Ripon City Council Minutes

TUESDAY, AUGUST 9, 2016

REGULAR MEETING
6:00 P.M.

PLEDGE OF ALLEGIANCE: The meeting was called to order at 6:00 p.m. with Council Member Michael Restuccia in the Pledge of Allegiance to the Flag.

INVOCATION: Pastor Angelo Contreras gave the invocation.

ROLL CALL: Council Members Leo Zuber, Mark Winchell, Michael Restuccia, Vice Mayor Dean Uecker, Mayor Jake Parks.

OTHERS PRESENT: City Administrator Kevin Werner, City Attorney Tom Terpstra, Planning Director Ken Zuidervaart, Recreation Director Kye Stevens, Director of Public Works Ted Johnston, Police Chief Ed Ormonde, Deputy City Clerk Tricia Raymond, Information Systems Technician Dan Brannon, Engineering Supervisor James Pease, Associate Civil Engineer Elizabeth Quilici, Debbie Svopa Meewse, Colleen Medeiros, Sharon Butcher, Jennifer Mellon, Jacob Curtiss, David Niskawen, John B. Anderson, Jaime Fountain, Mary Vizcarra, Connie Jorgenson.

PUBLIC DISCUSSION: Ripon Resident Colleen Medeiros said she wanted to discuss how the Mistlin Sports Park is run by TPR Baseball. Medeiros said on top of paying registration fees, guests are charged to enter the fields on practice days and if you have multiple children this expense adds up. Medeiros said there have been many complaints on social media of how TPR Baseball is handling the management of Mistlin Sports park and would like for their lease to be looked at and grievances acknowledged in order to make a change. Medeiros said TPR Baseball should be held to their lease and meet Ripon principles and standards or be shown the door.

Ripon Resident Jacob Curtiss said he met with Recreation Director Stevens and Finance Director Roos to discuss the contract the City has with TPR Baseball and finances in regards to management and concessions. Curtiss said his concerns are with Section 2.5 of the agreement and Exhibit "C". Curtiss said the field conditions are not satisfactory and management of the park is unacceptable. Curtiss would like staff to review the contract with TPR Baseball and ensure they are meeting the requirements. Curtiss would also like staff to look at the finances and feels there have been instances where TPR Baseball has not reported concession money to the City. Curtiss said there are too many red flags that are being ignored and wants what is best for community.

Ripon Resident Bill Long said he met with Colleen and Jacob in regards to the issues with TPR Baseball and went out to the Sports Park to observe the situation. Bill said to have persons pay to watch practices or buy from the concession stand is unreasonable. Bill would like Council to look at the contract with TPR Baseball and see that standards are being met.

Ripon Resident Debbie Svopa Meeuwse said she owns several properties in Ripon and boards horses and chickens on a property over the Fulton Rd. overpass that she has been leasing for over 15 years. Recently she was notified by Code Enforcement that a complaint had been filed. Meeuwse received a letter from Code Enforcement and after meeting with City staff Meeuwse was advised that all equipment and animals need to be removed from the property by August 31st. Meeuwse doesn't understand the violation she received and why she must vacate the premises. She wants a better understanding and would appreciate staff and Council looking at this matter further since time is of the essence.

APPROVAL OF MINUTES: **MOTION:** MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO APPROVE THE MINUTES OF THE REGULAR RIPON CITY COUNCIL MEETING ON JULY 12, 2016.

APPROVAL OF AGENDA AS POSTED (OR AMENDED):

City Council Member Leo Zuber requested that Items 2G, 3A, 3B, 3C, 4I, and 4N be pulled for discussion from the Consent Calendar.

Council Member Mark Winchell requested that Items 4A and 4B be pulled for discussion from the Consent Calendar.

Council Member Micheal Restuccia requested that Item 4K be pulled for discussion from the Consent Calendar.

MOTION: MOVED/SECONDED (RESTUCCIA,WINCHELL) AND CARRIED BY A 5-0 VOTE TO APPROVE THE AGENDA AS AMENDED.

CONSENT CALENDAR **NOTES:**

1. Income

A. STATE OF CALIFORNIA

Retail Sales Tax (2015 $213,600.00)	$189,500.00	
Highway Users Tax (2015 $40,382.93)	$24,541.69	
TOTAL		**$214,041.69**

B. CCATT HOLDINGS

Acacia Avenue Cell Tower Lease **$999.53**

C. BERTOLOTTI DISPOSAL, INC.

Franchise fee payment – 2nd Quarter 2016 **$1,602.32**

D. WASTE MANAGEMENT

Franchise fee payment – June 2016 **$2,279.44**

2. Bills, Invoices, Payments

A. NATIONAL METER & AUTOMATION, INC.

Material Purchase – Water Meter Installation Project

Progress Payments-		
Invoice #S1070483.005	$1,717.20	
Invoice #S1073329.003	$709.57	
Invoice #S1072952.001	$7,209.98	
Invoice #S1072952.003	$40.42	
Invoice #S1074131.001	$4,316.65	
Invoice #S1074323.001	[$6,791.04]	
Invoice #S1074360.001	$398.53	
Invoice #S1074360.002	$6,010.21	
Invoice #S1073329.002	$308.84	
Invoice #S1074458.001	$2,003.41	
TOTAL		**$15,923.77**

B. SAN JOAQUIN REGIONAL TRANSIT DISTRICT

Blossom Express Driver **$2,254.61**
June Invoice #AR109680

C. TERPSTRA HENDERSON

General Matters	$9,649.00	
Police Matters	$1,823.00	
J-M Manufacturing	$711.25	
TOTAL		**$12,183.25**

