
VOLUME I - CHAPTER NINE

COMMENTS AND

RESPONSES



9.1 COMMENTS RECEIVED

This chapter displays the comments received on the Draft General Plan and the Planning Department's written responses to the comments. Comments received on the Draft Plan included letters from agencies and individuals. A list of comments is provided below. All comments are shown verbatim on the following pages.

- State Clearing House and Planning Unit, Terry Roberts (February 10, 2006)
- Department of Conservation, Denis J. O'Bryant (February 9, 2006)
- Department of Transportation, Tom Dumas (February 8, 2006)
- Department of Water Resources, Mike Mirmazaheri (Jan 30, 2006)
- Department of the Army, Michael Finan (January 17, 2006)
- San Joaquin Valley Air Pollution Control District, Debbie Johnson (January 12, 2006)
- Modesto Irrigation District, Celia Aceves (February 6, 2006)
- San Joaquin Valley Department of Public Works, Thomas Dumas (February 8, 2006)
- Ripon Consolidated Fire District, Dennis Bitters (January 14, 2006)
- Ripon Unified School District, Leo Zuber (February 3, 2006)
- PG&E Land Services, Alfred Poon (January 19, 2006)



Arnold
Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

February 10, 2006

Ernie Tyhurst
City of Ripon
259 North Wilma Avenue
Ripon, CA 95366

Subject: General Plan EIR 2040 Update
SCH#: 1994062005

Dear Ernie Tyhurst:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on February 9, 2006, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

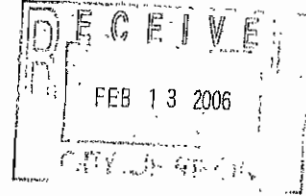
These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency



1A

**Document Details Report
State Clearinghouse Data Base**

SCH# 1994062005
Project Title General Plan EIR 2040 Update
Lead Agency Ripon, City of

Type EIR Draft EIR
Description General Plan EIR Update.

Lead Agency Contact

Name Ernie Tyhurst
Agency City of Ripon
Phone 209-599.2108 **Fax** 209-599.2685
email
Address 259 North Wilma Avenue
City Ripon **State** CA **Zip** 95366

Project Location

County San Joaquin
City Manteca, Modesto
Region
Cross Streets Along State Route 99

Parcel No.	Township	Range	Section	Base
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Proximity to:

Highways 99
Airports Stockton and Modesto
Railways UPRR
Waterways Stanislaus River
Schools Ripon Unified School & Ripon Christian School
Land Use N/A

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 2; Department of Conservation; Department of Forestry and Fire Protection; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 10; Department of Housing and Community Development; Native American Heritage Commission; State Lands Commission; Regional Water Quality Control Bd., Region 5 (Sacramento); State Water Resources Control Board, Division of Water Rights

Date Received 12/27/2005 **Start of Review** 12/27/2005 **End of Review** 02/09/2006

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to comment letter from Governors office of Planning and Research, State Clearinghouse and Planning Unit, February 10, 2006.

Response 1A: This letter acknowledges the circulation of the Draft EIR and the Ripon General Plan Update 2040 to state agencies for review pursuant to CEQA. The letter also transmits comments received by the SCH from state agencies to the City. No response is required.



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

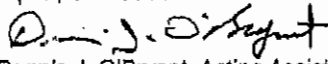
601 K STREET • MS 1B-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0650 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

TO: Project Coordinator
Resources Agency

Mr. Ernest A. Tyhurst, Director
Ripon Department of Planning and
Economic Development
259 North Wilma Avenue
Ripon, CA 95366

clear
2-9-06
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RECEIVED
FEB 09 2006
STATE CLEARING HOUSE

FROM: 
Dennis J. O'Bryant, Acting Assistant Director
Department of Conservation, Division of Land Resource Protection

DATE: February 9, 2006

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE CITY OF
RIPON 2040 GENERAL PLAN SCH# 1994062005

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division commented on the Notice of Preparation for this project in its letter of October 8, 2004, and now has the following comments on the DEIR.

2A

The DEIR notes that implementation of the General Plan Update may result in up to 4,200 acres of agricultural land conversion to urbanized land uses. The DEIR notes several goals and policies to lessen land use conflicts between the proposed land uses and adjacent agricultural land uses, however, does not offer any mitigation measures to reduce the agricultural land conversion impacts of the project.

2B

As noted in our previous letter, the Division recommends that the City consider the purchase of agricultural conservation easements on qualifying agricultural lands as mitigation to lessen the impacts of the project. This mitigation would be similar to the easements purchased through payment of developer fees for habitat conservation easements pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (Plan).

2C

*The Department of Conservation's mission is to protect Californians and their environment by:
Protecting lives and property from earthquakes and landslides; Ensuring safe mining and oil and gas drilling;
Conserving California's farmland; and Saving energy and resources through recycling.*

Project Coordinator and Mr. Ernest A. Tyhurst, Director
February 9, 2006
Page 2 of 2

Some local agencies have proposed a multi-purpose approach by requiring purchase or payment of fees for habitat conservation easements to both preserve habitat and agricultural lands. If this approach is used, it should be noted that land use restrictions based on habitat value may also restrict agricultural land from being used for its highest and best uses (permanent crops or orchards) and, therefore, not fully mitigate the agricultural land conversion impact. This is illustrated in the land value hierarchy set forth in the Plan which breaks down habitat conservation fees for orchards and vineyards (low value habitat) and row and field crops (high value habitat).

2C

The General Plan and the DEIR note that lands under Williamson Act contract are not available for annexation until the contracts are cancelled by non-renewal or other release. The General Plan and DEIR should clarify whether this is city, county or Local Agency Formation Commission (LAFCO) policy and whether the planning area includes land under contract in Farmland Security Zones. According to Government Code §51243, if a city annexes land under Williamson Act contract, the city must succeed to all rights, duties and powers of the county under the contract unless conditions in §51243.5 apply to give the city the option to not succeed to the contract. Although a city may have protested a contract and although LAFCO may have upheld the protest, conditions in §51243.5 may not have been met to give the city the option to not succeed to the contract. A LAFCO must notify the Department of Conservation within 10 days of a city's proposal to annex land under contract (Government Code §56753.5). A LAFCO must not approve a change to a sphere of influence or annexation of contracted land to a city unless specified conditions apply (Government Code §§51296.3, 56426, 56426.5, 56749 and 56856.5).

2D

Thank you for the opportunity to comment on the DEIR. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0850.

cc: San Joaquin County RCD
3422 West Hammer Lane, Suite A
Stockton, CA 95219

Responses to comment letter from California Department of Conservation, Division of Land Resource Protection, February 9, 2006.

Response 2A: This comment introduces the agency's roles and responsibilities in agricultural land conservation, and introduces its comments on the Draft EIR. No response is necessary.

Response 2B: This comment restates and characterizes information provided in the Draft EIR. No response is necessary.

Response 2C: This comment suggests that the City institute a program for mitigation of agricultural land conversion, specifically the purchase of agricultural conservation easements. The City currently has no such program in place. However, City staff will recommend that the City Council adopt Agricultural Land Mitigation Fund in conjunction with the adoption of the Ripon General Plan Update 2040. Adoption of the fund will involve the imposition of an agricultural impact fee on new development amounting to \$4,500 per acre, to be collected at the time of building permit issuance. The purpose of the fee will be to mitigate the loss of agricultural land resulting from urban development. Among other things, the fees will be used to leverage other funds for the acquisition of land and or the execution of conservation easements. The EIR has been amended to reflect this proposal.

The City of Ripon appreciates the Department of Conservation's input on other potential agricultural land mitigation systems. This information will be considered by City decision makers as the General Plan Update 2040 proceeds through the review and process.

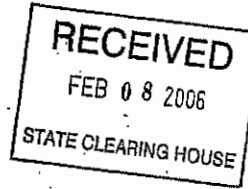
Response 2D: The General Plan and Draft EIR discussion of Williamson Act contracts is not a reflection of City, County or other policies but rather the requirements of the California Government Code, which governed Williamson Act contract administration and cancellation. The City of Ripon expects that Williamson Act contracts affecting certain lands proposed for annexation will have either expired by non-renewal or will be considered by the City Council for immediate cancellation, subject to the applicable Government Code requirements.

The Ripon Planning Area does/not include lands that are under contract in Farmland Security Zones. This information has been added to the EIR.

This comment provides additional information as to the City's obligation to succeed to Williamson Act contracts that were executed in the County, unless the provisions of Government Code Section 51243.25 apply. The City is aware of its obligations pursuant to the Government Code and would intend to abide by all relevant requirements with respect to Williamson Act contract cancellation.

DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. CHARTER WAY/1976 E. DR. MARTIN
LUTHER KING JR. BLVD. 95205)
TTY: California Relay Service (800) 735-2929
PHONE (209) 941-1921
FAX (209) 948-7194



Clear
2-9-06
e

Flex your power!
Be energy efficient!

