
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY

OF LODI ADDING LODI MUNICIPAL CODE TITLE 15 – BUILDING AND CONSTRUCTION, CHAPTER 15.69 (AGRICULTURAL MITIGATION FEE), INCLUDING SECTIONS 15.69.010 (DEFINITION OF AGRICULTURAL MITIGATION FEE), 15.69.020 (PURPOSE, FINDINGS AND DECLARATION OF INTENT), 15.69.030 (AUTHORITY), 15.69.040 (APPLICABILITY), 15.69.050 (DEFINITIONS), 15.69.060 (ESTABLISHMENT AND CALCULATION OF FEE), 15.69.070 (FEE COLLECTION), 15.69.080 (USE OF FUNDS), 15.69.090 (ACCOUNTING AND REPORTING), 15.69.100 (ALTERNATIVE COMPLIANCE AND CREDIT FOR DIRECT MITIGATION), 15.69.110 (FEE ADJUSTMENTS AND APPEALS), 15.69.120 (ANNUAL REVIEW AND UPDATES), AND 15.69.130 (CONSTRUCTION); AND ADDING CHAPTER 15.70 (PARKLAND DEDICATION AND IN-LIEU FEES), SECTIONS 15.70.010 (PURPOSE), 15.70.020 (AUTHORITY), 15.70.030 (APPLICABILITY), 15.70.040 (DEDICATION REQUIREMENT), 15.70.050 (POPULATION DENSITY AND CALCULATION), 15.70.060 (LAND DEDICATION STANDARDS), 15.70.070 (IN-LIEU FEES), 15.70.080 (COMBINATION OF LAND AND FEES), 15.70.090 (USE OF FUNDS), 15.70.095 (MASTER PLANNING COORDINATION), 15.70.100 (CREDITS AND REIMBURSEMENTS), 15.70.110 (ADJUSTMENTS AND APPEALS), AND 15.70.120 (COMPLIANCE WITH STATE LAW); AND AMENDING TITLE 17 – DEVELOPMENT CODE – ARTICLE 2 (ZONING DISTRICTS LAND USE AND DEVELOPMENT STANDARDS), CHAPTER 17.28 (OVERLAY ZONING DISTRICTS), SECTION 17.28.040 (PLANNED DEVELOPMENT (-PD) OVERLAY ZONING DISTRICT); AND ADDING TITLE 17 – DEVELOPMENT CODE – ARTICLE 6 (DEVELOPMENT CODE ADMINISTRATION) BY ADDING CHAPTER 17.77 (BOUNDARY CHANGES), INCLUDING SECTIONS 17.77.010 (PURPOSE OF CHAPTER), 17.77.020 (STATE LAW), 17.77.030 (LOCAL AGENCY FORMATION COMMISSION (LAFCO)), 17.77.040 (REVIEW AUTHORITY), 17.77.050 (STAGE 1 – INITIATION (MERIT HEARING)), 17.77.060 (CONSISTENCY WITH GENERAL PLAN, GROWTH MANAGEMENT, AND GUIDING PRINCIPLES), 17.77.070 (CRITERIA), 17.77.080 (STAGE 2 – FORMAL APPLICATION), 17.77.090 (ANNEXATION PROCESS), 17.77.100 (MASTER PLAN REQUIREMENT), 17.77.110 (DETACHMENT AND REORGANIZATION PROCESS), 17.77.120 (SPHERE OF INFLUENCE (SOI) AMENDMENTS), AND 17.77.130 (REAPPLICATION); AND ADDING CHAPTER 17.78 (WILLIAMSON ACT REGULATIONS), INCLUDING SECTIONS 17.78.010 (PURPOSE OF CHAPTER), 17.78.020 (NONRENEWAL OF WILLIAMSON ACT CONTRACT), 17.78.030 (CANCELLATION OF WILLIAMSON ACT CONTRACT), 17.78.040 (SUBDIVISION OF CONTRACTED LAND), 17.78.050 (WILLIAMSON ACT CONTRACTS AND ANNEXATION), 17.78.060 (RECORDED AGREEMENT REQUIREMENT), AND 17.78.070 (RELATIONSHIP TO STATE LAW).

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 15 – Buildings and Construction, Chapter 15.69 “AGRICULTURAL MITIGATION FEE,” Sections 15.69.010 “Definition of ‘Agricultural Mitigation Fee.’,” 15.69.020 “Purpose, findings and declaration of intent,” 15.69.030 “Authority,” 15.69.040 “Applicability,” 15.69.050 “Definitions,” 15.69.060 “Establishment and calculation of fee,”

15.69.070 "Fee collection," 15.69.080 "Use of funds," 15.69.090 "Accounting and reporting," 15.69.100 "Alternative compliance and credit for direct mitigation," 15.69.110 "Fee adjustments and appeals," 15.69.120 "Annual review and updates," and 15.69.130 "Construction," are hereby added as follows:

Chapter 15.69 – AGRICULTURAL MITIGATION FEE.

15.69.010 - Definition of "Agricultural Mitigation Fee."

The definition of "Agricultural Mitigation Fee" includes all development impact fees collected to offset the costs associated with the loss of agricultural lands in new development as defined in this chapter.

15.69.020 - Purpose, findings and declaration of intent.