CONSENT CALENDAR **NOTES:**

2. Bills, Invoices, Payments, continued:

D. CAVES & ASSOCIATES

Professional Services **$1,117.00**
Invoice #16-154

E. PADILLA & ASSOCIATES

Professional Services **$625.00**
Invoice #16-RIP-1

F. WGR SOUTHWEST, INC.

City Stormwater Permit Assistance

Progress Payments-

Invoice #18003	$2,507.40	
Invoice #17909	$580.00	
TOTAL		**$3,087.40**

G. G.M. CONSTRUCTION & DEVELOPERS, INC. *Item 2G was pulled for discussion*

Water Meter Installation Project **$63,719.35**
Progress Payment – Invoice #3694.10

H. MARK THOMAS & COMPANY

Circulation Element Update

Progress Payments-

Invoice #25250	$1,587.00	
Invoice #25688	$4,473.00	
TOTAL		**$6,060.00**

3. Resolutions

A. RESOLUTION NO. 16-57 *Item 3A was pulled for discussion*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON AUTHORIZING THE TRANSFER OF CERTAIN MUNICIPAL FUNDS

This resolution authorizes the transfers of enterprise funds to the capital reserve funds and general funds to the Landscape Maintenance Districts with deficits.

CONSENT CALENDAR **NOTES:**

3. Resolutions, continued:

B. RESOLUTION NO. 16-58 *Item 3B was pulled for discussion*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON AUTHORIZING THE TRANSFER OF CERTAIN MUNICIPAL FUNDS FOR STREET MAINTENANCE AND REPAIRS

This resolution authorizes the transfer of certain Municipal Funds for Street Maintenance and Repairs.

C. RESOLUTION NO. 16-59 *Item 3C was pulled for discussion*

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON SETTING THE MEYENBERG AVENUE AND MCBRIAN DRIVE RESIDENTIAL PARKING PERMIT PROGRAM AREA

This resolution approves Meyenberg Avenue and McBrian Drive as a Residential Parking Permit required area.

4. Miscellaneous Items

Second Reading and Adoption

A. ORDINANCE NO. 844 *Item 4A was pulled for discussion*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON ADDING CHAPTER 9.34 TO THE RIPON MUNICIPAL CODE, TITLED "UNMANNED AIRCRAFT SYSTEMS."

This ordinance adds Chapter 9.34 to the Ripon Municipal Code, titled "Unmanned Aircraft Systems."

Second Reading and Adoption

B. ORDINANCE NO. 846 *Item 4B was pulled for discussion*

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 8.28 TO THE RIPON MUNICIPAL CODE, TITLED "MASSAGES/MASSAGE BUSINESSES"

This ordinance amends Chapter 8.28, to include a grandfather clause and provide parameters and clarification on legal permissions for locking doors.

CONSENT CALENDAR **NOTES:**

4. Miscellaneous Items, continued:

Note: Ordinances **4C – 4G** can be taken as one item if no one from the public objects.

Second Reading and Adoption

C. ORDINANCE NO. 847

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.12 OF THE RIPON MUNICIPAL CODE RELATING TO DEFINITIONS AND USE CLASSIFICATIONS SYSTEMS	This ordinance amends Chapter 16.12, titled "Definitions and Use Classifications Systems".

Second Reading and Adoption

D. ORDINANCE NO. 848

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.16 OF THE RIPON MUNICIPAL CODE RELATING TO RESIDENTIAL DISTRICTS	This ordinance amends Chapter 16.16, titled "Residential Districts".

Second Reading and Adoption

E. ORDINANCE NO. 849

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.20, CHAPTER 16.24, AND CHAPTER 16.26 OF THE RIPON MUNICIPAL CODE RELATING TO OFFICE AND COMMERCIAL DISTRICTS, INDUSTRIAL DISTRICTS AND MIXED USE DISTRICTS	This ordinance amends Chapter 16.20, 16.24, and Chapter 16.26, titled "Office and Commercial Districts, Industrial Districts and Mixed Use Districts".

Second Reading and Adoption

F. ORDINANCE NO. 850

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.89 OF THE RIPON MUNICIPAL CODE RELATING TO COTTAGE FOOD OPERATION PERMITS	This ordinance amends Chapter 16.189, titled "Cottage Food Operation Permits".

CONSENT CALENDAR **NOTES:**

4. Miscellaneous Items, continued:

Second Reading and Adoption

G. ORDINANCE NO. 851

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.144 OF THE RIPON MUNICIPAL CODE RELATING TO PARKING AND LOADING	This ordinance amends Chapter 16.144, titled "Parking and Loading".

H. ANNUAL INVESTMENT POLICY REVIEW

July 1, 2015 to June 30, 2016	Accept the City's annual investment report for the period ending June 30, 2016.

I. SAN JOAQUIN COUNCIL OF GOVERNMENTS *Item 4I was pulled for discussion*

Transit – Blossom Express Operations Funds - $50,000.00	Approve the Measure K Renewal Cooperative Agreement in order to receive funding to operate the Blossom Express transit service from July 2016 through June 2017 and authorize the Mayor to sign.

J. CHAMBER FOUNDATION

Soaring over Ripon Fee Waiver	Waive the $3,500.00 fee for use of Mistlin Sports Park on September 2 - 4, 2016 for the Soaring over Ripon Festival, previously known as "Color the Skies."

K. DONATION *Item 4K was pulled for discussion*

Donation of Bench	Accept the donation from the MacDonald Family Trust for the purchase and installation of a bench to be placed on the south side of the Senior Center on Fourth Street. (Donation: $2,300.00)

L. CLAIM

Preferred Employers Insurance Company	Deny the application of a claim filed 6 months after the incident by Preferred Employers Insurance Company.

CONSENT CALENDAR **NOTES:**

4. Miscellaneous Items, continued:

M. TERRACON CONSULTANTS, INC.

General Services Agreement	Authorize the Mayor to sign the agreement with Terracon Consultants, Inc. for quality control field testing services for the CNG Expansion and Bus Shelter Project. Services are paid through the Prop 1B Transit System Safety, Security & Disaster Response account. (Cost not to exceed: $5,000.00)

N. 439 S. ACACIA AVENUE *Item 4N was pulled for discussion*

Award Bid to Contractor A	Award the bid to the contractor identified as Contractor A for the construction of the affordable house located at 439 S. Acacia Avenue, and direct staff to process the appropriate documents to execute the contract.