February 8, 2006

**10-SJ-99-PM-Various
SCH 1994062005 (DEIR)
Ripon General Plan**

Ernest Tyhurst
City of Ripon
Department of Planning and Economic Development
259 North Wilma Avenue
Ripon, CA 95366

Dear Mr. Tyhurst:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the Draft Environmental Impact Report (EIR) for the General Plan 2040 Update for the proposal to accommodate 8,000 new dwelling units, and 1,600 acres of commercial and industrial area. The Department has the following comments:

- Proposed development may create a major impact on state facilities. When combined with the cumulative impacts of other existing and proposed development in this area, the resulting traffic will contribute to the significant congestion forecasted to SR-99. Therefore, the Department recommends the collection of impact fees on a "Fair Share" basis for future improvements to this facility.
- Balancing the demand for housing and employment at a community scale enables residents to live and work in the same area, potentially decreasing demand on inter-regional transportation facilities.
- Paths, greenways, and other passive recreational uses such as linear parks can also increase mobility and are an appropriate fit along local rivers, creeks, and canals, provided they are constructed in an environmentally conscientious manner. Continuity and connectivity are important considerations that may necessitate coordination with adjoining jurisdictions.

3A

3B

3C

"Caltrans improves mobility across California"

Mr. Tyhurst
February 8, 2006
Page 2

- While recognizing that topographic and environmental constraints may preclude a strict interconnected grid street network, roads which are routed in parallel can provide an alternative to using the interregional roads or highway, thereby helping to alleviate congestion on State facilities. A street system with minimal interconnectedness -- where drivers are siphoned from local streets to major streets or highways -- concentrates traffic, leaving few choices to drivers. An interconnected grid street system offers the traveler multiple paths to reach any destination, thereby alleviating potential congestion by providing alternative routes. 3D
- In lieu of reliance on the automobile for every trip, the Department supports the concept of a local circulation system which is pedestrian-, bicycle-, and transit-friendly in order to enable residents to choose alternative modes of transportation. Also, a mixture of land uses creates opportunities to substitute walking for driving. Improved transit accommodation through the provision of park and ride facilities, signal prioritization, or other enhancements can also improve mobility. 3E

FUNCTIONAL UNIT COMMENTS

Traffic Operations

- The proposed local and regional growth will result in the need to widen State Route 99 (SR-99) to 8 lanes within the City of Ripon vicinity. Implementation of high occupancy vehicle (HOV) lanes and ramp meters will be necessary in order to alleviate some of the future congestion. 3F
- On Page 4-37, park-and-ride lots are mentioned for use as part of the transit system. Park-and-ride lots (as well as the regional transit routes themselves) should also be coordinated for use with the anticipated HOV lanes and ramp meters (GOV bypass lane opportunities) to create a comprehensive HOV system. The park-and-ride lots should be consistent with the Department Ramp Metering, HOV, and Park-and-Ride plans and/or policies. 3G
- In order to maintain the integrity of the State Highway System (SHS), proposed local development projects with potential impact to the SHS will need to be reviewed by the Department. Projects impacting the SHS may require a Traffic Impact Study in order to determine the necessity for and types mitigation to increased traffic. 3H

"Caltrans improves mobility across California"

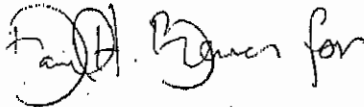
Mr. Tyhurst
February 8, 2006
Page 3

Environmental Planning

- The Department is responsible for the maintenance and operation of State and Interstate highways within California. Any proposal that would affect that, or environmental resources within the existing highway right-of-way, are of concern to the Department. 31
- The Draft EIR identifies the need for a new interchange on SR-99 at two locations, which will require coordination with the Department. **If the proponents for the individual development proposals allowed under the General Plan will need to encroach upon SR-99, an application for an Encroachment Permit will need to be submitted to the Department.** Adequate environmental studies of potential impacts to environmental resources within existing highway right-of-way (with particular emphasis on biological and cultural resources and hazardous waste exposure) will need to accompany that application. 31

If you have any questions or would like to discuss our comments in more detail, please contact Dan Brewer at (209) 948-7142 (e-mail: dan.brewer@dot.ca.gov) or me at (209) 941-1921.

Sincerely,



TOM DUMAS, Chief
Office of Intermodal Planning

c: SMorgan CA Office of Planning and Research

"Caltrans improves mobility across California"

Response to comment letter from California Department of Transportation, February 8, 2006.

Response 3A: This comment notes that the project may involve a significant effect on state facilities and requests the collection of fair share fees for improvement of those facilities. The City of Ripon collects local (i.e. Ripon) Public Facilities Fees as well as Regional Transportation Impact Fees (RTIF) to cover the local share cost of transportation improvements necessitated by new urban development. In addition, the City of Ripon supports the concept of the collection of additional sales tax revenues to support major transportation improvements.

In addition to local transportation improvements, the various impact fees are directed to necessary improvements of state highway interchanges, such as the planned Austin Road and Olive/River Road interchanges with SR 99. Some impact fee money may also be used to make up the local match to state and federal funding for state highway main line improvements. However, these improvements are funded by other revenue sources including gas taxes.

The City of Ripon contributes to reductions in potential future traffic on state highway facilities through its various land use planning and transportation improvement programs, including the construction of parallel facilities to provide local road alternatives to state highway use.

Response 3B: This comment recommends balance in housing and employment as a part of the City Planning Program. The Ripon General Plan Update 2040 incorporates this concept already.

Response 3C: This comment is a general planning recommendation that promotes the incorporation of non-auto transportation routes and associated recreational values in urban planning. The Ripon General Plan Update 2040 makes substantial provision for the development of bikeways, pedestrian paths, and green ways. The purpose of these facilities is to support non-auto transportation; the concepts of continuity and connectivity are extensively incorporated in the proposed plan.

Response 3D: This comment is also a general transportation planning recommendation promoting interconnected streets and alternative transportation routes, including routes that parallel state highways. These concepts are incorporated in the Circulation Element of the Ripon General Plan Update 2040. See previous responses.

Response 3E: This general planning recommendation again promotes the incorporation of non-auto transportation modes in transportation planning. The City has made substantial provision for pedestrian and bicycle facilities, including the adoption of a bikeways master plan. Provisions for future transit stops are incorporated into major commercial development, among other things.

Response 3F: This comment restates the probability that SR 99 will need to be widened to eight lanes as a result of local and regional growth. The Draft EIR identifies the potential

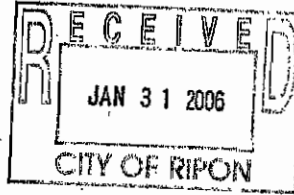
impacts of urban development in the City of Ripon on this future need. The City routinely requires the reservation of right-of-way that would support necessary highway expansion in conjunction with urban development in the vicinity of SR 99. The City has incorporated infrastructure to support future ramp metering and other improvements in its recent expansion of the SR 99 Jack Tone interchange; the City anticipates that similar provisions will be made in conjunction with future interchange improvements.

Response 3G: The City of Ripon recognizes the need to coordinate with Cal Trans with respect to park-and-ride lots. This has been the practice of the City in conjunction with large projects in the SR 99 vicinity, including the SR 99/Jack Tone Road interchange improvements.

Response 3H: This comment suggests the preparation of traffic impact studies in conjunction with new development. This is a routine matter in the City of Ripon; traffic studies are required for major projects, and these studies are required to address freeway interchanges as well as local roads.

Response 3I: This comment identifies the agency's maintenance and responsibilities for the state highway system. The City of Ripon recognizes the need to coordinate with Cal Trans on any project that would affect state facilities.

Response 3J: This comment identifies state highway encroachment permit requirements. The City is familiar with these requirements and would coordinate with Cal Trans and obtain any necessary permits together with any required environmental review, in conjunction with projects involving state highway encroachments.

DEPARTMENT OF WATER RESOURCES1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 942360001
(916) 653-5791

JAN 30 2006

Ernest Tyhurst
City of Ripon
259 North Wilma Avenue
Ripon, California 95366General Plan EIR 2040 Update
State Clearinghouse (SCH) Number: 1994062005

Staff for The Department of Water Resources has reviewed the subject document and provides the following comments:

Portions of the proposed project may be located within a regulated stream over which The Reclamation Board has jurisdiction and exercises authority. If the project includes any "channel reconfiguration" that was not previously permitted, new plans must be submitted. Section 8710 of the California Water Code requires that a Board permit must be obtained prior to start of any work, including excavation and construction activities, within floodways, levees, and 10 feet landward of the landside levee toes. A list of streams regulated by the Board is contained in the California Code of Regulations, Title 23, Section 112.

Section 8(b)(2) of the Regulations states that applications for permits submitted to the Board must include a completed environmental questionnaire that accompanies the application and a copy of any environmental documents if they are prepared for the project. For any foreseeable significant environmental impacts, mitigation for such impacts shall be proposed. Applications are reviewed for compliance with the California Environmental Quality Act.