- A. Purpose. The purpose of this Chapter is to establish a fee program to mitigate the loss of agricultural land resulting from development within the City of Lodi.
- B. Findings. The City Council finds and declares as follows:
 - 1. Agricultural lands within San Joaquin County, including those designated as Prime Farmland, Farmland of Statewide Importance, and Unique Farmland, represent valuable and irreplaceable natural resources.
 - 2. Conversion of agricultural land to urban uses results in the permanent loss of agricultural productivity and environmental resources.
 - 3. The City's General Plan includes policies to preserve agricultural land and to mitigate impacts associated with farmland conversion.
 - 4. The conversion of agricultural land is considered a significant environmental impact under the California Environmental Quality Act (CEQA).
 - 5. Permanent agricultural conservation easements are a recognized and effective mitigation measure for the loss of farmland.
 - 6. The acquisition and stewardship of agricultural conservation easements require funding based on fair market value and associated administrative, monitoring, and enforcement costs.
 - 7. The Mitigation Fee Act (Government Code Section 66000 et seq.) authorizes the City to impose fees on development projects to mitigate impacts caused by such development.
 - 8. The Agricultural Mitigation Fee established by this Chapter is intended to ensure that development projects contribute their fair share toward mitigating the loss of agricultural land.
- C. Declaration of Intent. It is the intent of the City that mitigation for the loss of agricultural land occur through the permanent protection of agricultural land at a minimum one-to-one ratio, implemented through the acquisition of agricultural conservation easements or equivalent mechanisms.

15.69.030 Authority.

This Chapter is adopted pursuant to the City's police power, the California Environmental Quality Act, the Mitigation Fee Act (Government Code Section 66000 et seq.), and in furtherance of the City of Lodi General Plan, including Policy C-P7, which directs the establishment of an agricultural conservation program to mitigate the loss of agricultural lands.

15.69.040 Applicability.

A. The Agricultural Mitigation Fee shall apply to development projects that:

1. Involve the annexation of land into the City;
2. Convert land designated by the California Department of Conservation's Farmland Mapping and Monitoring Program as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland to urban use; and
3. Receive issuance of a building permit or discretionary development approval.

B. This fee shall not apply to:

1. Reconstruction of structures damaged or destroyed by natural disaster where no increase in intensity or building area occurs;
2. Development that does not result in the conversion of agricultural land as defined in this Chapter.

15.69.050 Definitions.

For purposes of this Chapter, the following definitions apply:

"Agricultural Land" or "Farmland" means land designated by the California Department of Conservation's Farmland Mapping and Monitoring Program as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland.

"Agricultural Mitigation Land" means agricultural land permanently protected by a conservation easement, deed restriction, or similar legal mechanism restricting the land to agricultural use.

"Farmland Conservation Easement" means a perpetual conservation easement restricting land to agricultural use.

"Nexus Report" means the Agricultural Mitigation Fee Study prepared in compliance with Government Code Section 66001.

"Qualifying Entity" means a nonprofit public benefit corporation qualified under Section 501(c)(3) of the Internal Revenue Code whose primary purpose is the conservation of agricultural land, including but not limited to California Farmland Trust, or another entity approved by the City Council.

15.69.060 Establishment and calculation of fee.

A. The Agricultural Mitigation Fee shall be established by resolution of the City Council based on the Nexus Report.

B. The fee shall be calculated to reflect:

1. The fair market value of agricultural conservation easements sufficient to achieve a minimum one-to-one mitigation ratio;
2. Administrative, monitoring, stewardship, and endowment costs necessary to ensure permanent protection of agricultural land.

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- C. The implementing resolution shall include findings required by Government Code Section 66001.

15.69.070 Fee collection.

- A. The Agricultural Mitigation Fee shall be due and payable at the time of building permit issuance and shall be collected concurrently with building permit fees.
- B. Where no building permit is required, the fee shall be paid prior to the issuance of the final discretionary approval.
- C. Payment of the fee shall not constitute a waiver of the right to protest under Government Code Section 66020.
- D. Phased Development. For projects approved to be constructed in phases, the Agricultural Mitigation Fee shall be paid on a pro rata basis for each phase at the time building permits are issued for that phase, unless otherwise approved by the City through a development agreement or other discretionary approval.

The City may authorize alternative timing of fee payment for phased projects, provided that:

1. The timing of payment maintains a reasonable relationship to the impacts of development;
2. The City's ability to collect the fee is secured to its satisfaction, which may include bonding, letters of credit, or other financial assurances; and
3. The alternative payment schedule is memorialized in a development agreement, subdivision improvement agreement, or other approved entitlement.

15.69.080 Use of funds.

- A. Fee revenues shall be used exclusively for:
1. Acquisition of agricultural conservation easements or other permanent protection mechanisms;
 2. Stewardship, monitoring, and enforcement of conserved lands;
 3. Establishment of endowments necessary to ensure long-term protection;
 4. Administrative costs associated with implementation of the program.
- B. Mitigation shall occur within San Joaquin County.

15.69.090 Accounting and reporting.

- A. The City shall deposit all fee revenues into a separate account in compliance with Government Code Section 66006.
- B. The City shall prepare annual and five-year reports as required by Government Code Sections 66006 and 66001.

15.69.100 Alternative compliance and credit for direct mitigation.

- A. Alternative Compliance. In lieu of payment of the Agricultural Mitigation Fee, a developer may satisfy the requirements of this Chapter through the direct provision of Agricultural Mitigation Land at a minimum one-to-one ratio, subject to approval by the City.

B. Requirements. Any proposed dedication of Agricultural Mitigation Land shall:

1. Be permanently protected by a farmland conservation easement or other mechanism acceptable to the City;
2. Be approved by the City;
3. Be accepted and held by a Qualifying Entity;
4. Be located within San Joaquin County;
5. Be of comparable quality and suitability for agricultural production as the land being converted, as determined by the City.

C. Valuation and Credit. Where the value of the conservation interest exceeds or is less than the required mitigation obligation, the City may:

1. Require payment of the difference; or
2. Grant a proportional credit toward the Agricultural Mitigation Fee, based on the fair market value of the conservation easement as determined by an appraisal acceptable to the City.

D. Timing. The conservation easement or other approved mitigation mechanism shall be recorded prior to or concurrently with the issuance of the first building permit for the development, unless otherwise approved by the City.