O. ASSIGNMENT AND ASSUMPTION AGREEMENT

Rod Lowe Project	Consent to the Assignment and Assumption Agreement allowing BMCH California, LLC (Benchmark) to purchase the project and land from R & K Lowe 1997 Revocable Trust of 26.41 acres located at the south-west corner of River Road and Fulton Avenue and authorize the Mayor to sign the acknowledgement and acceptance by the City.

End of Consent Calendar

MOTION: MOVED/SECONDED (RESTUCCIA,WINCHELL) AND CARRIED BY A 5-0 VOTE TO APPROVE THE CONSENT CALENDAR AS AMENDED.

Discussion on Item 2G
Council Member Zuber asked when this project would be complete.
Engineering Supervisor Pease said the project is 98% complete. The contractor is finishing up a remainder of homes that are receiving new electronic transmitters. By the end of next month the job will be complete and all of Ripon will be on meters that report electronically.

Discussion on Item 3A
Council Member Zuber asked if these transfers eliminate the deficit within some of the landscape districts that are operating at a deficit due to when they were originally set up. Zuber asked if this will bring them to zero at the end of the 2015-2016 fiscal year.
City Administrator Werner said yes.
Zuber said at the end of every fiscal year we can pay these off so there is no large deficit.

Discussion on Item 3B
Council Member Zuber said this is transferring over a $1,000,000.00 from various accounts into the Street and Road fund. Zuber said the report does not show what was done with the funds and that is why he requested a report last month.
City Administrator Werner said staff is putting together an itemized report of projects that were done in the fiscal year.

Discussion on Item 3C
Council Member Zuber said when the parking permit program was passed it stated once you request for a permitted area, that area requires parking permits all the time. This request is for permit parking from Memorial Day to Labor Day and then the rest of the year is no permit parking. Zuber said this was not the intent of the program and sees this as a step towards customized parking, which he does not agree with. There was a specific reason for this program in that area, which this request is in this area, but the intent was not to customize time.
Mayor Parks said he agrees with Zuber. The program was to help alleviate traffic in the area and by adding customized dates it could create more issues and take away time and resources from the Police Department.
Council Member Restuccia asked if these specific streets asked for the dates.
Chief of Police Ormonde said the residents did request these specific dates when the area is most affected. The dates were presented on the ballot. If it does not pass tonight, it will go back for a re-vote for the extended time period.
Restuccia said residents can acquire as many permits as they need for the entire year, but sees how the domino effect of parking permit areas could begin in this area.
Ormonde said originally a request for the whole Ripon Bluffs neighborhood was submitted, but did not pass. The groups coming forward now are the areas that are most affected and would have passed if they came forward originally as individual groups. Another neighborhood on the 400 block of South Manley submitted a proposal and has ballots going out next week. The Manley Committee is the last to put in a request.
Zuber asked City Attorney Terpstra if it's possible the way the ordinance is written now to approve this resolution for a time period of one or two years.
Terpstra said you can state a specific time period and then bring the resolution back for amendment. Terpstra said during that time Council and staff can look at the ordinance, but we need to remember that we are dealing with public streets and parking.

Discussion on Item 4A
Council Member Winchell said he has concerns with Section 9.34.030(I) in the Ummanned Aircraft Systems ordinance which states "No person shall operate any Model Aircraft or Civil UAS within the City of Ripon above or within 100 feet of any organized event including, but not limited to, any sporting event, festival, fair or otherwise." Winchell said he wants the feet extended to 500 feet, instead of 100 feet.

Discussion on Item 4B
Council Member Winchell asked if more could be done to those found in lewd acts at massage businesses besides charging them with a misdemeanor and fining them.
City Attorney Terpstra said depending on the nature of the event there could be criminal proceedings that follow.

Discussion on Item 4I
Council Member Zuber said we get $50,000.00 towards funding for the Blossom Express. He asked what happens if all the money is not spent.

City Administrator Werner said if the money is not spent it stays in the City. It can be used for other capital purchases that pertain to transportation.
Mayor Parks asked if this funding will be available in the foreseeable future.
Werner said this funding is a specific category in Measure K and will continue for another 25 years.

Discussion on Item 4K
Council Member Restuccia wanted to publicly recognize and thank the MacDonald family for their generous donation of a bench to the City of Ripon.

Discussion on Item 4N
Council Member Zuber said the staff report mentions hiring a consultant to manage the building of the house. He asked if that was part of this motion.
Planning Director Zuidervaart said that will be a separate item and the agreement will come back to Council for approval.
Zuber confirmed the only action tonight is to award the job to contractor "A".

MOTION: MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO APPROVE ITEMS 2G, 3A, 3B, 4B, 4I, 4K, AND 4N.

MOTION: MOVED/SECONDED (WINCHELL,UECKER) AND CARRIED BY A 5-0 VOTE TO APPROVE ITEM 4A, ORDINANCE NO. 844 WITH THE DISTANCE BEING AMENDED FROM 100 FEET TO 500 FEET.

MOTION: MOVED/SECONDED (ZUBER,UECKER) AND CARRIED BY A 5-0 VOTE TO APPROVE ITEM 3C, RESOLUTION NO. 16-59 AS AMENDED WITH A 2 YEAR IMPLEMENTATION. AFTER TWO YEARS A RESOLUTION WILL BE BROUGHT BACK TO COUNCIL FOR CONSIDERATION.

