Woodbridge \$ 1,560.00	\$ 1,560.00	-0-
RIVER MEADOWS	1,560.00	Lodi High 58.00 Woodbridge 1,502.00	1,560.00	-0-
INDIVIDUAL PERMITS LODI HIGH AREA	4,400.00	Lodi High 1,200.00 Lockeford 3,200.00	4,400.00	-0-
INDIVIDUAL PERMITS TOKAY HIGH AREA	22,320.00	Morada 9,060.00 Davis 3,860.00 Tokay 9,400.00	22,320.00	-0-
TOTAL	\$ 29,840.00	\$ 29,840.00	\$ 29,840.00	-0-

*Through March 1983

In-Lieu Agreements

During the time that Development Fees were impounded, Developers entered into "in-lieu of development fee" agreements with the District to assure that the District received fees or a dedication of land to assist in mitigating the anticipated impact of the proposed residential development. The District has continued to encourage Developers to willingly enter into these agreements with the District so that funds generated could be used for long-term solutions to the housing problems and not just the short-term interim solutions. This is becoming particularly important as it becomes more difficult to obtain State funding for new school construction, and as the State imposes District fund-match requirements.

There are presently 11 in-lieu agreements operative, including one for partial payment of the Clairmont School Site. The District has agreements for the following developments:

- Dennis Noble (Zinfandel Estates) - Stockton
- Cook-John Development (Willow Brook) - Stockton
- Eilers Annexation - Woodbridge
- Woodbridge Greens - Woodbridge
- Noma Annexation - Lodi
- Park West - Lodi
- Filley Ranch (Sun West #4) - Lodi
- Barnett-Range (Fox Creek 11 & 12) - Stockton
- Lobaugh - Lodi
- Joaquin Murietta - Stockton
- Barnett-Range (Clairmont) - Stockton

To date, no direct-agreement fees have been received, with the exception of the Clairmont Subdivision where the fees will be reimbursed to the developer after receipt from the City in conformance with the agreement of sale for the school site. The District is currently reviewing a draft agreement for Grupe Communities' Lakeshore Village and, as a matter of procedure, all developers are contacted upon District notification of a proposed development. Since no fees have been collected by the District as a result of agreements, there is no expenditure plan and the administrative procedures for coordination with the affected jurisdictions have not been tried. It is noted, however, that the City of Stockton requires that reference to anything in-lieu of payment of Development Fees through the City must be made a condition of the Tentative Subdivision Map at the time of approval. In general, the District has preferred the receipt of fees instead of land dedication, primarily because of the immediate need for the fees and the difficulties in establishing a time for construction of a school. Location has also been a primary consideration. This does not mean that the District would not prefer dedication in the future, depending upon circumstances. A sample of a generalized agreement sent to developers for their review is included in this report as Appendix B.

STUDENT HOUSING UPDATE

The final section of this report is intended to provide all interested parties an update on other means of housing students in the District's educational programs that are currently being pursued.

The Lodi Unified School District is actively pursuing solutions to existing and projected student housing inadequacies on two fronts.

First, the District is continuing to pursue permanent facilities with applications for seven new schools and expansion of three others through the Leroy F. Greene Lease-Purchase Program of 1976, and second, the District is making every effort to house children in an interim basis with minimal adverse impact on the educational program.

Permanent Facilities

Since last year, site work at the Stonewood School site in north Stockton has been nearly completed with arrival of the eight relocatable classrooms anticipated by fall of 1983. Plans have been completed and approved by the State for construction of Clairmont Elementary School (north Stockton), Washington School Developmental Center for the Handicapped (Lodi), and permanent buildings at Stonewood. All of the projects are ready for construction; however, funds are not available until the sale of another \$75 million in Proposition 1 (November 1982) bonds. Although the Committee charged with bond sale recommendations has given the go-ahead to sell the bonds, the State Treasurer is not expected to do so until the fall or early winter of 1983. One hundred and twenty-five million dollars in Proposition 1 bonds have been sold to finance already-approved projects whose funds were transferred by the Governor and the Legislature to the State General Fund in the February, 1983, budget balancing legislation. The site work and relocatable buildings at Stonewood School were included in an earlier apportionment and encumbered by contract prior to the transfer. Upon sale of the bonds, Lodi Unified expects full funding of the projects ready for construction. The District has received Phase II approval for the new Middle School (north Stockton) with apportionment to be made from existing cash-on-hand or from the forthcoming bond monies. Preliminary planning money has been received for the permanent buildings at Oakwood (north Stockton), English Oaks Elementary School (Lodi), and Holt Elementary School (north Stockton). Revisions in the District's application and priority points have resulted in a temporary hold on these projects. It is anticipated that sufficient eligibility will be generated in the fall of 1983 to proceed with the plans for these projects. Educational specifications, site selection, and preliminary plans are in-process for the new high school and the new continuation high school, both to be located in north Stockton.

