

CC 538

CITY COUNCIL MEETING  
FEBRUARY 15, 1984

**PUBLIC HEARINGS**

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Olson called for the Public Hearing to consider THE APPEAL OF Wilbert Ruhl, 3933 Almond Drive, Lodi of the Lodi Planning Commission's approval of the Tentative Map of Noma Ranch at its January 9, 1984 meeting.

The matter was introduced by Community Development Director Schroeder who presented a history of the subject and diagrams of the subject area.

A verbatim transcript of the Public Hearing was made and will be attached as Exhibit "A" to these minutes.

Following Staff's presentation, public testimony, and discussion, Council, on motion of Mayor Pro Tempore Snider, Reid second, denied the appeal of Wilbert Ruhl, 3933 Almond Drive, Lodi, of the Lodi Planning Commission's approval of the Tentative Map of Noma Ranch at its January 9, 1984 meeting with conditions which included amending the buffer zone to include the installation of a 7 foot fence on the

common property line; a 20 foot set back from the common property line which will be landscaped to the approval of the Public Works Director; and the notification of future property owners by the developer that they will be living adjacent to a farming operation. The action also included the reiterating of findings and conditions by the Planning Commission and the findings as established by the Council at its 1/4/84 Council meeting. The motion carried by unanimous vote of the Council.

NOTICE OF PUBLIC HEARING BY THE CITY COUNCIL  
OF THE CITY OF LODI TO CONSIDER THE APPEAL  
OF WILBERT RUHL, 3933 ALMOND DRIVE, LODI, OF  
THE LODI PLANNING COMMISSION'S APPROVAL OF  
THE TENTATIVE MAP OF NOMA RANCH AT ITS  
JANUARY 9, 1984 MEETING

NOTICE IS HEREBY GIVEN that on Wednesday, February 15, 1984 at the hour of 8:00 p.m. or as soon thereafter as the matter may be heard, the Lodi City Council will conduct a public hearing in the Council Chambers, City Hall, 221 West Pine Street, Lodi, California, to consider the appeal of Wilbert Ruhl, 3933 Almond Drive, Lodi, of the Lodi Planning Commission's approval of the Tentative Map of Noma Ranch at its January 9, 1984 meeting.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views either for or against the above proposal. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein and oral statements may be made at said hearing.

Dated: February 1, 1984

BY ORDER OF THE CITY COUNCIL

Alice M. Reimche  
City Clerk



**SAN JOAQUIN COUNTY**  
**OFFICE OF THE**  
**AGRICULTURAL COMMISSIONER**

POST OFFICE BOX 1809  
 STOCKTON, CALIFORNIA 95201  
 PHONE (209) 944-2225

MAIN OFFICE - STOCKTON  
 1800 E. HAZELTON AVE

LODI OFFICE  
 210 N. SACRAMENTO ST

MANTECA OFFICE  
 302 S. MARKET BLVD.

TRACY OFFICE  
 300 E. 10TH STREET

REBECAH OFFICE  
 1540 S. ROBERT ST.

RECEIVED  
 FEB 15 PM 9:59  
 ALICE J. NEINICHE  
 CITY CLERK  
 CITY OF LODI

ERWIN B. EBY  
 AGRICULTURAL COMMISSIONER  
 SEALER OF WEIGHTS & MEASURES  
 ANIMAL CONTROL

JOSEPH F. SILVA  
 ASST. AGRICULTURAL COMMISSIONER

February 14, 1984

To: John Giannoni, Jr.  
 From: San Joaquin County Agricultural Commissioner  
 Subject: Pesticide Application Adjacent to Noma Ranch  
 Subdivision Proposal

Dear Sir:

This letter is in response to your question as to what degree the Noma Subdivision would affect farming operations with respect to the future applications of pesticides to vineyards adjacent to the proposed Noma Ranch Subdivision.

Section 12972 of the Food and Agricultural Code provides that pesticides shall be applied in such a manner to prevent substantial drift to non target areas. "Substantial drift" is that amount which may cause damage to property, crops or livestock. Any detectable amount of contaminations onto people not connected with the pesticide application is substantial drift and considered a violation.