5. PUBLIC HEARING

A. GENERAL PLAN AMENDMENT(G16-02) AND ZONING TEXT AMENDMENT (Z16-02)
Senate Bill 5

A public hearing to consider an amendment to the Community Health and Safety Element of the General Plan and an Ordinance to amend Title 16 of the Ripon Municipal Code to incorporate the requirements of California Senate Bill 5 (2007) related to 200-year flood protection for urban areas.

Council Action:

- Adopt the Resolution approving an amendment to the City's Community Health and Safety Element of the General Plan; and
- Waive the first reading and introduce the City Council Ordinance amending Title 8 and 16 of the Ripon Municipal Code.

Planning Director Zuidervaart introduced consultant John Anderson. Zuidervaart said this public hearing is in regards to Senate Bill 5 and the requirements related to the 200-year floodplains.

John Anderson – J.B. Anderson Land Use Planning said this is an unfunded State mandate dealing with the 200-year floodplains and what impacts they may have upon cities in this area. The two goals were to modify the general plan safety element and modify ordinances that are referenced in the 200-year floodplain. The City of Ripon chose to map out the floodplains and they were pretty consistent with where they should be on the west side, but on the east side it was different which can be seen in the staff report.

David Niskanen – J.B. Anderson Land Use Planning presented a PowerPoint presentation on Senate Bill 5 requirements that need to be incorporated into the General Plan and Zoning related to the 200-year floodplain.

Vice Mayor Uecker asked if these findings could affect flood insurance rates.

Niskanen said no because these are State mandates.

Council Member Restuccia said the Planning Commission approved the amendments to be brought forward to Council by a vote of 4-0. Restuccia asked if they had a choice.

Niskanen said you do not have a choice. It's an unfunded State mandated requirement.

Council Member Winchell said the findings reflect a minimal impact to Ripon if there was a 200-year flood.

Zuidervaart said that is correct. Within the city limits there are no effects. There is a small 5-10 acre parcel of land on the east side of town that would have issues and would need to meet certain standards if development were to occur.

PUBLIC HEARING OPENED

No on wished to speak at this time

PUBLIC HEARING CLOSED

MOTION: MOVED/SECONDED (UECKER,WINCHELL) AND CARRIED BY A 5-0 VOTE TO ADOPT RESOLUTION NO. 16-60 AND WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 853.

6. RESOLUTIONS **NOTES:**

A. RESOLUTION NO. 16-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON FOR THE DEPARTMENT OF TRANSPORTATION MASTER AGREEMENT FOR RIVER RD./FULTON AVE. INTERSECTION IMPROVEMENTS	This resolution authorizes the Mayor to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and/or any amendments thereto with the California Department of Transportation in order to receive Federal and/or State funding for the River Road/Fulton Avenue Intersection Improvement project.

Engineering Supervisor Pease said this resolution authorizes the Mayor to execute all agreements pertaining to the River Road/Fulton Avenue Intersection Improvement Project.

MOTION: MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO APPROVE RESOLUTION NO. 16.61.

B. RESOLUTION NO. 16-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON FOR THE DEPARTMENT OF TRANSPORTATION MASTER AGREEMENT FOR CNG SOLID WASTE COLLECTION VEHICLE	This resolution authorizes the Mayor to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and/or any amendments thereto with the California Department of Transportation in order to receive Federal and/or State funding for the purchase of a CNG Solid Waste Collection Vehicle.

Engineering Supervisor Pease said this resolution authorizes the Mayor to execute all agreements pertaining to the purchase of a CNG Solid Waste Collection Vehicle.

Council Member Zuber asked if this is a separate purchase from the 2 trucks that were damaged in the fire.

Pease said yes.

Zuber said then we will have 3 new CNG trucks.

MOTION: MOVED/SECONDED (RESTUCCIA,UECKER) AND CARRIED BY A 5-0 VOTE TO APPROVE RESOLUTION NO. 16-62.

6. RESOLUTIONS, continued: **NOTES:**

C. RESOLUTION NO. 16-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON ADOPTING DESIGN GUIDELINES FOR RESIDENTIAL LANDSCAPING	This resolution approves the City of Ripon Residential Landscaping Design Guidelines and directs staff to process the appropriate Municipal Code amendments in order to reference the design guidelines.

Planning Director Zuidervaart said this is the final draft of the Residential Landscaping Design Guidelines. Zuidervaart said when the first draft was introduced it was 95% complete. Some adjustments were made and now it is before Council for approval.

Council Member Zuber said once this is adopted developers will need to meet and implement the standards stated for front yards with development.

Zuidervaart said yes. The developer will follow guidelines and submit plans to the Planning Department to ensure they are in compliance with the plan.

MOTION: MOVED/SECONDED (WINCHELL,RESTUCCIA) AND CARRIED BY A 5-0 VOTE TO APPROVE RESOLUTION NO. 16.63

7. ORDINANCES **NOTES:**

Second Reading and Adoption

A. ORDINANCE NO. 845

AN ORDINANCE OF THE CITY OF RIPON REPEALING CHAPTER 5.28, 5.29, AND 5.32 OF THE RIPON MUNICIPAL CODE AND INTRODUCING AN NEW CHAPTER 5.28, TITLED "UTILITY JOINT TRENCH AND CONSTRUCTION REQUIREMENTS."	This ordinance repeals Chapter 5.28, 5.29, and 5.32 of the Ripon Municipal Code and introduces a new Chapter 5.28, titled "Utility Joint Trench and Construction Requirements."

Lisa Ludovici, Director, Government Affairs – Charter Communications said Charter's network in Ripon delivers state-of-the-art broadband to residents and businesses throughout Ripon, provides educational tools to schools and library, and contributes a portion of revenue to the City in the form of franchise fees. In 2015 Charter paid $80,000.00 in fees.
Ludovici said the prior local franchise Charter had in Ripon required the systems to be built underground which resulted in chronic service outages due to water damage, in particularly to amplifiers that serve 8-500 customers.
Ludovici said the new ordinance does not protect against future outages, nor does it support the quality of care for outages.
Ludovici shared a PowerPoint presentation outlining current issues and proposed changes to the new ordinance.