Alternatives

An important consideration in determining the most reasonable housing alternative is the neighborhood school concept. Also important is the equal loading policy which causes all schools throughout the District, within a given grade span, to house the same proportion of students relative to capacity, where practical. Equal loading is a concept that works well in an urban area but provides extraordinarily long bus rides for students when the area of

Impaction and growth is substantially removed from the area where classrooms are available. As growth continues and the schools become overcrowded before new facilities can be constructed, the District has considered and will continue to consider the following alternatives:

Busing:

Busing is used as an interim process to implement the equal load policy. The Board finds that no pupil should be bused from his attendance area, but if necessary, never more than 10 miles from the "full" school to the school of redirection.

Double Sessions - Elementary Schools:

Double sessions in the primary grades retain the same amount of in-class time. In each of the instructional sections, double sessions are perceived as being disadvantageous to the students attending school in the p.m. shift. The fabric of society rejects the concept of young children being in school from 12:30 p.m. to 5:00 p.m. followed by what may be an extended period of time on the school bus. Older children (above grade 4) lose a significant amount of instructional time through the device of double sessions; therefore, it is not considered feasible for the intermediate grades. Double sessions are perceived as being acceptable on an extremely short-term measure for grades 1-3 pupils.

Extended Day Programs - High Schools:

Programs in the early morning or in the late afternoon may be devised to utilize a high school plant at above-normal carrying capacity. Such programs are found to have relatively small pupil/parent interest, are not conducive to intergration with established busing schedules, and are not a viable answer to impaction.

School Boundary Realignment:

This device has been used to accomodate growth in an immediately adjacent attendance area. Where growth is scattered or substantially removed from school houses with room available, realignment is ineffective. Boundary realignment is not a viable permanent solution beyond that already accomplished considering the growth rate of the several attendance areas in this district and their close proximity to each other. A de-annexation of territory (formation of a new district or transfer of territory to an existing neighboring district) is not considered a political reality.

Year-Round Schools:

A year-round school program could have the potential of increasing available classroom space by 18% to 25%. Over the last two+ years District staff, Board members, and the Year-Round School Committee met and studied the appropriateness of Year-Round School in Lodi Unified and to determine those schools most suited for possible implementation of such a program in this, or subsequent, school years. Meetings with parents of students in potential YRS attendance areas were held during the last school year.

In some cases parents were polled in writing. Based on constituent disapproval the governing Board set aside consideration of YRS in all areas except the "greater" Elkhorn Attendance Area. As an aside, it has been found that many districts that had year round schools have returned to conventional scheduling, and all districts with year-round school have indicated that the program will not work unless it has significant parent support, which is not present in Lodi Unified School District.

State Lease Emergency Classrooms:

Assembly Bill 8, signed by the Governor on July 24, 1979, enacted the Emergency Classroom Law of 1979. Under this law, Lodi Unified School District has received 84 portables. The District must qualify for receipt of these units on the basis of our State School Construction Application. Separate application must be made each year and receipt of the units is subject to availability. This program has provided the most significant relief to Lodi's overcrowding situation. These units are subject to recall by the State of California should there be a greater need elsewhere in the State. These units can be used for regular classroom programs only and must be loaded at the rate of 30 students per unit. Although the units are quite utilitarian and most sites have room on an interim basis, support facilities, such as play area, bathrooms, cafeteria, multi-purpose room, lockers, etc., are taxed well beyond capacity with the additional classroom units.