An applicator when applying pesticides will often leave a buffer around a property to prevent substantial drift. A "buffer" is a non treated area between the treatment area and non target area that aids in the prevention of a substantial drift. Whether or not a buffer is necessary and if so, the distance of that buffer depends on many different factors. These include (1) the nature of the surrounding property, (2) formulation of the pesticide, (3) toxicity of the pesticide, (4) method of application and (5) weather conditions.

To determine if a buffer is needed, an applicator must first evaluate what is surrounding the property to be treated. With the Noma Ranch proposal there will be a housing development adjacent to a vineyard. Any application to that vineyard will have to take into account the potential hazard to people, pets and property of the housing development.

The toxicity of a pesticide is a large consideration when evaluating conditions to determine the distance of a buffer. A

highly toxic pesticide will require a greater buffer than a low toxic pesticide because of the potential hazard. If there is a lot of foot traffic around the vineyard, than any amount of buffer for the highly toxic pesticides may not be adequate. The use of these materials may be denied.

Whether a pesticide is a liquid, wettable powder, dust, granule, bait or fumigant greatly influences the amount of buffer that is needed to prevent substantial drift. Pesticides in bait or granular formulation may not require as great a buffer as those in liquid and dust formulation. This is because their greater mass is not influenced as much by wind conditions so there is less drift. In the same respect, liquid formulations may not require as great a buffer as those in dust formulations. Fumigants are applied subsoil or tarped, so if applied properly there is no hazard from drift.

The method by which the pesticide is applied will often time determine the buffer that is needed. The same material that is applied by air may require a greater buffer than if applied by ground. In fact, some pesticides may be restricted to ground application only because of the hazard of drift from an air application. Those pesticides that are applied by a speed sprayer (many folier sprays and dead arm sprays) may require a greater buffer than those that are applied directly to the ground (weed sprays) because the pesticide is sprayed upwards as well as downwards causing it to become more influenced by wind conditions.

The distance of a buffer can change with weather conditions. The wind direction may determine if a buffer is needed at all. If the wind direction is from the vineyard to the houseing development a buffer may be needed but if it is from the houseing development to the vineyard the hazard of drift may be such that a buffer is not necessary. The wind speed, of course, will influence the amount of buffer needed to prevent substantial drift. In a moderate wind a greater buffer is going to be needed to prevent substantial drift than in a light breeze.

From the above discussion it is seen that the requirement for and distance of a buffer depends on many different factors. Unfortunately it is impossible to give a required distance for a buffer when pesticides are applied for vineyards adjacent to a houseing development because of the may variables that determine a buffer. If an inspector from the Agriculture Commissioner's office feels that a restricted material may be applied safely next to a housing development when a buffer is used, he will condition the permit as such. The amount of buffer is up to the applicator. It is the applicator's job to evaluate the previously mentioned factors and determine an adequate buffer to prevent substantial drift.

If the inspector determines that the hazard of a pesticide is such that no amount of buffer is adequate and that nothing else can be done to mitigate the hazard, the use of that pesticide on the property in question will be denied.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Hudson".

Scott Hudson  
Senior Agriculture Inspector

SH/ec

My name is Steve Quashnick, I am employed by G & S Farm Supply.

I am the manager. I am a licensed pest control advisor and operator. I have also farmed myself. I have had my license since 1978 and have worked extensively in the Lodi area.

I don't service either Noma or the adjoining landowners. I physically inspected the property proposed to be developed and the adjoining land.

In my professional opinion that development of Noma Ranch will not materially alter farming practices on the adjoining lands. The range of available pesticides ensures that successful farming can co-exist with residential development.

I have other farming clients who presently farm in subdivided areas. One client Mike Manna farms the Lobough property which is next to Lakeshore Village. He has not encountered any substantial difficulties despite farming 90 acres surrounded on two sides by subdivisions.