15.69.110 Fee adjustments and appeals.

- A. A project applicant may request an adjustment to the fee based on the absence of a reasonable relationship between the fee and the impacts of the development.
- B. The request shall be submitted in writing and shall include supporting documentation.
- C. The City Council shall consider the request and make a final determination.

15.69.120 Annual review and updates.

The City Council may periodically review and update the fee by resolution to reflect changes in land values, administrative costs, and other relevant factors.

15.69.130 Construction.

This Chapter shall be interpreted in a manner consistent with State law. If any provision of this Chapter is held invalid, such invalidity shall not affect the remaining provisions.

SECTION 2. Lodi Municipal Code Title 15 – Buildings and Construction, Chapter 15.70 “PARKLAND DEDICATION AND IN-LIEU FEES,” Sections 15.70.010 “Purpose,” 15.70.020 “Authority,” 15.70.030 “Applicability,” 15.70.040 “Dedication Requirement,” 15.70.050 “Population Density and Calculation,” 15.70.060 “Land Dedication Standards,” 15.70.070 “In-Lieu Fees,” 15.70.080 “Combination of Land and Fees,” 15.70.090 “Use of Funds,” 15.70.095 “Master Planning Coordination,” 15.70.100 “Credits and Reimbursements,” 15.70.110 “Adjustments and Appeals,” and 15.70.120 “Compliance with State Law,” are hereby added as follows:

15.70.010 Purpose.

The purpose of this Chapter is to implement the Quimby Act (Government Code Section 66477) and the policies of the City of Lodi General Plan by establishing requirements for the dedication of land, payment of in-lieu fees, or a combination thereof for park and recreational purposes.

This Chapter implements General Plan Policy P-P2, which provides for a coordinated system of parks, open space, and storm drainage facilities to serve new development. While this Chapter establishes requirements for parkland dedication, it is the City's policy that overall open space, including stormwater basins and related facilities, be planned comprehensively through the master planning and development review process.

15.70.020 Authority.

This Chapter is adopted pursuant to Government Code Section 66477 and the City's police power.

15.70.030 Applicability.

- A. This Chapter shall apply to all residential subdivisions, including tentative maps, parcel maps, and condominium projects.
- B. This Chapter shall also apply, as determined by the City, to annexations, master plans, and Planned Developments where residential development is proposed.

15.70.040 Dedication requirement.

- A. As a condition of approval of a subdivision or residential development project, the City shall require the dedication of land for park and recreational purposes, the payment of an in-lieu fee, or a combination thereof.
- B. The amount of land required shall be based on a standard of five acres per 1,000 residents, consistent with General Plan Policy P-P2, unless otherwise adjusted by resolution of the City Council.
- C. The City may require that parkland be centrally located within neighborhoods and designed to support pedestrian access and connectivity consistent with the General Plan.

15.70.050 Population density and calculation.

- A. The number of residents shall be determined based on:
 - 1. The number of dwelling units; and
 - 2. An average household size established by the City based on the most recent census or other reliable data.
- B. The required parkland dedication or in-lieu fee shall be calculated accordingly.

15.70.060 Land dedication standards.

- A. Land dedicated for park and recreational purposes shall:
 - 1. Be usable and suitable for active or passive recreation;

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2. Be consistent with the General Plan and any applicable master plan required under Chapter 17.77;
 3. Be located to serve the residents of the development, with consideration of walkability and access;
 4. Be integrated with the City's park, open space, and trail network;
 5. Where feasible, be coordinated with stormwater management facilities, including detention basins, to create multi-functional open space, provided that such areas meet City standards for usability and recreational value; and
 6. Be of sufficient size, shape, and configuration to accommodate recreational use, as determined by the City.

B. The City may reject land that is unsuitable due to size, configuration, location, topography, or inability to meet General Plan objectives.

15.70.070 In-lieu fees.

- A. Where land dedication is not required or feasible, the City shall require payment of an in-lieu fee.
- B. The in-lieu fee shall be established by resolution of the City Council and shall be calculated based on:
 1. The parkland dedication requirement per dwelling unit, derived from the City's adopted parkland standard; and
 2. The fair market value of land suitable for park purposes, as established through a City-adopted land value analysis or nexus study.
- C. Fees shall be paid prior to final map approval or building permit issuance, as determined by the City.
- D. The City Council may periodically update the fee through a nexus study or other analysis to ensure compliance with State law.

15.70.080 Combination of land and fees.

The City may require a combination of land dedication and in-lieu fees where appropriate to meet park and recreational needs.

15.70.090 Use of funds.

Fees collected pursuant to this Chapter shall be used solely for the acquisition, development, or improvement of park and recreational facilities, consistent with Government Code Section 66477.

15.70.095 Master planning coordination.

- A. For annexation areas and large development areas subject to Chapter 17.77, parkland dedication and open space planning shall be addressed at the master plan level.
- B. Consistent with General Plan Policy P-P2, master plans shall demonstrate how the development will provide a coordinated system of open space totaling approximately eight acres per 1,000 residents, including:

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1. A minimum of five acres per 1,000 residents dedicated to park and recreational uses; and
 2. Additional open space, which may include stormwater basins, drainage corridors, and other open space features.

- C. Stormwater basins should be designed, where feasible, to function as community amenities that support recreational use, visual quality, and connectivity within the open space network.
- D. Final parkland dedication or in-lieu fee requirements shall be imposed at the time of subdivision approval consistent with this Chapter and the approved master plan.

15.70.100 Credits and reimbursements.

The City may grant credit for parkland dedication or improvements in excess of requirements, subject to City approval and consistent with applicable law.

15.70.110 Adjustments and appeals.

- A. An applicant may request adjustment of requirements based on lack of nexus or proportionality.
- B. The City Council shall make the final determination on any such request.