Section 8(b)(4) of the Regulations states that additional information, such as geotechnical exploration, soil testing, hydraulic or sediment transport studies, biological surveys, environmental surveys and other analyses may be required at any time prior to Board action on the application.

You may disregard this notice if your project is outside of the Board jurisdiction. For further information, please contact Sam Brandon of my staff at (916) 574-0651.

Sincerely,

Mike Mirmazaheri, Chief
Floodway Protection Sectioncc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

4A

COMMENT #4

Response to comment letter from California Department of Water Resources, January 30, 2006.

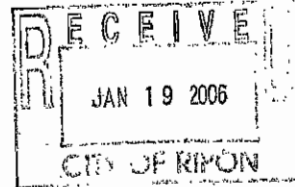
Response 4A: This comment provides information regarding the State Reclamation Board's permit requirements for projects that encroach on rivers, creeks or other channels subject to Reclamation Board jurisdiction. There are no such projects identified in the Ripon General Plan Update 2040. However, the City of Ripon acknowledges the need for Reclamation Board approval for any projects that may, in the future, be located within their jurisdiction. No further response is required.



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO
ATTENTION OF

January 17, 2006



Regulatory Branch (200600006)

Ernie Tyhurst
City of Ripon
Dept of Planning and Economic Development
259 N. Wilma Avenue
Ripon, California 95366

Dear Mr. Tyhurst:

We are responding to your December 28, 2005, request for comments on the Ripon General Plan and EIR. This project is located at Latitude 037° 44' 28.9", Longitude 121° 7' 12.0", in Township 2 South, Ranges 7 and 8 East, in San Joaquin County, California.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial, intermittent and ephemeral streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

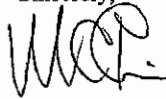
The range of alternatives considered for this EIR should include alternatives that avoid impacts to wetlands or other waters of the United States. Applicants should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

5A

5B

Please refer to identification number 200600006 in any correspondence concerning this project. If you have any questions, please contact Marc Fugler at our Delta Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email Marc.A.Fugler@usace.army.mil, or telephone 916-557-5255. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,

A handwritten signature in black ink, appearing to read 'MFinan', with a stylized flourish at the end.

Michael Finan
Chief, Delta Office

Response to comment letter from Department of the Army, US Army Corps of Engineers, January 17, 2006.

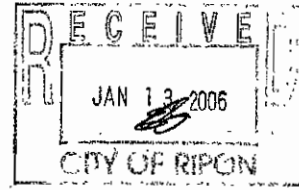
Response 5A: This comment identifies the Corps' jurisdiction over waters of the United States and wetlands, and the permit requirements associated with potential work affecting those resources. Due to the very porous nature of soils in the Ripon vicinity, wetland resources are relatively limited. However, projects that would potentially impact wetlands would be subject to the permit requirements identified by the Corps. The potential need for Corps permits has been added to the EIR.

Response 5B: The proposed General Plan Update 2040 does not include development plans that would involve potentially significant impacts on wetlands; therefore alternatives that would avoid wetlands are not warranted. The remainder of this comment addresses procedures for wetland delineation and permits for fill or disturbance of wetlands. These would be applicable to any projects within the planning area that have the potential for wetland impact. These requirements would be applicable to a future bridge crossing of the Stanislaus River; however, as noted in Response 5A, few other if any other such projects would be anticipated within the planning area.



San Joaquin Valley
Air Pollution Control District

January 12, 2006



Reference No. C20060014

Ken Zuidervaart
Planning and Economic Development
259 N. Wilma Avenue
Ripon, CA 95366

RE: City of Ripon – Draft 2040 General Plan and Environmental Impact Report (DEIR)

Dear Mr. Zuidervaart:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The District concurs with the project's DEIR that this project may have a significant air quality impact. The District's preliminary analysis indicated that the potential emissions from this project exceed the District's Thresholds of Significance for ozone precursors. All mitigations included in the DEIR should be implemented to the extent specified to reduce air quality impacts.

6A

The mitigation discussed in Volume II – Chapter Four, Goal E: *To Conserve Air Quality Within The Planning Area*, section *Additional Recommended Mitigation* (page 4-83 and 4-84) "No additional general plans policies are recommended for reducing potential air quality effects to less than significant" the District recommends the City of Ripon to consider implementing an ordinance to limit fireplaces and wood burning stove in new residential development. This type of ordinance would reduce emission above and beyond the District's Rule 4091 (Wood Burning Fireplaces and Wood Burning Heaters). This rule limits PM10 and PM2.5 emissions from residential development. Construction plans for residential developments may be affected by section 5.3, specifically:

§5.3 Limitations on Wood Burning Fireplaces or Wood Burning Heaters in New Residential Developments.

6B

- 5.3.1 No person shall install a wood burning fireplace in a new residential development with a density greater than two (2) dwelling units per acre.
- 5.3.2 No person shall install more than two (2) EPA Phase II Certified wood burning heaters per acre in any new residential development with a density equal to or greater than three (3) dwelling units per acre.
- 5.3.3 No person shall install more than one (1) wood burning fireplace or wood burning heater per dwelling unit in any new residential development with a density equal to or less than two (2) dwelling units per acre.

Based on the information provided, the proposed project will be subject to the following District rules. The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. To identify additional rules or regulations that apply to this project, or for further information, the applicant is encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.

6C

Regulation VIII (Fugitive PM10 Prohibitions)- Regulation VIII (Rules 8011-8081) is a series of rules designed to reduce PM10 emissions (predominantly dust) generated by human activity, including construction, road construction, bulk materials storage, and landfill operations. Residential projects 10.0 or more acres in area, requires a Dust Control Plan be submitted to the District as specified in Section 6.3.1 of Rule 8021. Residential sites 1.0 to less than 10.0 acres; an owner/operator must provide written notification to the District at least 48 hours prior to start earthmoving.

The District's Dust Control Plan template is available at:
<http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form%20-%2010-14-2004.pdf>. submitted as specified in Section 6.3.1 of Rule 8021. If a residential site is 1.0 to less than 10.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities.

Rule 3135 (Dust Control Plan Fee) This rule requires the applicant to submit a fee in addition to a Dust Control Plan. The purpose of this fee is to recover the District's cost for reviewing these plans and conducting compliance inspections. Information on the fee and a Dust Control Plan template are available at the following District website:
<http://www.valleyair.org/rules/curnrules/Rule%203135%201005.pdf>

Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

Rule 4103 (Open Burning) regulates the burning of agricultural material. Agricultural material shall not be burned when the land use is converting from agriculture to nonagricultural purposes. In the event that the project burned or burns agricultural material, it would be in violation of Rule 4103 and be subject to District enforcement action.

Rule 4601 (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Rule 4902 (Residential Water Heaters) limits emission of NOx from residential developments.

Future development of the Neighborhood Commercial portion of the project may be subject to additional District Rules not specified above. To identify additional rules or regulations that apply to future development, the applicant should contact the District's Small Business Assistance Office at (559) 230-5888 at the time that development is proposed.

The District encourages innovation in measures to reduce air quality impacts. There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. (Note: Some of the measures may already exist as City development standards. The suggestions listed below should not be considered all-inclusive and remain options that the agency with the land-use authority should consider:

- Trees should be carefully selected and located to protect the building(s) from energy consuming environmental conditions, and to shade paved areas. Trees should be selected to shade paved areas that will shade 50% of the area within 15 years. Structural soil should be used under paved areas to improve tree growth.
- For Structural Soil see <http://www.hort.cornell.edu/uh/outreach/csc/>
For Tree Selection see <http://www.ufel.org/>
For Urban Forestry see <http://www.coolcommunities.org> <http://wcufrre.ucdavis.edu>
http://www.igc.org/bookstore/energy/downloads/sjv_tree_guidelines.pdf
- If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, easements should be reserved to provide for future improvements such as bus turnouts, loading areas, route signs and

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shade structures. Appropriations made to facilitate public or mass transit will help mitigate trips generated by the project.