Trailers:

The District currently leases a number of trailers to house special education programs. The capacity of these units is approximately 12 students and the lease and setup costs are two to three times the cost of the State portables. The District will attempt to phase out all trailers in favor of State lease portables where possible. This will require moving special education classes into regular classrooms and regular programs into the portables.

Relocatable Units:

Relocatables are herein defined as portable units owned by the District. Many of these units are more than 15 years old; however, they have been quite serviceable. As a matter of policy, all new schools are being designed with a certain number of relocatable portables in anticipation of a declining enrollment situation in the future. This will give the District flexibility in housing students in the future and the use of relocatables in the site master plan gives the District bonus points which can be applied towards additional square footage in permanent buildings. As noted earlier, these units are now included in the District's inventory of permanent classrooms. When the various older units will be beyond repair and perhaps unsafe for occupancy has not been determined. The District currently retains these units for use wherever needed, although many of the units are basically permanent at their present location.

Shared Facilities:

Other alternatives that are in use in other Districts include the use of school buildings in adjoining districts which are not needed by that district. This is not considered a viable alternative for Lodi as facilities in all adjoining districts, except Stockton Unified, are used to the maximum extent. The Stockton Unified facilities within a reasonable distance of Lodi Unified also do not have surplus capacity, while vacant classroom space is not located within a reasonable transportation distance.

APPENDIX A

STATE CODE

Chapter 4.7. School Facilities

- 65970.** The Legislature finds and declares as follows:
- (a) Adequate school facilities should be available for children residing in new residential developments.
 - (b) Public and private residential developments may require the expansion of existing public schools or the construction of new school facilities.
 - (c) In many areas of the state, the funds for the construction of new classroom facilities are not available when new development occurs, resulting in the overcrowding of existing schools.
 - (d) New housing developments frequently cause conditions of overcrowding in existing school facilities which cannot be alleviated under existing law within a reasonable period of time.
 - (e) That, for these reasons, new and improved methods of financing for interim school facilities necessitated by new development are needed in California.

(Added by Stats. 1977, Ch. 955.)

Policy

65971. If the governing body of a school district which operates an elementary or high school makes a finding supported by clear and convincing evidence that: (a) conditions of overcrowding exist in one or more attendance areas within the district which will impair the normal functioning of educational programs including the reason for such conditions existing; and (b) that all reasonable methods of mitigating conditions of overcrowding have been evaluated and no feasible method for reducing such conditions exist, the governing body of the school district shall notify the city council or board of supervisors of the city or county within which the school district lies. The notice of findings sent to the city or county shall specify the mitigation measures considered by the school district. If the city council or board of supervisors concurs in such findings the provisions of Section 65972 shall be applicable to actions taken on residential development by such council or board.

(Added by Stats. 1977, Ch. 955.)

Local findings

65972. Within the attendance area where it has been determined pursuant to Section 65971 that conditions of overcrowding exist, the city council or board of supervisors shall not approve an ordinance rezoning property to a residential use, grant a discretionary permit for residential use, or approve a tentative subdivision map for residential purposes, within such area, unless the city council or board of supervisors makes one of the following findings:

**Development prohibited
unless findings made**

Exceptions

- (1) That an ordinance pursuant to Section 65974 has been adopted, or
- (2) That there are specific overriding fiscal, economic, social, or environmental factors which in the judgment of the city council or board of supervisors would benefit the city or county, thereby justifying the approval of a residential development otherwise subject to Section 65974.

(Added by Stats. 1977, Ch. 955.)

Definitions

65973. As used in this chapter:

- (a) "Conditions of overcrowding" means that the total enrollment of a school, including enrollment from proposed development, exceeds the capacity of such school as determined by the governing body of the district.
- (b) "Reasonable methods for mitigating conditions of overcrowding" shall include, but are not limited to, agreements between a subdivider and the affected school district whereby temporary-use buildings will be leased to the school district or temporary-use buildings owned by the school district will be used.
- (c) "Residential development" means a project containing residential dwellings, including mobilehomes, of one or more units or a subdivision of land for the purpose of constructing one or more residential dwelling units.

(Added by Stats. 1977, Ch. 955.)