15.70.120 Compliance with State law.

This Chapter shall be interpreted consistent with Government Code Section 66477. Where this Chapter conflicts with State law, State law shall control.

SECTION 3. Lodi Municipal Code Title 17 – Development Code – Article 2 “Zoning Districts Land Use and Development Standards”, Chapter 17.28 “Overlay Zoning Districts”, Section 17.28.040 “Planned development (-PD) overlay zoning district”, is hereby amended as follows:

17.28.040 Planned development (-PD) overlay zoning district.

- A. Purpose. The -PD overlay district is intended to identify areas where the city has determined that flexibility in the application of development standards will produce development projects of superior quality, including retention of unique site characteristics, creative and efficient project design, etc., then would have been achieved through strict application of the development standards required by the primary zoning district. The -PD zoning district is consistent with all land use designations of the general plan.
- B. Applicability.
 1. Eligible Primary Districts. The -PD overlay district may be combined with any of the residential, commercial, or industrial zoning districts established by Section 17.10.020 (Zoning Districts Established).
- C. General Standards for All Projects. The following development standards shall apply to all developments subject to a planned development permit.
 1. Size. A minimum site of one (1) acre, exclusive of public rights-of-way, shall be required. This requirement may be waived or reduced by the Commission

if the approving body finds that the waiver is necessary in order to achieve a superior project given the unique attributes of the site, its setting, or surrounding conditions, and that the project will meet the purpose and intent of this chapter.

2. **Application to Site.** A planned development permit may apply to a site that consists of more than one parcel, provided the original parcels are contiguous to one another and not separated by a major collector or minor/major arterial street.
3. **Setback Requirements.** Structure setbacks, with the exception of outer perimeter front, side, and rear yard setback provisions for perimeter landscaping, may deviate from the setback standards identified in this Development Code and shall conform to the approved planned development permit. Any nonresidential structure adjacent to a residential zone is set back a distance equal to the height of the nonresidential structure from the property line between the parcels.
4. **Site Coverage.** The site coverage for residential or nonresidential zoning districts may deviate from the standards of this Development Code.
5. **Frontage and Area Requirements.** The frontage and area per lot requirements for residential and nonresidential zoning districts may deviate from the regulations of this Development Code.
6. **Height Limits.** The height of structures may deviate from the height standards of this Development Code, provided that any nonresidential structure adjacent to a residential zone is set back a distance equal to the height of the nonresidential structure from the property line between the parcels.
7. **Open Space Requirements.** In addition to the requirements for residential and nonresidential, below, the following open space requirements apply to all planned development permits:
 - a. Open space shall be designed as a major element of the project;
 - b. Open space shall be located to take advantage of, and to help preserve, existing natural amenities (e.g., trees, topographic features, waterways, and views);
 - c. Open space shall generally be clustered to create larger scale open spaces, but shall also be used to buffer incompatible uses and to provide corridors of space around and within developed areas to achieve a spacious character and convenient linkage to all parts of the site;
 - d. All landscaped areas shall be designed, installed, and irrigated in compliance with Chapter 17.30 (Landscaping);
 - e. Open space areas shall not include streets, whether public or private, off-street parking or landscaping required for the parking lot, access drives, loading areas, or area(s) covered by structures;
 - f. The location of all open space, including any off-premises locations, shall be identified on appropriate plans; and
 - g. The Commission may modify any open space requirement after considering the general purpose and nature of the project. If the open space requirement is modified, another amenity(ies) shall be provided.

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8. Maintenance of Common Areas. The applicant shall provide for the permanent maintenance of all common area(s), including open space areas, within the development. The applicant shall provide the following:
 - a. A plan showing all common areas and areas to be dedicated to/for public and/or private use; and
 - b. If the development consists of:
 - i. Only one parcel, a plan for maintenance, or
 - ii. More than one parcel, a plan for maintenance and a mandatory homeowners' association to provide permanent maintenance of the common area. If the homeowners' association terminates, disbands, or otherwise defaults on its maintenance obligations, the City reserves the right to form a mandatory maintenance district.
 9. Limitations. The Commission shall have the authority to define and limit the requirements for each approved land use within the area covered by the approved planned development permit.
 10. Distinct. All standards apply to each individual planned development permit, and off-site improvements and amenities cannot be used to meet any of the requirements for a specific, individual planned development permit.
 11. Requirements and Standards. Unless clearly stated otherwise in the approved planned development permit, the provisions, regulations, requirements, and standards governing the development and on-going operation of the site covered by the planned development permit shall be in compliance with this Development Code.
 12. Development Phasing. If the project would be phased, the applicant shall submit a schedule indicating the development schedule for the project, including open space and amenities.
 - a. Projects developed in phases shall be designed so that each successive phase would contain open space and amenities to independently satisfy applicable open space requirements.
 - b. If the proposed project would be developed with a series of planned development permits for smaller areas within the site, a master planned development permit shall be prepared for the site. It shall show the location and type of open space and amenities and the location and type of development to be proposed.
 - D. Permit Requirements. Planned Development Permit approval (Section 17.40.060) shall be required for all development and new land uses except the interim land uses allowed by subsection G below. A planned development permit application must be simultaneously submitted with an application for rezoning to apply the -PD overlay zoning district, where rezoning is initiated by a property owner.
 - E. Residential Projects. In addition to the general standards listed above, the following standards shall apply to residential projects:
 1. Housing Types and Quantity. The type of housing allowed in a planned development may include a variety of housing types, including single-family dwellings, duplexes, triplexes, townhouses, and multifamily. The number of allowable dwelling units on each parcel may exceed the number allowed within the specific zoning district, provided:

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- a. Multiple Parcels. In the case of multiple parcels, that the number of units in the entire project does not exceed the maximum allowable density for the zoning district; or
 - b. Two or More Zoning Districts. If the site contains two or more residential zoning districts, that the number of units in the entire project does not exceed the maximum cumulative number of dwelling units permitted for the entire project.
 2. Parking Requirements. Parking shall comply with the required parking standards in Chapter 17.32 (Parking and Loading). Projects consisting of both residential and nonresidential uses may deviate from parking standards.
 3. Landscape and Common Open Space Requirements. At least 20 percent of the gross property area shall be reserved for, and devoted to, landscaped areas and useable common open space area(s), (e.g., greenbelts, lawns, riparian corridors, and pedestrian trails), excluding public parks. The required maintenance entity shall only be required to maintain the landscape and open space areas that are required for the project by this Development Code.
 4. Amenities. One or more amenities shall be provided with each project subject to a planned development permit. Examples of amenities that may be provided include recreation facilities, community meeting halls, parks and play fields, tot lots, swimming pools, enhanced right-of-way treatments, special identity architectural elements, water features, and similar amenities of a permanent nature.
 5. Accessory Uses. Accessory commercial and service uses limited to no more than 10 percent of the project's gross property area may be a component of a residential planned development project to provide daily necessities. Uses allowed include beauty/barber shops, postal facilities, quick copy shops, general stores, drug store/pharmacy, or other uses clearly intended for the convenience of residents.
 6. Maintenance. The developer of a residential project shall establish a homeowner's association for the purpose of maintaining common areas and enforcing the CC&Rs.
- F. Nonresidential Projects. In addition to the general standards provided in this section, the following standards shall apply to nonresidential projects.
1. Parking Requirements. The number and design of off-street parking areas may deviate from the parking standards identified in this Development Code.
 2. Common Open Space Requirements. At least 20 percent of the gross property area in all nonresidential developments shall be reserved for, and devoted to, landscaped and useable pedestrian-oriented open space area(s). Open spaces may include courtyards, landscaped gardens, outdoor dining areas, plazas, and water features; but shall not include parking.
 3. Amenities. One or more amenities shall be provided with each project subject to a planned development permit. Examples of amenities that may be provided include community facilities (e.g., community center, post office), public plazas with enhanced pedestrian amenities, (e.g., water features, seating, landscaping), vehicle and/or pedestrian connections to adjacent uses/neighborhoods, unique architectural features (e.g., clock tower), water fountains, and similar amenities of a permanent nature.
 4. Signs. All nonresidential signs shall be part of a comprehensive sign program in compliance with Chapter 17.34 (Signs).

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5. Accessory Uses. Accessory commercial and service uses limited to no more than a total of 20 percent of the project's gross property area may be a component of an industrial planned development project to provide convenience items and services. Uses allowed include beauty/barber shops, postal facilities, quick copy shops, general stores, drug store/pharmacy, eating establishments, banking facilities, or other uses clearly intended for the convenience of area workers.

G. Interim Land Uses. Any land use normally allowed by this article in the applicable primary zoning district may be authorized within the -PD overlay district through the planned development permit. Prior to the approval of a planned development permit, allowable uses shall be limited to the following:

1. Residential Districts. When the -PD overlay is combined with a residential zoning district, a site may be used for any of the agricultural, resource, and open space uses identified as permitted by Table 2-4. With use permit approval, a site may be used for these temporary, short-term activities involving no physical improvements to the site.
2. Commercial Districts. When the -PD overlay is combined with a commercial zoning district, a site may be used in advance of planned development permit approval only for temporary, short-term activities involving no physical improvements to the site, when authorized by use permit approval.
3. Industrial Districts. When the -PD overlay is combined with an industrial zoning district, a site may be used in advance of Planned Development Permit approval only for temporary, short-term activities involving no physical improvements to the site, when authorized by use permit approval.

H. Relationship to Annexation and Growth Management. Where a Planned Development (-PD) overlay zoning district is proposed in conjunction with an annexation, Sphere of Influence amendment, or rezoning of unincorporated territory, the following shall apply:

1. The planned development shall be subject to the requirements of Chapter 17.77 (Boundary Changes).
2. The planned development shall not be approved unless it is consistent with:
 - a. The General Plan;
 - b. Chapter 15.34 (Growth Management Plan);
 - c. Any applicable master plan required under Chapter 17.77; and
 - d. Annexation criteria and required findings set forth in Chapter 17.77.
3. The planned development process shall not be used to avoid or reduce requirements related to infrastructure provision, including water, wastewater, storm drainage and basin planning, transportation improvements, or electric service, nor to avoid requirements related to traffic mitigation, agricultural mitigation, or public facility coordination.
4. Flexibility in development standards may be permitted only where the City finds that the planned development provides equal or greater public benefit, design quality, and functionality than would be achieved under standard zoning regulations.
5. Approval of a planned development overlay shall not exempt a project from compliance with applicable provisions of this Development Code or other applicable City regulations.
- 4-6. Deviation from standard zoning regulations through a planned development shall not, in itself, constitute a public benefit.

SECTION 4. Lodi Municipal Code Title 17 – Development Code – Article 6 “Development Code Administration,” Chapter 17.77 “BOUNDARY CHANGES,” Sections 17.77.010 “Purpose of Chapter,” 17.77.020 “State law,” 17.77.030 “Local Agency Formation Commission (LAFCO),” 17.77.040 “Review Authority,” 17.77.050 “Stage 1 – Initiation (Merit Hearing),” 17.77.060 “Consistency with General Plan, Growth Management, and Guiding Principles,” 17.77.070 “Criteria,” 17.77.080 “Stage 2 – Formal Application,” 17.77.090 “Annexation Process,” 17.77.100 “Master Plan Requirement,” 17.77.110 “Detachment and Reorganization Process,” 17.77.120 “Sphere of Influence (SOI) Amendments,” and 17.77.130 “Reapplication,” are hereby added as follows:

Chapter 17.77 - BOUNDARY CHANGES.