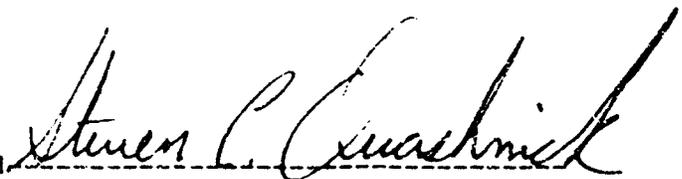
Although I am a supporter of Greenbelt initiative I feel that the development of Noma Ranch is appropriate and will not increase the difficulty of farming the few remaining open parcels in the area.

I am competent to testify to the above facts on my own personal knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

February 15, 1984

signed





**SAN JOAQUIN COUNTY  
DEPARTMENT OF PLANNING AND BUILDING INSPECTION**

1810 E. HAZELTON AVE., STOCKTON, CA 95205  
PLANNING PHONE: 209/944-3722  
BUILDING PHONE: 209/944-3701

RECEIVED

1984 FEB 15 10 02

**CHET DAVISSON**  
Director  
**JERRY HERZICK**  
Deputy Director  
**LOU THANAS**  
Deputy Director

February 15, 1984

**ALICE H. REIMONE**  
CITY CLERK  
CITY OF LODI

**Cavellero, Bray, Geiger & Redquist**  
311 East Main Street  
Stockton, California

Attn: Don Geiger

Dear Mr. Geiger:

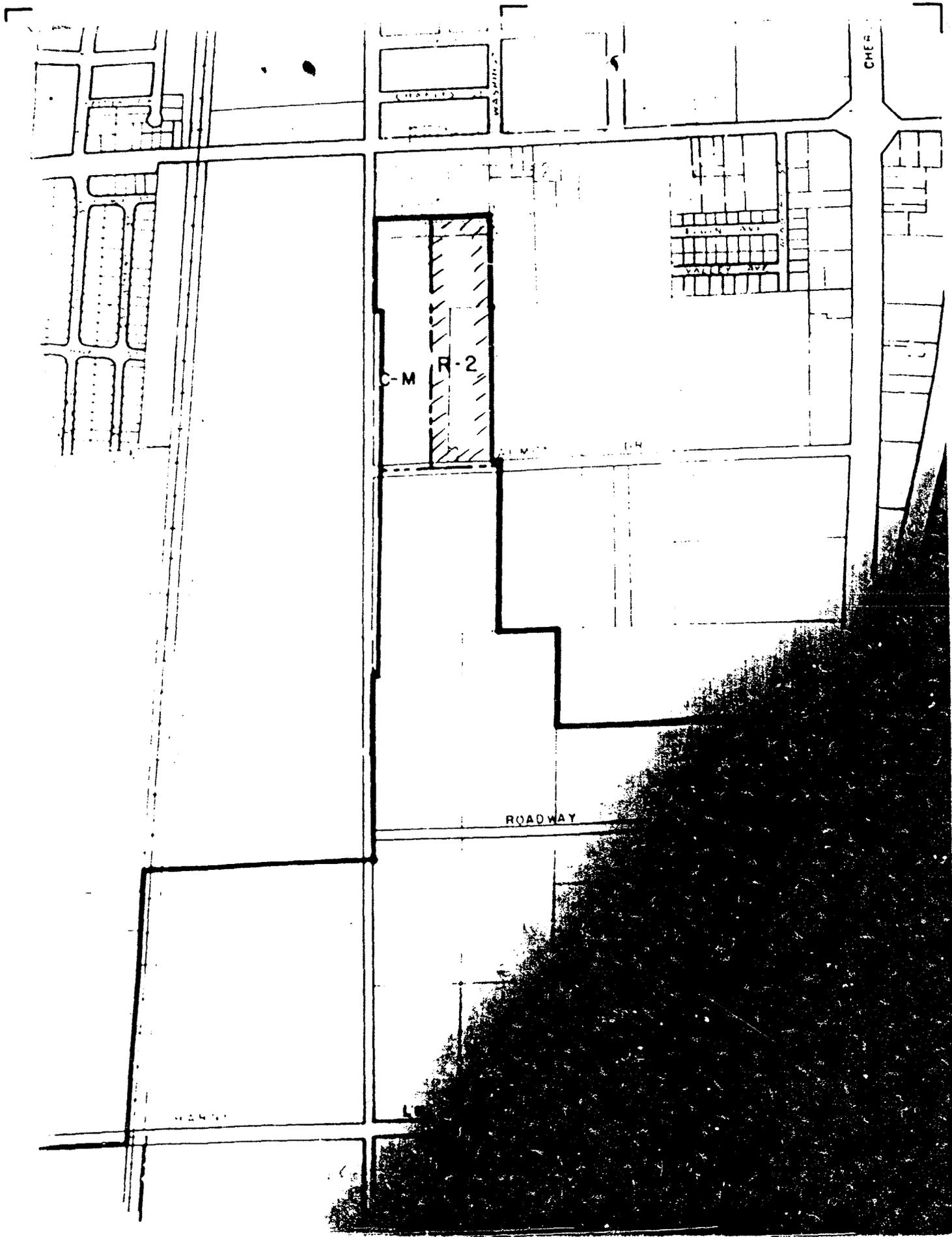
The parcel we discussed on Almond Drive, adjacent to the Lodi City Limits is in the unincorporated area of the County. The parcel is zoned R-2 (Residential) and is designated on the County General Plan as residential, low-density.