City Attorney Terpstra said this process has been ongoing for 8 months. There have been meetings, phone calls, and drafts that have gone back and forth between Ms. Ludovici and the Charter legal team.

Council Member Zuber said in the latest proposal provided by Charter there were 6 variances between Charter and the City of Ripon. Zuber read through each variance and stated he was comfortable with the ordinance and any concerns that Charter has can be mitigated within the ordinance.

MOTION: MOVED/SECONDED (ZUBER,WINCHELL) AND CARRIED BY A 5-0 TO APPROVE ORDINANCE NO. 845.

8. DISCUSSION ITEMS **NOTES:**

A. DEVELOPMENT FEE SCHEDULE COMPARISON

Discussion

Goodwin Consulting provided a comparison of Ripon's development fees to a number of neighboring cities during a June 30, 2016 workshop. After reviewing the results of the survey, the City Council directed Goodwin Consulting to evaluate certain policy changes to Ripon's development fee program. Goodwin Consulting will review the results of these policy changes, for City Council's consideration.

Victor Irzyk from Goodwin Consulting Group said last month a workshop was held in regards to the AB1600 Fee Comparison and as a result of the survey Ripon was not the highest, but in the upper range. Irzyk presented a PowerPoint on the various recommended revisions to fees for Retail, Office, Warehouse, Manufacturing, and Light Industrial & Light Manufacturing and the new comparison of fees with surrounding cities in which Ripon is now 4th in comparison in a total of 7 surrounding cities.

Council addressed concerns with Office and Light Industrial fees and requested more background and comparison into how other cities charge their fees.

B. PROPOSED AUDIO-VISUAL UPGRADES TO CITY COUNCIL CHAMBERS

Discussion

Staff has explored possible upgrades to the audio-visual equipment currently being used in the council chambers. Mayor Parks, Councilmember Zuber, City Administrator Werner, Deputy City Clerk Raymond, and Information Technology Supervisor Brannon have toured the San Joaquin County Board of Supervisors chambers, which was recently retrofitted with upgraded audio-visual equipment. Staff will provide a recommendation of audio-visual upgrades, for City Council's consideration.

Information Systems Technician Brannon said at the request of Council he has been researching upgrades to the City Council Chambers audio-visual systems to resolve several continual problems.

Two biggest areas of concern are the touch screen voting system and the poor visual quality of presentations projected and displayed on the council dais.
Brannon said he along with a group of City Staff and Council members toured the San Joaquin Board of Supervisors chambers, which recently underwent an upgrade similar to our requests.
Brannon provided a detailed list of upgrades such as an Accela Digital Boardroom and Automated Agenda System, add/replace aging computers that support the meetings, replace touch panel displays, and install speaker-timer system for Council Chambers facilities with a one-time cost of $9,580.00 and an annual fee of $14,920.00.

Council Member Zuber asked if the surface devices will be used to operate the system or if laptops were included in the quote. Zuber said the Board of Supervisors had larger screens in order to see the agenda and operate the voting page.

Brannon said that is up to Council and he can acquire a quote for the laptops.

Zuber said with the improvements and the annual fee, staff may need to look at the fees being charged to other groups using the Chambers and adjust them to help support the ongoing costs of the improvements.

Council advised Brannon to move forward with the proposed audio-visual upgrades for Council Chambers.

8. DISCUSSION ITEMS, continued: **NOTES:**

C. ALCOHOL ORDINANCE

Discussion

Council Member Zuber has requested an agenda item to discuss possible changes to Chapter 9.04 of the City's Municipal Code titled, "Alcoholic Beverages".

Council Member Zuber said over the years there has been a lot of conversation around town and at events in regards to this ordinance. Zuber said instead of hearing people talk about it, he wants to start the conversation.

Council Member Restuccia said the current ordinance controls where alcoholic beverages are consumed.

Vice Mayor Uecker said there is no reason why something can't be stipulated in the ordinance to allow for alcoholic beverages to be consumed at certain venues and events.

Mayor Parks said by adding something in the ordinance that allows for alcohol at events could help businesses.

Uecker suggested creating a committee to discuss the current ordinance and proposed changes with input from (2) Council Members, City Staff, Police Chief Ormonde, (1) Chamber of Commerce Member, (1) Community Member, and (1) Business owner.

Mayor Parks asked who would like to sit on the committee from the Council.

Uecker and Winchell will sit on the committee and report at the September meeting.

REPORTS

Department Heads: Police Chief Ormonde presented a PowerPoint on the 2016 Mid-Year Crime and Activity statistics for the last 8 years of activity comparing January through June. Total incidents are down over the past 5 years, overall down 3% from last year. UCR Part 1 Crimes have decreased compared to last year and larceny and general theft has increased, due to unlocked vehicles, shop lifting, or items being taken from property. Ormonde said Total Arrests are down from last year due to less activity at the river and more community response.

Ormonde thanked the community, City Staff, City Council, Fire and Police Departments, and everyone else who participated in National Night Out.

Ormonde said school is back in session tomorrow, so please drive safe.

Director of Public Works Johnston reported July water usage was down 29% compared to July 2013. Johnston said 158 warning door hangers were hung and 14 citations written.
Council Member Zuber requested a report in November on total water citations written, payments made, and outstanding payments for the year.

Engineering Supervisor Pease said two bids will be open at the end of the month for the 2016 Rubber Cape Seal project and Well 5 & 12 Rehabilitation project.

City Council: Council Member Restuccia said he had heard of issues before tonight with TPR Baseball and thought they had been addressed. Restuccia said he would like to see a report next month on TPR Baseball and the maintenance of the park and if they are or are not living up to their contract.