The purpose of this Chapter is to establish procedures and requirements governing boundary changes, including annexations, detachment, reorganizations, and Sphere of Influence (SOI) amendments, to ensure orderly growth, fiscal sustainability, efficient provision of services, and consistency with the City’s General Plan and adopted policies.

17.77.020 State law.

All boundary changes shall be processed in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.), as may be amended, and applicable policies and procedures of the Local Agency Formation Commission (LAFCO).

17.77.030 Local Agency Formation Commission (LAFCO).

The San Joaquin County Local Agency Formation Commission (LAFCO) has exclusive authority over the approval of boundary changes. The City establishes the procedures in this Chapter to govern initiation, evaluation, and processing of proposals prior to submittal to LAFCO.

17.77.040 Review Authority.

- A. Planning Commission. The Planning Commission shall conduct preliminary Merit Hearings and recommend to the City Council whether a proposal should proceed beyond the Merit Hearing process. If authorized by the City Council, the applicant may submit the required annexation-related entitlement applications, which shall be reviewed by the Planning Commission before making recommendations to the City Council for final action.
- B. City Council. The City Council shall determine whether proposals may proceed beyond the Merit Hearing. Following review and recommendation by the Planning Commission on the required annexation-related entitlement applications, the City Council shall take final action on such applications and authorize submission of an application to LAFCO, as applicable and shall take final action on annexation-related entitlements and authorization to submit applications to LAFCO.

17.77.050 Stage 1 – Initiation (Merit Hearing).

- A. Applicability. A Merit Hearing shall be required prior to acceptance of any formal application for annexation, Sphere of Influence (SOI) amendment, rezoning, or reorganization.

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- B. Purpose. The Merit Hearing is intended to evaluate whether a proposal demonstrates sufficient merit, including consistency with the General Plan and Section 17.77.060, to justify further processing.
 - C. Planning Commission Hearing. The Planning Commission shall conduct a duly noticed public hearing and provide a recommendation to the City Council.
 - D. City Council Determination. The City Council may allow the proposal to proceed, proceed with direction or conditions, or deny the request.
 - E. Effect. Approval at the Merit Hearing stage authorizes only the filing of a formal application and does not constitute approval of any entitlement.
 - F. No Processing Without Authorization. No formal application shall be accepted as complete and no environmental review shall commence without City Council authorization. The City shall not initiate environmental review until required traffic studies have been scoped and accepted by the City's traffic engineer and, where applicable, the California Department of Transportation (Caltrans).
 - G. Preliminary Submittal Requirements. Applicants shall provide sufficient information to evaluate merit, including conceptual land use plans, neighborhood framework concepts, infrastructure feasibility (including water, wastewater, storm drainage, electric service, and transportation), fiscal overview, stormwater basin feasibility, preliminary traffic analysis, parks and open space concepts, and other materials as determined by the Community Development Director.

17.77.060 Consistency with General Plan, Growth Management, and Guiding Principles.

- A. General Plan Basis. All proposals shall be consistent with the City of Lodi General Plan, which shall serve as the primary basis for evaluating annexations and SOI amendments.
- B. Growth Management Compliance. All proposals shall comply with Chapter 15.34 (Growth Management Plan for Residential Development). Approval of an annexation or SOI amendment does not confer growth allocations or development entitlements.
- C. No Vesting. Approval shall not vest development rights.
- D. Guiding Principles. Proposals shall demonstrate consistency with the following:
 - 1. Compact and contiguous growth;
 - 2. Phased and orderly expansion;
 - 3. Avoidance of piecemeal annexation;
 - 4. Complete neighborhoods with a sense of place;
 - 5. Walkable and bikeable connectivity;
 - 6. Integration of stormwater basins with open space and neighborhood design;
 - 7. Parks and trail connectivity;
 - 8. Agricultural edge protection and buffering;
 - 9. Consistency with land use and employment strategies;
 - 10. Infrastructure-first development;
 - 11. Integration of schools and community facilities;
 - 12. Coordination with regional and public agencies.
- E. Required Findings. The City shall make findings of consistency with this section prior to approval.
- F. Basis for Denial. The City may deny or defer proposals inconsistent with this section.

17.77.070 Criteria.

Proposals shall be evaluated based on:

- A. Consistency with the General Plan;
- B. Contiguous and orderly growth patterns;
- C. Infrastructure capacity and sequencing, including water, wastewater, storm drainage, transportation, police, fire, and electric service;
- D. Electric service feasibility;
- E. Fiscal neutrality or benefit;
- F. Financing and cost recovery mechanisms, if required;
- G. Agricultural protection consistent with Chapter 15.69, if applicable;
- H. Consistency with SOI and LAFCO policies;
- I. Public benefit;
- J. Phasing and timing;
- K. Stormwater feasibility, including basin provision;
- L. Traffic impacts and coordination with Caltrans, if applicable, with all required studies funded by the applicant;
- M. Consistency with Section 17.77.060.
- N. Planned Development (PD) Consistency. Where a Planned Development (PD) zoning designation is proposed in conjunction with an annexation, Sphere of Influence amendment, or rezoning, the PD shall:
 - 1. Be consistent with the General Plan, Chapter 15.34 (Growth Management Plan), and this Chapter;
 - 2. Be consistent with any applicable master plan required under Section 17.77.100;
 - 3. Not be used to avoid or reduce requirements related to infrastructure provision, including water, wastewater, storm drainage and basin planning, transportation improvements, or electric service;
 - 4. Not be used to avoid or reduce requirements related to traffic impact mitigation, including coordination with the City's traffic engineer or the California Department of Transportation (Caltrans), where applicable;
 - 5. Not be used to avoid or reduce requirements related to agricultural mitigation, edge buffering, or land use compatibility, where applicable;
 - 6. Demonstrate that any deviation from standard zoning regulations results in equal or greater public benefit, design quality, and functionality than would be achieved under standard zoning;
 - 7. Be subject to all applicable requirements, findings, and conditions of this Chapter.