If you need any further information please contact me.

Very truly yours,

**HARRY E. RIDDLE**  
Senior Planner

HER/fa



C-M R-2

ROADWAY

CME

WASHING

VALLEY AV

VALLEY AV

RECEIVED  
JAN 20 PM 2 03  
ALICE M. REIMCHE  
CITY CLERK  
LODI, CALIF.

January 20, 1984

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

Re: Noma Ranch

Dear Mrs. Reimche:

I hereby appeal the decision of the Lodi Planning Commission approving the tentative map for the Noma Ranch, which decision was voted on at the Planning Commission's January 9, 1984 meeting.

Very truly yours,



WILBERT RUHL  
3933 Almond Drive  
Lodi, California 95240

AN ORDINANCE AMENDING THE LAND USE ELEMENT OF THE CITY GENERAL PLAN AS ADOPTED OCTOBER 5, 1955 REMOVING FROM THE LAND USE ELEMENT ANY AREA NOT WITHIN THE CORPORATE LIMITS OF THE CITY ON THE DATE OF THE ADOPTION OF THE ORDINANCE AND WILL REQUIRE A VOTE OF THE PEOPLE TO AGAIN INCLUDE THIS AREA IN THE LAND USE ELEMENT

The people of the City of Lodi do ordain as follows:

1. It shall be the policy of the City of Lodi to protect land in the Green Belt area in order to preserve and protect agricultural land, preserve the scenic value of the area, protect wildlife habitat and natural resources and to protect the small city character of Lodi.
2. The Green Belt area shall be designated as the area between the outer limits of the incorporated city and the outer limits of the adopted sphere of influence at the adoption of this ordinance.
3. To affect the policy of the City of Lodi to protect land in the Green Belt area, non-agricultural development in the City of Lodi which lies adjacent to the Green Belt area shall be permitted only after a finding by the City Council that such non-agricultural development will not interfere with the continued productive use of agricultural land in the Green Belt area or that an adequate buffer or mitigation zone exists to assure continued productive use of agricultural land in the Green Belt area.
4. At the time of adoption of this ordinance, the Green Belt area shall be removed from the existing Land Use Element of the General Plan of the City of Lodi.
5. Before land in the Green Belt area can be annexed by the City of Lodi, an amendment to the City's Land Use Element of the General Plan must be made and approved by a majority of the people voting in a city-wide election.
6. Before any annexation proposal can be approved, the City Council must make the finding that the proposed annexation is contiguous to existing city boundaries and the projected demand from the proposed development in the area to be annexed will not exceed the service capacity of existing municipal utilities and ser-

vices, the school district, and existing roadways.

7. Water, sewer, and electrical facilities shall not be expanded or extended until the City Council makes the finding that a proposed expansion or extension is consistent with the goals, policies and land use designations of the General Plan and this ordinance.

8. The City of Lodi may hold elections in consolidation with other scheduled elections in the City for the purpose of allowing voters to voice their opinions on amendments to the City's Land Use Element of the General Plan.