- Multi-story parking facilities should be considered instead of open parking lots in commercial areas to reduce exposed concrete surface. Alternatively, parking may be incorporated into the structure by building parking as the first floor or as a basement level. Large expanses of exposed concrete in parking lots exacerbate the "heat island" effect as well as widen the distance patrons and employees must cross. "Heat islands" created by this and similar projects contribute to the reduced air quality in the valley by heating ozone precursors.
- Sidewalks and bikeways should be installed throughout as much of the project as possible and should be connected to any nearby existing and planned open space areas, parks, schools, residential areas, commercial areas, etc., to encourage walking and bicycling. Connections to nearby public uses and commercial areas should be made as direct as possible to promote walking for some trips. Pedestrian and bike-oriented design reduces motor vehicle usage and their effects on air quality. Sidewalks and bikeways should be designed to separate pedestrian and bicycle pathways from vehicle paths. Sidewalks and bikeways should be designed to be accommodating and appropriately sized for anticipated future pedestrian and bicycle use. Such pathways should be easy to navigate, designed to facilitate pedestrian movement through the project, and create a safe environment for all potential users (pedestrian, bicycle and disabled) from obstacles and automobiles. Mid-block paths should be installed to facilitate pedestrian movement through long blocks (over 500' in length) and cul-de-sacs. Sidewalks should be designed for high visibility (brightly painted, different color of concrete, etc.) when crossing parking lots, streets and similar vehicle paths. Clearly marked and highly visible pedestrian accesses create a safer environment for both pedestrians and vehicles. Pathways through the project should be built in anticipation of future growth/development.
- As many energy conserving and emission reducing features as possible should be included in the project. Energy conservation measures include both energy conservation through design and operational energy conservation. Examples include (but are not limited to):
 - Increased energy efficiency (above California Title 24 Requirements)
See <http://www.energy.ca.gov/title24/>
 - Energy efficient windows (double pane and/or Low-E)
 - Use Low and No-VOC coatings and paints. See South Coast's site for No-VOC Coatings at <http://www.aqmd.gov/prdas/brochures/paintguide.html>
 - High-albedo (reflecting) roofing material. See <http://eetd.lbl.gov/coolroof/>
 - Cool Paving. "Heat islands" created by this and similar projects contribute to the reduced air quality in the valley by heating ozone precursors. See <http://www.harc.edu/harc/Projects/CoolHouston/>, <http://eande.lbl.gov/heatisland/>
 - Radiant heat barrier. See <http://www.eere.energy.gov/consumerinfo/refbriefs/bc7.html>
 - Energy efficient lighting, appliances, heating and cooling systems. See <http://www.energystar.gov/>
 - Install solar water-heating system(s)
 - Install photovoltaic cells
 - Install geothermal heat pump system(s)
 - Programmable thermostat(s) for all heating and cooling systems
 - Awnings or other shading mechanism for windows
 - Porch, patio and walkway overhangs
 - Ceiling fans, whole house fans
 - Utilize passive solar cooling and heating designs. (e.g. natural convection, thermal flywheels)
See http://www.eere.energy.gov/RE/solar_passive.html
 - Utilize daylighting (natural lighting) systems such as skylights, light shelves, interior transom windows etc. See <http://www.advancedbuildings.org>
 - Electrical outlets around the exterior of the unit(s) to encourage use of electric landscape maintenance equipment
 - Bicycle parking facilities for patrons and employees in a covered secure area. Bike storage should be located within 50' of the project's entrance. Construct paths to connect the development to nearby bikeways or sidewalks. See <http://www.vtpi.org/tm/tm85.htm>, <http://www.bicyclinginfo.org/>

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- Employee shower and locker areas for bicycle and pedestrian commuters
- On-site employee cafeterias or eating areas
- Low or non-polluting landscape maintenance equipment (e.g. electric lawn mowers, reel mowers, leaf vacuums, electric trimmers and edgers, etc.)
- Pre-wire the unit(s) with high speed modem connections/DSL and extra phone lines
- Natural gas fireplaces (instead of wood-burning fireplaces or heaters)
- Natural gas lines (if available to this area) and electrical outlets in backyard or patio areas to encourage the use of gas and/or electric barbecues
- Low or non-polluting Incentives items should be provided with each residential unit (such items could include electric lawn mowers, reel mowers, leaf vacuums, gas or electric barbecues, etc.)
- Exits to adjoining streets should be designed to reduce time to re-enter traffic from the project site

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More information can be found at:

<http://www.lgc.org>, <http://www.sustainable.doe.gov/>, <http://www.consumerenergycenter.org/index.html>
<http://www.clwmb.ca.gov/GreenBuilding/>

- The applicant/tenant(s) of the commercial portion of the project should be encouraged to implement measures that reduce the amount of vehicle traffic to and from the project area that further reduce air pollution in the valley. This could include such provisions as encouraging employees to rideshare or carpool to the project site, preferential parking spaces for employees who participate in carpooling or vanpooling, incorporating a compressed workweek schedule, or incentives for employees who use alternative transportation. Check out the "Spare the Air" section of our website

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- The project should include as many clean alternative energy features as possible to promote energy self-sufficiency. Examples include (but are not limited to): photovoltaic cells, solar thermal electricity systems, small wind turbines, etc. Rebate and incentive programs are offered for alternative energy equipment. More information can be found at:
<http://www.dsireusa.org/>, <http://rredc.nrel.gov/>, <http://www.energy.ca.gov/renewables/>

6J

- Construction activity mitigation measures include:
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent
 - Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site
 - Install wind breaks at windward side(s) of construction areas
 - Limit area subject to excavation, grading, and other construction activity at any one time
 - Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use
 - Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)
 - Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways, and "Spare the Air Days" declared by the District.
 - Implement activity management (e.g. rescheduling activities to reduce short-term impacts)
 - Off road trucks should be equipped with on-road engines when possible.

6K

- Construction equipment should have engines that meet the current off-road engine emission standard (as certified by the California Air Resources Board), or be repowered with an engine that meets this standard. To find engines certified by the California Air Resources Board, see <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. This site lists engines by type, then manufacturer. For more information on heavy-duty engines, please contact Tom Astone, Air Quality Specialist, at (559) 230-5800.

6L

- Diesel equipment should use verified alternative diesel fuel blends, biodiesel, or Ultra Low Sulfur Diesel (ULSD). The California Air Resources Board (CARB) has verified specific alternative diesel fuel blends for NOx and PM emission reduction. Only fuels that have been verified by CARB should be used. Information on alternative diesel blends can also be found at CARB's website-

<http://www.arb.ca.gov/fuels/diesel/aldiesel/aldiesel.htm>. Information on biodiesel can be found on the EPA's website <http://www.epa.gov/oms/models/biodst.htm>.

- Idle reduction technologies save fuel and reduce diesel emissions from idling trucks and construction equipment. The applicant should incorporate idle reduction strategies that reduce the main propulsion engine idling time through alternative technologies. Examples of such technologies can be found on the U.S. Environmental Protection Agency's website <http://www.epa.gov/otaq/smartway/idlingtechnologies.htm>. Idle reduction mitigation measures include:
 - The applicant/tenant(s) should require that all diesel engines be shut off when not in use on the premises to reduce emissions from idling.
 - If Truck Refrigeration Units (TRU's) will be utilized, provide an alternative energy source for the TRU to allow diesel engines to be completely turned off.
 - Electrify truck-parking areas to allow trucks with sleeper cabs to use electric heating and cooling to eliminate the need to idle their diesel engines.

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District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions please call me at (559) 230-5800.

Sincerely,



Debbie Johnson
Air Quality Specialist
Central Region

c: File

**Response to comment letter from San Joaquin Valley Air Pollution Control District,
January 12, 2006.**

Response 6A: This comment affirms the Draft EIR's finding that the project may involve a significant air quality impact and affirms that EIR mitigation measures would be implemented. The City of Ripon will adopt a mitigation monitoring implementation plan in conjunction with General Plan approval; this will provide for implementation of all applicable mitigation measures.

Response 6B: This is a specific recommendation that the city adopt an ordinance limiting the insulation of fireplaces or wood burning stoves in new residential development. The City routinely refers developers to the APCD for input and advice on the implementation of its recommendation. Existing APCD regulations currently limit the number of wood burning appliances that may be installed. The City believes that, if the prohibition of wood burning appliances is an air quality priority, a rule prohibiting such appliances should be adopted by the District.

Response 6C: This comment identifies the various adopted APCD regulations that would potentially apply to new development within the City of Ripon. Developers, contractors, and other entities are responsible for compliance with these rules and regulations. The EIR has been amended to note these requirements. No further response is necessary.

Response 6D: This comment provides the input as to potential measures to reduce energy use and associated air emission. The City of Ripon supports the incorporation of all available mitigation measures in new development. New development projects are routinely conditioned to comply with APCD recommendations wherever possible. Developers are directed to coordinate with APCD staff to develop project-specific mitigation agreements.

Response 6E: As documented in the General Plan, limited transit service is available to the City of Ripon. The City requires the incorporation of transit-supporting facilities in major retail development, which encourages broader use of the transit system. The City will continue to participate in the annual "unmet transit needs" process and to promote the expansion and development of the local transit system wherever feasible.

Response 6F: This is a general recommendation regarding minimizing the expansion of paved surfaces within the City. See Response 6D.

Response 6G: This is a recommendation for incorporation of sidewalks and bikeways in new development as noted in the response to Cal Trans, response 3C and 3E, the City of Ripon makes substantial requirements for the incorporation of these facilities. These requirements include the installation of 10-12 foot class one bikeways on all arterial streets. In addition, the City has adopted a master bikeway plan.

Response 6H: See Response 6D.

Response 6I: See Response 6D.

Response 6J: See Response 6D.