Council Member Zuber said this is the first year with the new fireworks ordinance in place and would like to see a report on how many violations were reported, cited, fines issued, and fines collected.
Zuber said he would like to have the Ripon Chamber of Commerce attend the September meeting and give a report on the 4th of July event.

There being no further business, the meeting was adjourned at 9:30 p.m.

(Signed) Jacob Parks
Mayor

ATTEST:

(Signed) Tricia Raymond
Deputy City Clerk

CITY COUNCIL

PUBLIC ATTENDANCE RECORD

Date August 9, 2016

Signing is Voluntary

PLEASE PRINT

Name	Address
Debbie Swopa Meenwse	345 Rose Court.
Collen Mulenson	305 VANDYKEN WAY
Sharon Butler	1003 MANOR DR
Jennifer Mellon	218 Tiffany Circle
Jacob Curtiss	1010 Jordanito Dr.
David Niskanen	139 S. Stockton Ave.
John B Anderson	"
Rev. Angel Contreras	933 Van G
Jaime Fountain	N. Fourth
Mary Vizcarra	[illegible]
[illegible]	

California Government Code §54953.3. If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

Ripon City Council Meeting Notice & Agenda

CITY HALL, 259 NORTH WILMA, RIPON, CALIFORNIA

TUESDAY, AUGUST 9, 2016 - 6:00 P.M.

REGULAR MEETING

You are now participating in the process of representative government. We welcome your interest and hope you will attend Ripon City Council meetings often. Democracy cannot endure without an informed electorate.

Ripon, as you probably know, has a council-administrator form of local government. Policies are set by the Council, who are elected by the people. These policies are carried out by the City Administrator, who is appointed by the Council. The Council decides what is to be done. The City Administrator, with the assistance of the City Staff, follows through.

REGULAR COUNCIL MEETINGS
The governing body meets at 6:00 P.M., on the second Tuesdays of the month, in the Council Chambers located in City Hall, 259 North Wilma, Ripon, California. A City Council meeting is the process of making and amending laws, developing policy and making decisions for governing your City by citizens who have been elected by you. With the exception of matters of personnel and pending litigation, or negotiations, the City Council takes action only in meetings open to the public.

The City Council follows a regular order of business during its meeting. The Council agenda is prepared in advance by the City Administrator and his staff. If you wish to place an item on the agenda for action, the information must be delivered to the City Administrator or staff eight (8) working days prior to the Council meeting. This date will be revised in case of holidays or special events. The information must be in writing (no phone calls), your name and address must be printed, and action desired must be clearly stated. Copies of the agenda are available at Ripon City Hall and online beginning on the Thursday prior to the meeting, or at the time of the scheduled meeting.

With the publication of this agenda, it is with the intent that each item on the agenda will be considered for a vote. Each Council Member present will cast a vote either for or against the motion under consideration, and the vote will be recorded in the minutes of the meeting. For example, the motion may be to approve, adopt, introduce, deny, fail, withdraw, table, or continue an item.

PUBLIC DISCUSSION
If you desire to speak before the Council on an item not on the agenda, please address "Mr. Mayor" and upon being recognized, come forward to the podium, and state your name and address before proceeding into your subject matter. State law prohibits the City Council from taking action on any item not on the agenda. While the City Council cannot always answer citizens concerns raised during the public discussion time, the City staff will be instructed, where appropriate, to either provide a response in the days following each Council meeting, or to place the issue on a subsequent meeting agenda for the City Council or one of its appointed commissions. No person shall speak for more than five minutes, and the total time allotted for discussion shall not exceed thirty minutes. Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks.

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call (209) 599-2108. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

CONSENT CALENDAR
Routine items are scheduled under the heading of Consent Calendar, which allows action to occur with a single motion. Any item can be pulled off the consent calendar for further discussion if Council so desires. The public may also, at this time, request that an item be pulled from the consent calendar for explanation and/or discussion.

PERSONNEL/EXECUTIVE SESSION
Matters of personnel and pending litigation, or negotiations are handled after the public meeting has been closed, in the Personnel/Executive Session, pursuant to Sections 54956.8 and 54957 of the Government Code. This session is closed to the public.

INFORMATION

Where can I find the agenda before a meeting?

Copies of the agenda are available at the front counter of the Administration Department at City Hall, 259 N. Wilma Avenue by 4:30 p.m. on Thursday before a regularly scheduled City Council meeting. The agenda can be viewed in the window box in front of City Hall, or online at www.cityofripon.org . Supplemental documents relating to specific agenda items are available for viewing at the Office of the City Clerk or online.

Can I get the agenda/minutes mailed to my home/business?

You can subscribe to agendas and minutes in January of each year. The annual subscription for both is $60.00 per year. Subscription costs are not pro-rated should you wish to begin a subscription mid-year. If you would like to subscribe to the agenda/minutes, contact the City Clerk's office at 259 N. Wilma Avenue. Agendas are mailed on the Thursday before a meeting, and you will receive it on Monday or Tuesday (depending on postal service).

Can I receive the agenda by e-mail?

You may subscribe to the agenda at any time by e-mail – just go to the web site to register – www.cityofripon.org . Your subscription will begin immediately and you will receive it on the Thursday before the Regular Council meeting. Agendas sent by e-mail are free. Minutes are not e-mailed, but can be viewed on the City's web site.

How complete are the minutes?

The City of Ripon prepares **Synopsis Minutes**. These Minutes represent a summary of the actual comments made. Video CD or audio recordings are available for 90 days following a meeting or online for 2 weeks following a meeting at www.cityofripon.org . Contact the City Clerk's office to view/listen to these recordings at City Hall.

OTHER MEETINGS

Agency	Day	Time	Place
Historical Museum Commission	Third Monday	7:30 p.m.	Clarence Smit Memorial Museum
Planning Commission	The Monday following City Council	6:00 p.m.	Council Chambers
Recreation Commission	Second Wednesday	6:00 p.m.	City Hall Conference Room
Community & Youth Commission	Third Monday	7:00 p.m.	Police Department

Ripon City Council Agenda

TUESDAY, AUGUST 9, 2016

REGULAR MEETING
6:00 P.M.