Approval of a Planned Development zoning designation shall not exempt a project from compliance with this Chapter. Deviation from standard zoning regulations through a Planned Development shall not, in itself, constitute a public benefit.

17.77.080 Stage 2 – Formal Application.

- A. Following Merit Hearing authorization, the applicant shall submit a formal application to the Community Development Department.
- B. The Community Development Director shall determine application completeness and applicable submittal requirements.
- C. The application shall be subject to full review under this Chapter, CEQA, the General Plan, Chapter 15.34, and applicable regulations.

17.77.090 Annexation Process.

- A. Contiguity. Annexation territory shall be contiguous to the existing city limits.
- B. Pre-zoning Required. Annexation of unincorporated territory shall require rezoning consistent with the General Plan.
- C. Application Filing. Applications shall be submitted to the Community Development Department.
- D. Application Requirements. Applications shall include, as applicable:
 - 1. Completed application and fees;
 - 2. Legal description and map;
 - 3. Proposed rezoning;
 - 4. CEQA documentation;
 - 5. Infrastructure and public service plan including water, wastewater, storm drainage (including basins), transportation, police, fire, and electric utility service;
 - 6. Electric utility analysis;
 - 7. Fiscal impact analysis;
 - 8. Financing plan, if required;
 - 9. Agricultural mitigation compliance, if applicable;
 - 10. Williamson Act compliance, if applicable;
 - 11. Phasing plan;
 - 12. Tax-sharing agreement, if required;
 - 13. LAFCO application materials;
 - 14. Stormwater technical analysis;
 - 15. Traffic impact analysis;
 - 16. Neighborhood design and connectivity plan;
 - 17. Parks, open space, and basin integration plan;
 - 18. School coordination plan, where applicable.

The Community Development Director may determine applicability of submittal items.

- E. Planning Commission. The Planning Commission shall hold a public hearing and make recommendations.
- F. City Council. The City Council shall hold a public hearing and may approve, condition, or deny the request, adopt rezoning, and adopt a resolution authorizing submittal to LAFCO.
- G. Resolution Required. No annexation application shall be submitted to LAFCO without City Council adoption of a resolution of application.
- H. Conditions of Approval. The City may require infrastructure improvements, stormwater basin dedication, traffic improvements, and utility upgrades, all at the applicant's expense unless otherwise approved.
- I. Fire District Separation. All costs associated with detachment from rural fire protection districts shall be borne by the applicant.

17.77.100 Master Plan Requirement.

- A. Applicability. Annexations involving undeveloped or partially developed land shall require a comprehensive master plan.
- B. Definition and Acceptable Plan Types. For purposes of this Chapter, a "master plan" means a comprehensive planning document that establishes land use, circulation,

infrastructure, public facilities, and implementation measures for a defined geographic area.

A master plan may take the form of one or more of the following, as determined by the City:

1. Specific Plan;
2. Precise Plan;
3. Area Plan or Master Development Plan;
4. Planned Development or similar zoning-based plan;
5. Other comprehensive planning document deemed equivalent by the City.

The City shall determine the appropriate type and level of planning required based on the size, location, complexity, and potential impacts of the proposed annexation.

C. Preparation. The master plan may be prepared by the City or the applicant.

D. City Plans. Where a City-prepared master plan exists or is underway, the applicant shall demonstrate consistency with that plan.

E. Applicant Plans. Where no City-prepared master plan exists, the applicant shall prepare the required master plan in accordance with this section.

F. Timing. The master plan shall be submitted prior to or concurrently with the annexation application, unless the City determines that an existing or ongoing City-prepared plan satisfies this requirement. The City Council may require approval of the master plan prior to, or as a condition of, annexation approval.

G. Required Components. The master plan shall include, as applicable:

1. Land use plan;
2. Neighborhood design and framework;
3. Circulation plan, including pedestrian and bicycle connectivity;
4. Infrastructure and utilities plan, including water, wastewater, storm drainage, and electric service;
5. Stormwater and basin plan, including location, sizing, land area, and integration with open space;
6. Parks, open space, and trail plan;
7. Phasing plan;
8. Fiscal impact analysis and financing plan;
9. School and public facility coordination, where applicable;
10. Agricultural edge and buffer strategy, if applicable;
11. Environmental review (CEQA), as required.

H. Consistency. The master plan shall demonstrate consistency with the General Plan, Chapter 15.34 (Growth Management Plan), this Chapter, and applicable LAFCO policies.

I. Effect of Approval. Approval of a master plan shall not vest development rights. All subsequent development applications shall be consistent with the approved master plan.

J. Amendments. Substantial modifications to an approved master plan shall require review and approval by the City.

K. Cost Recovery. Where the City prepares a master plan, the City may require applicants to reimburse or contribute to planning costs based on acreage, proportional benefit, or other method determined by the City.

17.77.110 Detachment and Reorganization Process.

Detachment and reorganization proposals shall follow the same procedures, requirements, and review standards as annexations.

17.77.120 Sphere of Influence (SOI) Amendments.

- A. SOI amendments shall require Merit Hearing authorization and a formal application.
- B. Applications shall demonstrate logical expansion, infrastructure feasibility, and consistency with General Plan growth policies.
- C. The City Council may approve, deny, or condition the request and shall adopt a resolution prior to submittal to LAFCO.

17.77.130 Reapplication.

A proposal denied by the City Council shall not be resubmitted for twelve (12) months unless substantial new information or changed circumstances are demonstrated.