Response 6K: The Draft EIR acknowledges the APCD's Regulation VIII, which provides for dust control during construction. The APCD's *Guide to the Analysis and Mitigation of Air Quality Impacts* indicates that conformant with Regulation VIII requirements will reduce construction air quality impacts to less than significant.

Response 6L: The City of Ripon does not maintain substantial numbers of construction equipment. However, the City is making substantial strides toward incorporation of clean air vehicle in its fleet. The City has constructed a compressed natural gas (CNG) filling station for public vehicles that currently include garbage trucks. Other vehicles in the fleet will be converted to CNG as opportunities warrant. The City fleet also includes several all-electric vehicles. In addition, the City is currently constructing a major expansion of the City Hall facility; this facility will include a solar photovoltaic system. The City is also exploring the use of photovoltaic and other energy conservation technologies at City installations. In addition, the City is constructing a public-accessible CNG station that will promote the public use of clean-air vehicles.

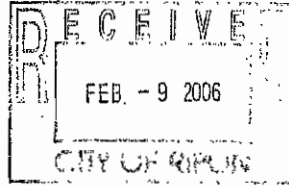
Response 6M: The City supports the use of idle reduction technology's and has promoted the installation of such equipment at the two large travel plazas located at the SR99/Jack Tone Road interchange.

Note: Since the submittal of this comment letter, APCD Rule 9510, the Indirect Source Rule, has become effective. Like other APCD rules, Rule 9510 will be applicable to the future urban development within the City of Ripon.



Water and Power

**Modesto
Irrigation
District**



1231 Eleventh St.
P.O. Box 4060
Modesto, CA 95362
(209) 526-7373

February 6, 2006

City of Ripon
Attention: Planning Director
259 North Wilma Avenue
Ripon, CA 95366

**Regarding: Environment Impact Report of General Plan Update
Austin Road West, Carrolton Road East, Graves Road to the north, and the
Stanislaus River to the North, Ripon**

Thank you for allowing the District to comment on this referral received on 1/4/06 with a due date of 2/3/06. In order to reply in a timely manner, please provide a minimum working days review period. If you have any questions, please contact me at 526-7433. Below are our recommendations for this project.

DOMESTIC WATER

- No comments at this time.

IRRIGATION

- No Irrigation problems or concerns at this time.

ELECTRICAL

- The Modesto Irrigation District has existing overhead 69kv transmission and 17kv distribution overhead lines and underground electric facilities within and adjacent to the subject area.
- In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to proposed projects shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.
- Installation of electric facilities shall conform to the District's Electric Service Rules.
- Costs for relocation and/or under grounding the Districts facilities at the request of others will be borne by the requesting party. Estimates for relocating or under grounding existing facilities will be supplied upon request.
- Extension, reconstruction or removal of existing facilities will be specifically addressed when improvement plans are submitted for individual development proposals.
- A 10' PUE is required along all existing and proposed street frontages.

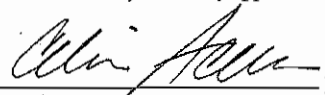
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ORGANIZED 1887 • IRRIGATION WATER 1904 • POWER 1923 • DOMESTIC WATER 1994

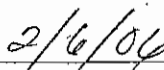
COMMENT #7

The Modesto Irrigation District reserves its future rights to utilize its property, including its canal and electrical easements and rights-of-way, in a manner it deems necessary for the installation and maintenance of electric, irrigation, agricultural and urban drainage, domestic water and telecommunication facilities. These needs, which have not yet been determined, may consist of poles, cross arms, wires, cables, braces, insulators, transformers, service lines, open channels, pipelines, control structures and any necessary appurtenances, as may, in District's opinion, be necessary or desirable.

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Celia Aceves
Risk and Property Analyst



Date

Response to comment letter from Modesto Irrigation District, February 6, 2006.

Response 7A: This comment identifies the existence of MID electrical facilities in the City of Ripon and establishes the District's regulations and requirements for connecting to the MID system as well as utility easement requirements for new development. These are routine matters that are considered by the City in the review of all new development projects. These projects are routinely referred to MID for comment.

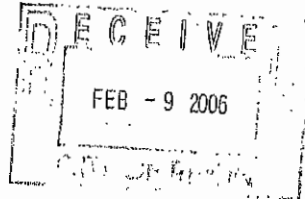


THOMAS R. FLINN
DIRECTOR



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THOMAS M. GAU
DEPUTY DIRECTOR
MANUEL SOLORIO
DEPUTY DIRECTOR
STEVEN WINKLER
DEPUTY DIRECTOR
ROGER JAMES
BUSINESS ADMINISTRATOR
February 8, 2006



Mr. Ernest Tyhurst
Planning Director
City of Ripon
259 North Wilma Road
Ripon, California 95366

SUBJECT: 2040 GENERAL PLAN UPDATE AND DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Tyhurst:

The San Joaquin County Department of Public Works has reviewed the above mentioned document and has the following comments:

From Traffic Engineering:

1. Page 2-33, Public Facilities and Services: Colony Road is to be extended as a minor collector. However, Colony Road will serve as the SR 99 access road and should likely be a major collector.
2. The County is encouraging an extension of Manley Road to meet the Colony Road extension. This would shift traffic away from the residential Spring Creek Drive.

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From Transportation Planning:

1. Most of the streets noted for improvement under the Public Facilities and Services section for the various planning districts are not indicated on the planning district's respective exhibit. Please revise the exhibits to reflect the roadways and specific limits to be improved. The text portion should also be revised to state the limits of the street segments proposed to be improved as well as any additional through lanes.
2. Please note, for any roadways proposed to be improved, whether the proposed improvements are consistent with the County's General Plan. If there are any inconsistencies, please identify and address accordingly.
3. Was the San Joaquin Council of Governments (SJCOG) Travel Demand Forecasting Model or another model used for the circulation element? If the SJCOG model wasn't used, please identify what model was used and associated methodology.
4. Page 3-12 states that a new interchange at State Route 99 and Olive Avenue is recommended. This location does not appear to meet the minimum interchange spacing required by Caltrans. Has the City received concurrence/approval from Caltrans on this?
5. Pages 3-16 to 3-17 states that the over crossing proposed at, "...Olive and River Roads will handle a sizeable amount of newly generated traffic within the City." What does this mean? Please state whether this proposed facility will be constructed to meet the traffic demand or not, and if not, what mitigation is proposed which will meet demand.

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6. Page 3-17 states, "Reconstruction of the Jack Tone Road interchange will also provide...". Wasn't this project completed? Is the City stating there will be another reconstruction of this interchange? Please clarify.
7. The document states on page 3-17 that despite the fact that this proposed General Plan does not require a river crossing at Olive Avenue to Gates Road, the City desires this crossing to serve the area beyond the life of the General Plan. The County requests the City enter an agreement with the County upon such time as this crossing is actively pursued.
8. The County requests the City involve the County early in the development of any major roadway projects which may affect the County to ensure circulation issues between the two agencies are adequately planned and mitigated.
9. Page 3-20 states the intersection of Jack Tone Road (6 lanes) at River Road will be a traffic circle. On what basis has the City made this determination? Per the City's Table 3.4, the projected traffic volume for Jack Tone Road is shown at over 26,000 vehicles per day. Will the traffic circle provide an adequate Level of Service at this location based on that volume?

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Thank you for the opportunity to comment. Should you have any questions or need additional information, please contact me at 468-8494.

Sincerely,



Andrea Vallejo
Assistant Planner

AV:mk
TP-6B014-M1

c: Tom Okamoto, Senior Civil Engineer
Michael Selling, Senior Civil Engineer
Dwayne Sabiniano, Engineering Assistant II

**Response to comment letter from San Joaquin County Public Works Department,
February 8, 2006.**

Response 8A: This is a comment on the Circulation Element of the Ripon General Plan Update 2040, rather than a comment on the EIR. No response is necessary. However, rather than being a Minor Collector as suggested by the County, Colony Road is actually classified as a “Minor Arterial,” which is a higher classification.

Response 8B: This is a comment on the Circulation Element of the General Plan, rather than the EIR. No response is necessary. The roadway system proposed by the Circulation Element is intended to improve east-west circulation in the subject area; the intent of the Ripon General Plan Update 2040 is to discourage north-south movement along Manley Road.

Response 8C: As with the previous comments, this comment addresses the Circulation Element of the Ripon General Plan Update 2040, rather than the EIR. No response is necessary. The County’s suggestion is appreciated; however, the City wishes to maintain its current description of planned circulation improvements.

Response 8D: For the most part, planned circulation improvements identified in the Ripon General Plan Update 2040 would be improvements to existing or future City streets; as the City limits are expanded with planned new urban development, sections of existing County road would be annexed into the City in conjunction with the adjoining development properties. As a result, provisions of the San Joaquin County General Plan would no longer be relevant for these street sections.