PLEDGE OF ALLEGIANCE:

INVOCATION:

ROLL CALL: Council Members Leo Zuber, Mark Winchell, Michael Restuccia, Vice Mayor Dean Uecker, Mayor Jake Parks.

OTHERS PRESENT: City Administrator Kevin Werner, City Attorney Tom Terpstra, Planning Director Ken Zuidervaart, Recreation Director Kye Stevens, Director of Public Works Ted Johnston, Police Chief Ed Ormonde, City Clerk Lisa Roos, Deputy City Clerk Tricia Raymond, Information Systems Technician Dan Brannon, (Others present will be recorded by secretary only.)

PUBLIC DISCUSSION: This time is provided to the public to address the City Council on items not on the agenda. If you desire to speak, please address "Mr. Mayor" and upon being recognized, come forward to the podium, and state your name and address before proceeding into your subject matter.

APPROVAL OF MINUTES: Approval of the minutes of the Regular Ripon City Council Meeting of July 12, 2016.

APPROVAL OF AGENDA AS POSTED (OR AMENDED): If anyone would like to provide public comment regarding an item on the Consent Calendar, please come forward to the podium at this time.
The City Council may request to (1) pull an item from the Consent Calendar (2) withdraw an item; (3) add an Emergency items by a 4/5 vote. If the agenda is amended, vote to approve the amended agenda. If no changes are made, vote to approve the agenda as posted.

CONSENT CALENDAR **NOTES:**

1. Income

p. 27 A. STATE OF CALIFORNIA

Retail Sales Tax (2015 $213,600.00)	$189,500.00	
Highway Users Tax (2015 $40,382.93)	$24,541.69	
TOTAL		**$214,041.69**

p. 29 B. CCATT HOLDINGS

Acacia Avenue Cell Tower Lease **$999.53**

p. 30 C. BERTOLOTTI DISPOSAL, INC.

Franchise fee payment – 2nd Quarter 2016 **$1,602.32**

p. 31 D. WASTE MANAGEMENT

Franchise fee payment – June 2016 **$2,279.44**

2. Bills, Invoices, Payments

p. 33 A. NATIONAL METER & AUTOMATION, INC.

Material Purchase – Water Meter Installation Project

Progress Payments-		
Invoice #S1070483.005	$1,717.20	
Invoice #S1073329.003	$709.57	
Invoice #S1072952.001	$7,209.98	
Invoice #S1072952.003	$40.42	
Invoice #S1074131.001	$4,316.65	
Invoice #S1074323.001	[$6,791.04]	
Invoice #S1074360.001	$398.53	
Invoice #S1074360.002	$6,010.21	
Invoice #S1073329.002	$308.84	
Invoice #S1074458.001	$2,003.41	
TOTAL		**$15,923.77**

p. 43 B. SAN JOAQUIN REGIONAL TRANSIT DISTRICT

Blossom Express Driver **$2,254.61**
June Invoice #AR109680

p. 44 C. TERPSTRA HENDERSON

General Matters	$9,649.00	
Police Matters	$1,823.00	
J-M Manufacturing	$711.25	
TOTAL		**$12,183.25**

CONSENT CALENDAR **NOTES:**

2. Bills, Invoices, Payments, continued:

p. 51 D. CAVES & ASSOCIATES

Professional Services **$1,117.00**
Invoice #16-154

E. PADILLA & ASSOCIATES

p. 52

Professional Services **$625.00**
Invoice #16-RIP-1

p. 53 F. WGR SOUTHWEST, INC.

City Stormwater Permit Assistance

Progress Payments-

Invoice #18003	$2,507.40	
Invoice #17909	$580.00	
TOTAL		**$3,087.40**

p. 55 G. G.M. CONSTRUCTION & DEVELOPERS, INC.

Water Meter Installation Project **$63,719.35**
Progress Payment – Invoice #3694.10

p. 56 H. MARK THOMAS & COMPANY

Circulation Element Update

Progress Payments-

Invoice #25250	$1,587.00	
Invoice #25688	$4,473.00	
TOTAL		**$6,060.00**

3. Resolutions

p. 66 A. RESOLUTION NO. 16-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON AUTHORIZING THE TRANSFER OF CERTAIN MUNICIPAL FUNDS

This resolution authorizes the transfers of enterprise funds to the capital reserve funds and general funds to the Landscape Maintenance Districts with deficits.

CONSENT CALENDAR **NOTES:**

3. Resolutions, continued:

p. 67 B. RESOLUTION NO. 16-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON AUTHORIZING THE TRANSFER OF CERTAIN MUNICIPAL FUNDS FOR STREET MAINTENANCE AND REPAIRS

This resolution authorizes the transfer of certain Municipal Funds for Street Maintenance and Repairs.

p. 68 C. RESOLUTION NO. 16-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON SETTING THE MEYENBERG AVENUE AND MCBRIAN DRIVE RESIDENTIAL PARKING PERMIT PROGRAM AREA

This resolution approves Meyenberg Avenue and McBrian Drive as a Residential Parking Permit required area.

4. Miscellaneous Items

Second Reading and Adoption

p. 73 A. ORDINANCE NO. 844

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON ADDING CHAPTER 9.34 TO THE RIPON MUNICIPAL CODE, TITLED "UNMANNED AIRCRAFT SYSTEMS."

This ordinance adds Chapter 9.34 to the Ripon Municipal Code, titled "Unmanned Aircraft Systems."

Second Reading and Adoption

p. 78 B. ORDINANCE NO. 846

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 8.28 TO THE RIPON MUNICIPAL CODE, TITLED "MASSAGES/MASSAGE BUSINESSES"

This ordinance amends Chapter 8.28, to include a grandfather clause and provide parameters and clarification on legal permissions for locking doors.