9. If any portion of this ordinance is hereafter determined to be invalid, all remaining portions of this ordinance shall remain in force and effect and to this extent the provisions of this ordinance are seperable.

Section 2. - This ordinance was brought to a vote of the voters at a Special Initiative Election held in the City of Lodi on August 25, 1981 and as a majority of the voters voted in its favor, the ordinance is a valid and binding ordinance of the City of Lodi.

Section 3. - This ordinance shall be considered as adopted upon the date that the vote is declared by the legislative body (Tuesday, September 1, 1981) and shall be in effect 10 days after that date.

Section 4. - All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. - Pursuant to Section 4013 of the State of California this ordinance shall not be repealed or amended except by a vote of the people.

State of California  
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1237 was brought to a vote of the voters at a Special Initiative Election held in the City of Lodi on August 25, 1981 and as a majority of the voters voted in its favor, the ordinance is a valid and binding ordinance of the City of Lodi. This ordinance shall be considered as adopted upon the date that the vote was declared by the legislative body (Tuesday, September 1, 1981) and shall be in effect 10 days after that date.

*Alice M. Reimche*  
ALICE M. REIMCHE

City Clerk

1237

CITY COUNCIL

EVELYN M. OLSON, Mayor  
JOHN R. (Randy) SNIDER  
Mayor Pro Tempore  
ROBERT G. MURPHY  
JAMES W. PINKERTON, Jr.  
FRED M REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
POST OFFICE BOX 320  
LODI, CALIFORNIA 95241  
(209) 334-5634

HENRY A. GLAVES, Jr.  
City Manager

ALICE M. REIMCHE  
City Clerk

RONALD M STEIN  
City Attorney

February 21, 1984

Mr. Wilbert Ruhl  
3933 Almond Drive  
Lodi, CA 95240

Dear Mr. Ruhl:

This letter will confirm the action taken by the City Council at its regular meeting of February 15, 1984 whereby, following a Public Hearing on the matter, Council denied the appeal of Wilbert Ruhl, 3933 Almond Drive, Lodi, of the Lodi Planning Commission's approval of the Tentative Map of Noma Ranch at its January 9, 1984 meeting with conditions which included amending the buffer zone to include the installation of a 7 foot fence on the common property line; a 20 foot set back from the common property line which will be landscaped to the approval of the Public Works Director; and the notification of future property owners by the developer that they will be living adjacent to a farming operation. The action also included the reiterating of findings and conditions by the Planning Commission and the findings as established by the Council at its January 4, 1984 Council meeting.

Should you have any questions regarding this matter, please do not hesitate to call.

Very truly yours,



Alice M. Reimche  
City Clerk

AMR:jj

CITY COUNCIL

EVELYN M. OLSON, Mayor  
JOHN R. (Randy) SNIDER  
Mayor Pro Tempore  
ROBERT G. MURPHY  
JAMES W. PINKERTON, Jr.  
FRED M. REID

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
POST OFFICE BOX 320  
LODI, CALIFORNIA 95241  
(209) 334-5634

HENRY A. GLAVES, Jr.  
City Manager

ALICE M. REIMCHE  
City Clerk

RONALD M. STEIN  
City Attorney

February 21, 1984

Baumback & Piazza  
323 West Elm Street  
Lodi, CA 95240

Gentlemen:

This letter will confirm the action taken by the City Council at its regular meeting of February 15, 1984 whereby, following a Public Hearing on the matter, Council denied the appeal of Wilbert Ruhl, 3933 Almond Drive, Lodi, of the Lodi Planning Commission's approval of the Tentative Map of Noma Ranch at its January 9, 1984 meeting with conditions which included amending the buffer zone to include the installation of a 7 foot fence on the common property line; a 20 foot set back from the common property line which will be landscaped to the approval of the Public Works Director; and the notification of future property owners by the developer that they will be living adjacent to a farming operation. The action also included the reiterating of findings and conditions by the Planning Commission and the findings as established by the Council at its January 4, 1984 Council meeting.

Should you have any questions regarding this matter, please do not hesitate to call.

Very truly yours,

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk

AMR:jj