The Ripon General Plan Update 2040 envisions the improvement of River Road, including sections outside the City limit, as a regional arterial. This roadway section is not identified as a major road by the County, and this proposal is inconsistent with the existing County Ripon General Plan Update 2040 designation. River Road is, however, a major transportation route in the Ripon vicinity, and this two-lane facility is currently accommodating heavy traffic loads. River Road will need to be improved; expansion of this roadway to a major four-lane facility has been discussed in detail with the County Department of Public Works.

This and all other projects that involve County roads would be coordinated with Department of Public Works staff. An example of this is existing City-County cooperation with regard to the Olive Road-Austin Road feasibility study; interagency coordination on this project also includes the San Joaquin County Council of Governments and the City of Manteca.

Response 8E: The traffic impact analysis included in the EIR was based on a model developed specifically for the City of Ripon by TYLIN Transportation Engineering. The traffic model was based on the San Joaquin County COG Model. DETAILS REGARDING METHODOLOGY WHEN AVAILABLE. A copy of the modeling report is available for review at the City offices.

Response 8F: As noted in Response 8D, the City is working closely with the City of Manteca, San Joaquin County, the San Joaquin County COG and Cal Trans on plans for the future interchange. CITY ADD DETAILS? IS CITY PREPARING PSR?

Response 8G: The planned interchange would be designed to accommodate projected future traffic. Construction of the improvement would follow preparation of a Project Study Report, project engineering and environmental review. Each state of review would include consideration of future traffic loading at this location.

Response 8H: This is a typographical error that will be corrected in the final document. The City has no plans for additional improvement to the Jack Tone Road interchange.

Response 8I: The future Olive Avenue bridge is expected to involve a multi-agency effort, including the City, San Joaquin County, Stanislaus County, and the US Army Corp of Engineers, among others. As plans for this project mature, it is anticipated that one or more interagency agreements will be required.

Response 8J: See Responses 8D and 8F.

Response 8K: The final General Plan Update 2040 documents and EIR will reference improvements at this location as "intersection control," noting that alternatives for intersection control will be evaluated as plans for this intersection are developed. The use of a roundabout would constitute one potential option for intersection control at this location.

DIRECTORS
Loron Schemper - Chairman
Matt Terry - Vice Chairman
Bill Berghorst - Secretary
Ron Smith
Dennis Van Der Maaten

Ripon Consolidated Fire District

142 S. Stockton Ave.
Ripon, CA 95386
Phone 209-599-4209 Fax 209-599-2847

FIRE CHIEF
Dennis Bitters

January 14, 2006

Mr. Ernie Tyhurst
City of Ripon
Department of Planning
259 N. Wilma Ave.
Ripon, CA 95366

RE: City of Ripon general Plan Update 2040

Dear Ernie:

The Ripon Fire District has reviewed the draft document provided to the District dated December 28, 2005 and submits the following comments for consideration. These comments are very similar to those provided in a letter to you dated November 1, 2004, but have been updated pursuant to recent discussions and studies involving the future of District services.

Land Use and Growth Accommodations – Chapter 2

Policy E8 and E9 – In light of the impact that Fire and Rescue/EMS service and availability has on the ability for growth to continue, the District feels that there should be language comparable to these policies with respect to the construction and financing of future fire stations and facilities. While a statement is made later in the document under *Community Health and Safety* (Chapter 4, Policy B3) these particular policies are more specific and it would seem appropriate that comparable language be included with respect to the District's facilities.

Community Health and Safety – Chapter 4

Policy B3 --Is it appropriate for us to define "adequate resources" in the form of a ratio? This method has been adopted in Goal F of this chapter setting the "target ratio" of police officer staffing at 1.5 sworn officers per thousand population.

In light of the CityGate report commissioned by the City of Ripon and its statements concerning the amounts of personnel needed to safely handle structure fires, the District must insure the ability to assemble adequate trained personnel in an immediate time-frame to address such incidents. One must also keep in mind that the District provides the Advanced Life Support Ambulance service for the community as well, and this requires a

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constant staffing level of one paramedic and one emergency medical technician twenty four hours per day, which substantially impacts our daily staffing. While many agencies use a target of 1 to 1.5 on-duty firefighters per one thousand populations as a 'target' ratio, it might be more appropriate to use a response time/distance policy to ensure adequate location and numbers of stations. As a minimum for effectiveness and personnel safety, each fire engine should be staffed with 1 captain, 1 operator, and 1 firefighter. Each ambulance must be staffed with 1 paramedic and 1 emergency medical technician, as dictated by San Joaquin County requirements.

The District commissioned a Blue Ribbon Advisory Committee in 2005 to address levels of service, which includes staffing levels and station location determination. The recommendation of this committee was to maintain response times not to exceed 5 minutes of travel time, which is consistent with the Time-Temperature Curve and Cardiac/Respiratory Arrest Recovery models, as well as being consistent with San Joaquin County requirements. This methodology would set the standards for station locations, numbers and staffing levels.

Policy G1 and G2 – The District is tasked with the regulation of production, use, storage, and transportation of hazardous materials. This also poses an impact on District staffing requirements.

These comments constitute the major concerns of the District. We would look forward to meeting with your staff to address these areas in the General Plan Update 2040 document. Once again, we appreciate solicitation of our involvement and the opportunity to comment on this important process.

Sincerely,

Dennis Bitters
Fire Chief

9A

Response to Comment letter from Ripon Consolidated Fire District, January 14, 2006.

Response 9A: The comment letter from the Ripon Consolidated Fire District consists of three policy recommendation applicable to the proposed Ripon General Plan Update 2040. These are not comments on the EIR and do not require a response. However, these comments have been considered by the City of Ripon. CITY DISCUSS DISPOSITION OF THESE COMMENTS?



Ripon Unified School District

304 North Acacia Avenue • Ripon, CA 95366 • (209) 599-2131 • Fax (209) 599-6271

Leo M. Zuber, *Superintendent*
Lisa M. Boje, *Curriculum & Instruction*
Terry Shireman, *Educational Services*

February 3, 2006

Ernest Tyhurst, *Planning Director*
City of Ripon
259 North Wilma Ave.
Ripon, CA 95366

Re: Comments in Response to the Draft Environmental Impact Report for the Proposed City of Ripon General Plan Update 2040 Project

Dear Mr. Tyhurst:

The Ripon Unified School District (the "District") appreciates the opportunity to review and comment upon the Draft Environmental Impact Report (the "DEIR") for the above-referenced project. The District has an obligation to its students and the public to ensure that impacts on its students, staff, facilities, and learning environment are thoroughly evaluated and mitigated. The District has approximately half a dozen school sites operating in the project area serving hundreds of students. A school is a particularly sensitive land use, and as such potential impacts must receive the utmost scrutiny.

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The District submits the following comments and requests that they be fully addressed in the Final EIR.

PRELIMINARY CONCERNS

According to the public review notice published with the DEIR, the review period for the project DEIR will last from December 23, 2005 through February 6, 2006, and a public hearing was held on January 10, 2006. The notice does not make it clear when the final EIR will be certified, or whether comments will be accepted during the hearing to certify the EIR.

10B

The information and documents provided with the DEIR make it difficult for interested parties and agencies to perform a meaningful evaluation of potential impacts the project may have. Among the most significant deficiencies is the lack of detailed, legible maps. The DEIR includes only large-scale maps that provide little detailed information on the project's potential, localized impacts. Additionally, the DEIR lacks information concerning the scope of impacts anticipated as a result of the project. For example, the City has not indicated whether utilities or pipelines will be included in the project. What other elements are proposed? At the very least, the District needs assurance that no elements of the project will create a conflict for the District under Title 5 of the California Code of Regulations.

10C

Finally, the DEIR appears to rely on documents and reports prepared in the past. However, the documents do not always mention where copies of the referenced materials are available for review. See CEQA Guidelines section 15152(g). Additionally, some of the CEQA documents referenced are several years old. Is the City convinced that the referenced documents are not outdated in any respect? Does the City plan to rely on these archaic documents with no follow-up evaluation?

10D

BOARD OF TRUSTEES

Frank Ferral • Claudia Nepote • Larry J. Stewart • Carla Travaille • David Withycombe

AIR QUALITY

The Public Resources Code specifically addresses the threat of hazardous air emissions near school sites. According to Public Resources Code section 21151.4:

No environmental impact report or negative declaration is to be approved for any project involving the construction or alteration of a facility within 1/4 of a mile of a school which might reasonably be anticipated to emit hazardous or acutely hazardous air emission ... which may pose a health or safety hazard to persons who would attend or would be employed at the school, unless both of the following occur:

- (a) The lead agency preparing the environmental impact report or negative declaration has consulted with the school district having jurisdiction regarding the potential impact of the project on the school.
- (b) The school district has been given written notification of the project not less than 30 days prior to the proposed approval of the environmental impact report or negative declaration.

10E

Does the lead agency consider the project to fit within the parameters of Public Resources Code section 21151.4? If so, have the required steps been taken?