SECTION 5. Lodi Municipal Code Title 17 – Development Code – Article 6 “Development Code Administration,” Chapter 17.78 “WILLIAMSON ACT REGULATIONS,” Sections 17.78.010 “Purpose of chapter,” 17.78.020 “Nonrenewal of Williamson Act contract,” 17.78.030 “Cancellation of Williamson Act contract,” 17.78.040 “Subdivision of contracted land,” 17.78.050 “Williamson Act contracts and annexation,” 17.78.060 “Recorded agreement requirement,” and 17.78.070 “Relationship to State law,” are hereby added as follows:

Chapter 17.78 – WILLIAMSON ACT REGULATIONS.

17.78.010 Purpose of chapter.

This Chapter establishes the City of Lodi’s procedures and decision framework for the processing of Williamson Act contract nonrenewals, cancellations, and annexation-related determinations in compliance with Government Code Sections 51200 et seq., 51243 through 51246, and 51281 through 51295. The intent of this Chapter is to balance agricultural land conservation with orderly urban growth consistent with the General Plan, Sphere of Influence, and Chapter 17.77 (Boundary Changes).

17.78.020 Nonrenewal of Williamson Act contract.

A. Initiation. Notice of nonrenewal may be initiated by either:

- 1. The City Council; or
- 2. The property owner(s).

in accordance with Government Code Section 51245.

B. Filing Requirements. A notice of nonrenewal shall be filed with the Community Development Department and shall include:

- 1. Completed notice form;
- 2. Preliminary title report dated within six months;
- 3. Any additional documentation required by the Community Development Director to confirm ownership and contract status.

C. Timing. The notice shall be served in accordance with Government Code Section 51245 prior to the annual renewal date.

D. Recordation. Upon determining completeness, the City Clerk shall record the notice with the County Recorder and provide copies to:

1. Property owner(s);
2. Director of Conservation;
3. County Assessor.

E. Effect. Nonrenewal results in termination of the contract after the statutory 10-year period pursuant to Government Code Section 51246.

17.78.030 Cancellation of Williamson Act contract.

A. Initiation. Only the property owner(s) may petition for cancellation pursuant to Government Code Section 51281.

B. Submittal Requirements. Petitions shall include:

1. City petition form;
2. Current preliminary title report;
3. Filing fee per City fee schedule;
4. Additional materials as required by the Community Development Director.

C. Public Hearing. The City Council shall hold a duly noticed public hearing on the request for tentative cancellation.

D. Findings. Cancellation may only be approved if the City Council makes findings consistent with Government Code Sections 51282 and 51283. The burden of proof shall be on the applicant. The City shall complete environmental review pursuant to the California Environmental Quality Act (CEQA).

E. Recordation. Certificates of tentative cancellation and final cancellation shall be recorded in accordance with Government Code Section 5183.4.

17.78.040 Subdivision of contracted land.”

Subdivision of land subject to a Williamson Act contract into parcels smaller than viable agricultural size shall be denied unless permitted under Government Code Section 66474.4. No subdivision shall be approved that would facilitate development inconsistent with continued agricultural use during the contract term.

17.78.050 Williamson Act contracts and annexation.

A. Policy. Annexation into the City signals planned future urbanization. It is the City’s policy to resolve Williamson Act contract status prior to development while allowing limited circumstances for temporary continuation where it serves long-term public interests.

B. Council Determination Required. As part of any annexation request subject to Chapter 17.77, the City Council shall determine the appropriate Williamson Act contract resolution pathway prior to approving annexation or authorizing submittal to LAFCO. The Council shall select one of the following:

1. Nonrenewal Pathway (Standard). Required where development is not immediate but urbanization is anticipated. Nonrenewal shall be initiated where:

- a. Development is anticipated within the remaining contract term;
- b. Urban services or infrastructure will be extended during the contract term; or
- c. The property is included within an approved master plan or annexation area intended for future development.

2. Cancellation Pathway (Immediate Development). Required where annexation is directly tied to near-term development approvals, infrastructure construction, or projects providing substantial public benefit.

3. City Succession Pathway (Strategic Retention). The City Council may authorize annexation and succeed to the Williamson Act contract pursuant to Government Code Section 51243 only if all of the following findings are made:

- a. The property is located within the City's adopted Sphere of Influence;
- b. Annexation supports orderly urban planning, infrastructure coordination, housing production, economic development, elimination of irregular boundaries, or other substantial public purposes identified in the General Plan;
- c. Continuation of the contract will not interfere with infrastructure planning, financing, or service delivery;
- d. Temporary continuation will not undermine agricultural mitigation policies or result in premature conversion of agricultural land;
- e. The property owner enters into and records an agreement, in a form approved by the City Attorney, acknowledging that no discretionary development approvals may be granted until the contract has expired or been cancelled, and committing to initiate nonrenewal or cancellation prior to seeking development approvals; and
- f. Annexation does not constitute approval of development and does not limit the City's discretion to deny future land use entitlements.

C. Development Restriction. No discretionary development approval, subdivision, or building permit shall be issued on property subject to a Williamson Act contract, including a contract to which the City has succeeded, until the contract has expired following nonrenewal or a certificate of cancellation has been recorded.

D. No Entitlement. Nothing in this section creates a right to annexation. The City Council retains discretion to deny annexation where continued contract status conflicts with City planning, fiscal, or service objectives.

E. Relationship to Chapter 17.77. Resolution of Williamson Act contract status shall be a required component of annexation review under Chapter 17.77. No annexation shall be approved or submitted to LAFCO until the City Council has determined the appropriate contract resolution pathway.

17.78.060 Recorded agreement requirement.

Where the City succeeds to a Williamson Act contract under Section 17.78.050(B)(3), the property owner shall record an agreement, in a form approved by the City Attorney, acknowledging development restrictions and committing to future contract resolution prior to development.

17.78.070 Relationship to State law.

Where this Chapter conflicts with State law, State law shall control.