Interim facilities provided by dedication or fee as condition of approval

65974. For the purpose of establishing an interim method of providing classroom facilities where overcrowding conditions exist, as determined necessary pursuant to Section 65971, and notwithstanding Section 66478, a city, county, or city and county may, by ordinance, require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for classroom and related facilities for elementary or high schools as a condition to the approval of a residential development, provided that all of the following occur:

- (a) The general plan provides for the location of public schools.
- (b) The ordinance has been in effect for a period of 30 days prior to the implementation of the dedication or fee requirement.
- (c) The land or fees, or both, transferred to a school district shall be used only for the purpose of providing interim elementary or high school classroom and related facilities.
- (d) The location and amount of land to be dedicated or the amount of fees to be paid, or both, shall bear a reasonable relationship and will be limited to the needs of the community for interim elementary or high school facilities and shall be reasonably related and limited to the need for schools caused by the development; provided, the fees shall not exceed the amount necessary to pay five annual lease payments for the interim facilities. In lieu of the fees, the builder of a residential development

**Limitation on
interim facilities**

65979. One year after receipt of an apportionment pursuant to the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (Chapter 22 (commencing with Section 17700 of Part 10 of the Education Code) for the construction of a school, the city or county shall not be permitted thereafter, pursuant to this chapter or pursuant to any other school facilities financing arrangement such district may have with builders of residential development, to levy any fee or to require the dedication of any land within the attendance area of the district. However, any time after receipt of the apportionment there may be a determination of overcrowding pursuant to Section 65971, if there is the further finding that (1) during the period of construction additional overcrowding would occur from continued residential development, and (2) that any fee levied and any required dedication of land levied after the receipt of the construction apportionment can be used to avoid the additional overcrowding prior to the school being available for use by the school district.

Any amounts of fees collected or land dedicated after the receipt of the construction apportionment and not used to avoid overcrowding shall be returned to the person who paid the fee or made the land dedication.

(Amended by Stats. 1980, Ch. 1354.)

**Definition of interim
facilities**

65980. For the purposes of Section 65974, "classroom facilities," "classroom and related facilities," and "elementary or high school facilities" mean "interim facilities" as defined in this section and shall include no other facilities.

Interim facilities for the purposes of Section 65974 shall be limited to the following:

- (a) Temporary classrooms not constructed with permanent foundation and defined as a structure containing one or more rooms, each of which is designed, intended, and equipped for use as a place for formal instruction of pupils by a teacher in a school.
- (b) Temporary classroom toilet facilities not constructed with permanent foundations.
- (c) Reasonable site preparation and installation of temporary classrooms.

(Amended by Stats. 1980, Ch. 1354.)

Recommendation on fees

65981. If an ordinance has been adopted pursuant to Section 65974 which provides for the school district governing body to recommend the fees for providing interim facilities that are to be assessed on a development as a condition of city or county approval of a subdivision, such recommendation shall be required to be submitted to the respective city or county within 60 days following the issuance of the initial permit for the development. Failure to provide the recommendation of fees to be assessed within the 60-day period shall constitute a waiver by the governing body of the school district of its authority to request fees pursuant to this chapter.

(Added by Stats. 1979, Ch. 282. Effective July 24, 1979.)

**Limitation on
interim facilities**

65979. One year after receipt of an apportionment pursuant to the Leroy F. Greene State School Building Lease-Purchase Law of 1976 (Chapter 22 (commencing with Section 17700 of Part 10 of the Education Code) for the construction of a school, the city or county shall not be permitted thereafter, pursuant to this chapter or pursuant to any other school facilities financing arrangement such district may have with builders of residential development, to levy any fee or to require the dedication of any land within the attendance area of the district. However, any time after receipt of the apportionment there may be a determination of overcrowding pursuant to Section 65971, if there is the further finding that (1) during the period of construction additional overcrowding would occur from continued residential development, and (2) that any fee levied and any required dedication of land levied after the receipt of the construction apportionment can be used to avoid the additional overcrowding prior to the school being available for use by the school district.

Any amounts of fees collected or land dedicated after the receipt of the construction apportionment and not used to avoid overcrowding shall be returned to the person who paid the fee or made the land dedication.

(Amended by Stats. 1980, Ch. 1354.)

**Definition of interim
facilities**

65980. For the purposes of Section 65974, "classroom facilities," "classroom and related facilities," and "elementary or high school facilities" mean "interim facilities" as defined in this section and shall include no other facilities.