Although air quality guidance standards are cited in the DEIR, it is unclear exactly how those standards are applied to the project, or the extent of potential impacts. The DEIR simply concludes as follows:

The General Plan policies and programs provide substantial air quality mitigation as described above. These measures will not reduce impact [sic] to less than significant. No additional general plan policies are recommended for reducing potential air quality effects to less than significant.

10F

The DEIR should be clarified so that readers may be fully aware of the anticipated impacts. The DEIR should also explain what further mitigation measures were considered, and why they were rejected.

The policies cited as mitigation measures for air quality impacts in the DEIR include the following:

"Coordinate air quality efforts with other local, regional and state agencies."

"Identify and implement measures to reduce emissions associated with future development through the California Environmental Quality Act review process."

"Emphasize alternatives to motorized transportation."

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These are not real mitigation measures as they fail to define a specific course of action or create real obligations to act.

Air quality analysis should not be limited to application of general thresholds. Localized impacts may still be significant even if certain region-wide standards are met. Localized impacts, particularly with respect to grading and construction, should be analyzed.

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An additional concern regarding fugitive dust is the potential for people being exposed to San Joaquin Valley Fever from spores in fill material. Mitigation measures are necessary addressing the safety of the children and staff of District school sites.

10I

PROPOSED EXTENSION OF FRONTAGE ROAD

The District is particularly concerned about the proposed extension of a frontage road across District property that is currently part of the Ripon High School campus. The DEIR appears to presume that

10J

the frontage road will simply serve as a mitigation measure for project impacts associated with traffic and circulation.

The DEIR should include analysis of the frontage road as a project that will impact the District. The analysis should address the impact that a taking of District property will have on District programs. As proposed, the frontage road right-of-way will adversely impact the school's varsity baseball field, the practice area for the football program, available student parking and the district bus parking area and garage.

Student safety will also be compromised. Access to the high school and a nearby elementary school will also be affected because students using an existing pedestrian overcrossing will have to cross the frontage road. No mention is made of mitigation measures to ensure safe crossing of the road.

A new road would provide access to the back of the Ripon High School campus. This has the potential to create a security problem, allowing unauthorized access to the back of the school. The District is also concerned about future hazardous materials transport occurring on the new road extension. What spill management plans will be prepared? This issue needs to be further analyzed in the DEIR. The District would also like to review any spill management plans to ensure that they adequately protect students and staff at the District's school sites.

The DEIR frontage road layout appears to be based on the current Ripon High School campus configuration. The District may expand the school in the future leading to impacts from noise and dust and emissions from vehicles, as well as approval complications with the California Department of Education. The DEIR cannot be considered adequate without contemplating the placement of additional school buildings on the northern part of the campus in the future.

With respect to air quality impacts resulting from construction and operation of the frontage road, airborne pollutants will be redistributed to the immediate vicinity of the high school creating a potentially significant local impact near the high school campus. This issue requires adequate study and mitigation.

MITIGATION MEASURES

For most impact categories, the DEIR simply refers back to policies in the proposed general plan in lieu of providing real mitigation measures. The cited policies are, for the most, statements of general objectives rather than commitments to substantive action. As such, they are inadequate under CEQA.

For mitigation measures that defer the definition of the action that will be taken until some future study is done, it is important to specify both the standard that must be met, and what will happen if the future study shows the standard cannot be met. Specifically, if the standard cannot be met, then the impact-inducing activities should stop and some sort of subsequent EIR prepared which acknowledges the significant, unmitigatable impact.

Many of the mitigation measures in the DEIR rely on the successful establishment of a Public Facilities Finance Plan ("PFFP"). What will happen if the City is successful in implementing the PFFP or the PFFP does not generate adequate revenue to fund the mitigation measures in the DEIR?

The DEIR does not adequately address cumulative impacts of foreseeable projects. CEQA prohibits a lead agency from dividing a project into a series of smaller projects for purposes of evading review. Similarly, the cumulative impacts of projects that may overlap in certain respects must be evaluated. Projects approved under the new general plan may impact the same resources and create cumulatively significant impacts. Thus, the cumulative impacts must be considered.

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LAND USE

In its discussion of land use issues, the DEIR at Page 4-16 briefly addresses schools and provides as follows with respect to mitigation:

Level of Significance: Potentially Significant

Mitigation Provided by General Plan and Related Documents: Land Use Goals and Policies E will minimize potential schools effects.

Additional Recommended Mitigation: The following policies should be added to Land Use Goal/Policy E:

Level of Significance After Mitigation: Mitigation Measures will reduce the potential impacts to less than significant.

The DEIR fails to disclose impacts to schools, fails to explain how "Policy E" will mitigate those impacts, and fails to describe or even name the "Additional Recommended Mitigation."

HYDROLOGY, WATER QUALITY, BIOLOGICAL RESOURCES

The DEIR provides that a new bridge will be constructed over the Stanislaus River. Will this aspect of the project require permitting from the Army Corps of Engineers or California Department of Fish and Wildlife?

Has the City consulted with the California Department of Fish and Game or the United States Fish and Wildlife Service regarding the project? If so, what were the results of those consultations?

NOISE

The level of noise associated with construction may disturb the District's schools' learning environment. Noise from construction has been found to result in avoidable significant environmental effects. How effectively has the EIR projection for noise addressed the school environment? This potential impact should be evaluated. Will the school schedule be taken into account when construction activities are planned in the vicinity of school sites?

Also, the proposed frontage road will increase traffic noise in the vicinity of Ripon High School. Measures should be incorporated to mitigate increased traffic noise impacts.

PROJECT ALTERNATIVES

The DEIR devotes a scant two and a half pages to analysis of project alternatives. Only two alternatives are addressed in addition to the "no project" alternative; they are "Reduced Scope General Plan" and "Larger Urban Development Area." Both alternatives include a general description and a conclusion reading, "This alternative was considered in conjunction with the adoption of the city's existing General Plan 2035 and was rejected in favor of the adopted plan. As previously described, therefore, this alternative is moot." Additionally, at Page 2-4, the DEIR provides that "both alternatives are considered moot for purposes of this project."

This is not good faith alternatives analysis. If an analysis is considered "moot" at first glance, the DEIR should explain why. The DEIR should also consider new alternatives that are not "moot." cursory rejection of an alternative after an internal review process is insufficient because it fails to keep the public informed.

10N

10O

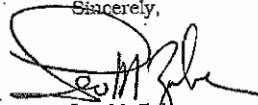
10P

10Q

CONCLUSION

The District looks forward receiving responses to the comments offered above, and hereby requests formal notification of any public hearings that may be scheduled with respect to the proposed project. The District reserves its right to supplement these comments and provide additional comments in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Leo M. Zutter", written over a horizontal line.

Leo M. Zutter
Superintendent

cc: Trustees

Responses to comment letter from Ripon Unified School District, February 3, 2006.

General Response: Several of the comments submitted by the Ripon Unified School District mis-characterize the EIR as a study of a specific development project rather than a general plan. This reflects a misunderstanding of the nature of a general plan EIR, and more broadly a program-level environmental analysis is under the California Environmental Quality Act. The referenced comments are identified in more detail below.

CEQA defines (CEQA Guidelines Section 15161) a project EIR as “the most common type of EIR (that) examines the environmental impacts of a specific development project.” In a project-level EIR, the EIR must examine all elements of the project in detail and provide project-specific analysis of impacts, mitigation measures and alternatives.

The CEQA Guidelines address the preparation of general plan EIRs, indicating that these documents require a lesser level of detail due to their programmatic nature. The EIR requirement for a general plan may actually be satisfied by the general plan itself, if the general plan addresses all of the points required to be included in an EIR. A general plan EIR may also be prepared as a Program EIR (CEQA Guidelines Section 15168), which allows the City to provide a broader analysis of the environmental impacts associated with the range of development activities that would be generally authorized by the General Plan.

In either case, the required scope of an EIR is guided by CEQA’s general rule related to “degree of specificity” (CEQA Guidelines Section 15146). The degree of specificity of an EIR must correspond to the degree of specificity of the activity addressed in the EIR. This section specifically addresses the adoption or amendment of a local general plan. Section 15146 (b) states that such an EIR “should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow.”

The Ripon General Plan EIR has been prepared in accordance with the above-described requirements. Consequently, the EIR does not address potential environmental impacts and mitigation measures at the project level but rather provides a general programmatic description of these impacts, consistent with CEQA requirements. Similarly, the mitigation measures identified in the EIR are general in nature and consist of General Plan policies that will apply broadly to future development projects.

The comment letter includes comments on numerous specific issues and provides specific recommendations regarding mitigation measures that may be appropriate to future development projects. These comments will be considered by the City in its consideration of the Ripon General Plan Update 2040 as well as future development projects.

Response 10A: See General Response.

Response 10B: The Ripon Planning Commission and City Council will each consider and ultimately certify the Final EIR on the Ripon General Plan Update 2040, after public hearings before each body. The initial Planning Commission meeting is scheduled for late May 2006. The initial City Council meeting is scheduled for June 2006.

Response 10C: See General Response. Urban development envisioned by the Ripon General Plan Update 2040 would include the extension of urban utilities, including electrical, gas, sewer, water and storm drain pipelines. The Ripon General Plan Update 2040 proposes no other specific projects other than the types of development that could occur in accordance with the plan's land use designations. The City is not aware of any element of the Ripon General Plan Update 2040 that would involve a conflict for the RUSD under Title 5 of the California Code of Regulations.

Response 10D: All documents referenced in the EIR are available for review at Ripon City Hall, 259 North Wilma Avenue, Ripon, CA. The proposed Ripon General Plan Update 2040 is based upon the most recent version of the Ripon General Plan and EIR, which were last certified and adopted by the Ripon City Council in 1998. The current Ripon General Plan Update 2040 and EIR are the result of recent additional study and analysis. Any information carried forward from the previous general plan and EIR has been subject to detailed re-evaluation.

Response 10E: See General Response. The Ripon General Plan Update 2040 makes no specific proposal for any land use that would involve hazardous air emissions in the vicinity of school sites, or any facility described by Public Resources Code Section 21151.4.

Response 10F: See General Response. The referenced air quality policies would apply to future development projects in conjunction with other applicable air quality rules and regulations.

Response 10G: See General Response. The proposed policy measures are appropriate mitigation measures in the programmatic general plan EIR context.

Response 10H: See General Response. The City agrees that land development occurring in the context of the Ripon General Plan Update 2040 may involve localized air quality impacts. These potential impacts would be considered on a project-specific basis in conjunction with future CEQA environmental review, or these impacts would be addressed via existing or future Air Pollution Control District regulations. The San Joaquin Valley APCD's existing Regulation VIII addresses the potential air quality impacts of grading and construction; these potential effects, and the applicability of APCD regulations, were addressed in the Ripon General Plan Update 2040 and EIR.

Response 10I: This comment raises a general concern, which is addressed by both City and future development project conformance with applicable particulate matter emission controls. Control of these emissions is within the purview of the San Joaquin Valley APCD.

Response 10J: See General Response. This comment raises issues related to a City proposal to extend a roadway known as the South Frontage Road along the southwest edge of SR 99 in the vicinity of the existing Ripon High School campus. The General Plan EIR makes no specific proposal with respect to the project, and its potential impacts are not addressed in detail in the EIR. The City of Ripon has, in the past, made specific proposals for development of this roadway and has prepared project-specific environmental review

documents in conjunction with the consideration of these projects. Development of the South Frontage Road segment adjacent to the Ripon High School is not currently under consideration. Should that project be reconsidered, the City will proceed with project-specific environmental consideration. As a part of that future project, the RUSD's environmental concerns will be addressed in detail.

Response 10K: See General Response and Response 10G. The GP EIR does not identify "future studies" as mitigation measures. Instead the EIR identifies general plan policies and standards that will apply to future development.

Response 10L: This comment raises a hypothetical question regarding the potential success of the City's Public Facilities Finance Plan (PFFP). The City has successfully implemented its current PFFP, and the proposed PFFP represents a continuation of the existing program, applied to planned future development. CEQA does not require the analysis of speculative potential impacts such as the potential issue raised in this comment.

Response 10M: As documented in the Cumulative Impacts chapter of the EIR, the City of Ripon notes that the general plan EIR is, itself a cumulative analysis of planned future development of the City during the planned period ending in 2040. No additional cumulative impact analysis is required.

Response 10N: See General Response. Potential impacts of the development of schools is accounted for in the various analyses included in the EIR. Site-specific impacts of planned future school development projects will need to be addressed by the RUSD in individual project-specific environmental review documents.

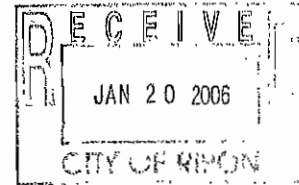
Response 10O: Planned bridges will require permits from both the Army Corps of Engineers and the California Department of Fish and Game, among others. Consultation with the US Fish and Wildlife Service will be required as a part of the Army Corps of Engineers permit process. The proposed bridge project is a future project for which no design or construction plans exist. All necessary permits will be obtained at the time that the City and other involved agencies are prepared to proceed with this project. See also the General Response.

Response 10P: See General Response. The Ripon General Plan Update 2040 or the EIR considers potential construction noise associated with new urban development. New development plans located in the vicinity of RUSD schools are routinely circulated to the District for comment. The District is encouraged to identify any project-specific concerns it may have so that they may be considered by the City in their review of the project.

Response 10Q: This response criticizes the EIR's consideration of alternatives and requests an explanation for the dismissal of certain alternatives. This explanation was provided in the Draft EIR on page ----. The alternatives analysis included in the EIR was based upon a more extensive consideration of alternatives in the current adopted general plan and EIR. The EIR gives detailed consideration to the No Project and Reduced-Scope Ripon General Plan alternatives in Chapter 6 of the EIR. No additional alternatives were identified during the preparation of the revised GP EIR. No additional alternatives have been identified by the commenter.



Land Services, 4040 West Lane, Stockton, CA 95204



January 19, 2006

Planning Director
City of Ripon
259 N. Wilma St.
Ripon, CA 95366
Attn: Ernest Tyhurst

RE:Environmental Impact Report (EIR)
For: Ripon General Plan update 2040
Loc: Bounded by Austin Road to the west, Carrolton Rd. to the east,
Graves Rd. to the north, and the Stanislaus River to the south
PG&E File : EIR-Ripon-40248714

Dear Mr. Tyhurst,

Thank you for the opportunity to review the Environmental Impact Report for the Ripon General Plan update 2040 project. PG&E has the following comments to offer:

PG&E owns and operates gas and electric facilities which are located within and adjacent to the proposed project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

The developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation's require long lead times and are not always feasible, the developers should be encouraged to consult with PG&E as early in their planning stages as possible.

11A

11B

Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) could also require formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete.

11B

Proponents with development plans which could affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.

We would also like to note that continued development consistent with City's General Plans will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

11C

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

11D

We would like to recommend that environmental documents for proposed development projects include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve those developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

11E

We also encourage the Planning Office of the City to include information about the issue of electric and magnetic fields (EMF) in the Notice of Preparation. It is PG&E's policy to share information and educate people about the issue of EMF.

Electric and Magnetic Fields (EMF) exist wherever there is electricity--in appliances, homes, schools and offices, and in power lines. There is no scientific consensus on the actual health effects of EMF exposure, but it is an issue of public concern. If you have questions about EMF, please call your local PG&E office. A package of information which includes materials from the California Department of Health Services and other groups will be sent to you upon your request.

11F

PG&E remains committed to working with City to provide timely, reliable and cost effective gas and electric service to the planned area. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

Should you require any additional information or have any questions, please call me at (209) 942-1419.

Sincerely,



Alfred Poon
Land Agent
Stockton Land Services
External: (209) 942-1419
Fax: (209) 942-1485

11G

Response to comment letter from Pacific Gas and Electric, January 19, 2006.

Response 11A: This is not a specific comment on either the Ripon General Plan Update 2040 or the EIR but rather a request for coordination in conjunction with new land development activities. The City encourages project applicants to coordinate with PG&E during the development of subdivision improvement plans; these plans cannot be approved until they adequately reflect the needs of the utility.

Response 11B: Similar to the previous comment, this is not a comment on the Ripon general plan or EIR but rather a statement of policy with regard to allocation of the costs and approval requirements of relocating existing PG&E facilities. No response is necessary.

Response 11C: This is not a comment on the EIR, but the comment does note the potential for cumulative impacts on utility facilities. The City routinely requires coordination with PG&E during the review of projects. Such coordination would identify the need for any additional utility improvements that may be required in conjunction with new development projects.

Response 11D: This is not a comment on either the general plan or the EIR but rather a discussion of potential electrical and gas utility improvements that may be required in conjunction with new development. This information has been incorporated in the utility impact discussion of the EIR.

Response 11E: As noted in previous responses, the City will continue to coordinate with PG&E with regard to utility needs associated with new development projects. This consultation will include the potential for any cumulative impacts on the PG&E system. If and when PG&E identifies significant physical improvements that may be needed in conjunction with a planned development project, these improvements should be accounted for in the environmental document prepared for the project.

Response 11F: This comment suggests the inclusion of information regarding electromagnetic fields in the General Plan and EIR. The suggested paragraph has been incorporated in the EIR. Repeated studies of the potential health effects of EMF have failed to reveal any significant linkage between the presence of EMF and disease.

Response 11G: This comment is both a request for coordination with the City on planned urban expansion as well as a statement of the utility's responsibility to the California Public Utilities Commission and a recognition of the CPUC's authority over utility-related matters. As noted in previous responses, the City will continue to coordinate with PG&E on utility-related matters. No further response is necessary.