Interim facilities for the purposes of Section 65974 shall be limited to the following:

- (a) Temporary classrooms not constructed with permanent foundation and defined as a structure containing one or more rooms, each of which is designed, intended, and equipped for use as a place for formal instruction of pupils by a teacher in a school.
- (b) Temporary classroom toilet facilities not constructed with permanent foundations.
- (c) Reasonable site preparation and installation of temporary classrooms.

(Amended by Stats. 1980, Ch. 1354.)

Recommendation on fees

65981. If an ordinance has been adopted pursuant to Section 65974 which provides for the school district governing body to recommend the fees for providing interim facilities that are to be assessed on a development as a condition of city or county approval of a subdivision, such recommendation shall be required to be submitted to the respective city or county within 60 days following the issuance of the initial permit for the development. Failure to provide the recommendation of fees to be assessed within the 60-day period shall constitute a waiver by the governing body of the school district of its authority to request fees pursuant to this chapter.

(Added by Stats. 1979, Ch. 282. Effective July 24, 1979.)

APPENDIX B

SAMPLE

IN-LIEU DEVELOPMENT FEE AGREEMENT

This AGREEMENT, made and entered into this _____ day of _____ by and between _____ having its principal place of business in _____, 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 H

These parties hereto acknowledge and mutually agree that:

1. During a period covering approximately _____ years, Developer plans to construct approximately _____ residential units within the district governed by Lodi Unified, as part of a project commonly known as _____ consisting of approximately _____ acres located in the _____ of _____, San Joaquin County, California.
2. 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.
3. Developer desires to alleviate the impact upon Lodi Unified of said anticipated increase in enrollment.
4. The real property constituting the site upon which the here-tofore mentioned project is to be constructed is more particularly described as:

(insert legal description)

5. Lodi Unified has no objection to Developer's _____ project; provided the Developer make a reasonable and appropriate contribution to mitigate the impact that the project may have on Lodi Unified.
6. Developer shall make such reasonable and appropriate contribution to mitigate school overcrowding by either, at the election of Lodi Unified: (a) Depositing with Lodi Unified an amount equal

to, and in lieu of, any sums prescribed to be deposited for such residential development by _____ Ordinance Number _____, of the _____ 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 _____ 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 _____, the applicable rate of fees shall be the last rate set by the _____ 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 or builder shall be in a position to receive from the _____ all building permits for residential structures necessary for the construction of buildings on such portion of the development as Developer or builder is then currently planning.
 - (6) Upon receipt of the fees provided for by this Agreement, Lodi Unified shall notify the _____ of its receipt thereof and request that the Developer or builder be exempt from any fee imposed upon the same residential units by _____ Ordinance Number _____.
 - (7) In the event that the _____ shall 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 said Ordinance and this Agreement.
- (b) Providing for, and dedicating, a(n) _____ school site for the benefit and use of Lodi Unified.
- (1) It is understood by the parties hereto that such a school site must be approved by various State agencies, including the Bureau of School Planning.
 - (2) In no event, shall the total area of said school site exceed _____ acres.

7. In the event that school facilities are constructed with proceeds from the sale of bonds and/or 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 monies then on deposit with Lodi Unified.
8. In the event that the Developer should breach any term of this Agreement, Lodi Unified reserves the right to notify the _____ of said breach and request that the _____ withdraw 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.
9. 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 _____ Development until such time as the lien is extinguished by payment of the appropriate fee(s). Lodi Unified shall execute appropriate releases for each residential unit upon receipt of fees pursuant to this Agreement.
10. 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 _____ 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.
11. 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.
12. 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 United States mail, postage prepaid, to the following persons at the location specified:

FOR THE DISTRICT
 Facility Planner
 Lodi Unified School District
 815 West Lockeford Street
 Lodi, CA 95240

FOR THE DEVELOPER

13. 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.
14. 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.

(other terms as agreed by District and Developer)

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

By _____

- Hereinabove Called "DEVELOPER"

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

By Ellerth E. Larson, Superintendent

- Hereinabove Called "LODI UNIFIED"

Approved as to Form

Deputy County Counsel
Date _____