CONSENT CALENDAR **NOTES:**

4. Miscellaneous Items, continued:

Note: Ordinances **4C – 4G** can be taken as one item if no one from the public objects.

Second Reading and Adoption

p. 93 C. ORDINANCE NO. 847

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.12 OF THE RIPON MUNICIPAL CODE RELATING TO DEFINITIONS AND USE CLASSIFICATIONS SYSTEMS

This ordinance amends Chapter 16.12, titled "Definitions and Use Classifications Systems".

Second Reading and Adoption

p. 108 D. ORDINANCE NO. 848

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.16 OF THE RIPON MUNICIPAL CODE RELATING TO RESIDENTIAL DISTRICTS

This ordinance amends Chapter 16.16, titled "Residential Districts".

Second Reading and Adoption

p. 122 E. ORDINANCE NO. 849

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.20, CHAPTER 16.24, AND CHAPTER 16.26 OF THE RIPON MUNICIPAL CODE RELATING TO OFFICE AND COMMERCIAL DISTRICTS, INDUSTRIAL DISTRICTS AND MIXED USE DISTRICTS

This ordinance amends Chapter 16.20, 16.24, and Chapter 16.26, titled "Office and Commercial Districts, Industrial Districts and Mixed Use Districts".

Second Reading and Adoption

p. 133 F. ORDINANCE NO. 850

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.89 OF THE RIPON MUNICIPAL CODE RELATING TO COTTAGE FOOD OPERATION PERMITS

This ordinance amends Chapter 16.189, titled "Cottage Food Operation Permits".

CONSENT CALENDAR **NOTES:**

4. Miscellaneous Items, continued:

Second Reading and Adoption

p. 138 G. ORDINANCE NO. 851

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.144 OF THE RIPON MUNICIPAL CODE RELATING TO PARKING AND LOADING	This ordinance amends Chapter 16.144, titled "Parking and Loading".

H. ANNUAL INVESTMENT POLICY REVIEW

p. 145

July 1, 2015 to June 30, 2016	Accept the City's annual investment report for the period ending June 30, 2016.

p. 148 I. SAN JOAQUIN COUNCIL OF GOVERNMENTS

Transit – Blossom Express Operations Funds - $50,000.00	Approve the Measure K Renewal Cooperative Agreement in order to receive funding to operate the Blossom Express transit service from July 2016 through June 2017 and authorize the Mayor to sign.

p. 159 J. CHAMBER FOUNDATION

Soaring over Ripon Fee Waiver	Waive the $3,500.00 fee for use of Mistlin Sports Park on September 2 - 4, 2016 for the Soaring over Ripon Festival, previously known as "Color the Skies."

p. 160 K. DONATION

Donation of Bench	Accept the donation from the MacDonald Family Trust for the purchase and installation of a bench to be placed on the south side of the Senior Center on Fourth Street. (Donation: $2,300.00)

p. 170 L. CLAIM

Preferred Employers Insurance Company	Deny the application of a claim filed 6 months after the incident by Preferred Employers Insurance Company.

CONSENT CALENDAR **NOTES:**

4. Miscellaneous Items, continued:

p. 171 M. TERRACON CONSULTANTS, INC.

General Services Agreement	Authorize the Mayor to sign the agreement with Terracon Consultants, Inc. for quality control field testing services for the CNG Expansion and Bus Shelter Project. Services are paid through the Prop 1B Transit System Safety, Security & Disaster Response account. (Cost not to exceed: $5,000.00)

p. 189 N. 439 S. ACACIA AVENUE

Award Bid to Contractor A	Award the bid to the contractor identified as Contractor A for the construction of the affordable house located at 439 S. Acacia Avenue, and direct staff to process the appropriate documents to execute the contract.

p. 190 O. ASSIGNMENT AND ASSUMPTION AGREEMENT

Rod Lowe Project	Consent to the Assignment and Assumption Agreement allowing BMCH California, LLC (Benchmark) to purchase the project and land from R & K Lowe 1997 Revocable Trust of 26.41 acres located at the south-west corner of River Road and Fulton Avenue and authorize the Mayor to sign the acknowledgement and acceptance by the City.

End of Consent Calendar

5. PUBLIC HEARING

p. 197

A. GENERAL PLAN AMENDMENT(G16-02) AND ZONING TEXT AMENDMENT (Z16-02)
Senate Bill 5

A public hearing to consider an amendment to the Community Health and Safety Element of the General Plan and an Ordinance to amend Title 16 of the Ripon Municipal Code to incorporate the requirements of California Senate Bill 5 (2007) related to 200-year flood protection for urban areas.

Council Action:

- Adopt the Resolution approving an amendment to the City's Community Health and Safety Element of the General Plan; and
- Waive the first reading and introduce the City Council Ordinance amending Title 8 and 16 of the Ripon Municipal Code.

6. RESOLUTIONS

NOTES:

p. 271

A. RESOLUTION NO. 16-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON FOR THE DEPARTMENT OF TRANSPORTATION MASTER AGREEMENT FOR RIVER RD./FULTON AVE. INTERSECTION IMPROVEMENTS

This resolution authorizes the Mayor to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and/or any amendments thereto with the California Department of Transportation in order to receive Federal and/or State funding for the River Road/Fulton Avenue Intersection Improvement project.

p. 272

B. RESOLUTION NO. 16-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON FOR THE DEPARTMENT OF TRANSPORTATION MASTER AGREEMENT FOR CNG SOLID WASTE COLLECTION VEHICLE

This resolution authorizes the Mayor to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and/or any amendments thereto with the California Department of Transportation in order to receive Federal and/or State funding for the purchase of a CNG Solid Waste Collection Vehicle.

6. RESOLUTIONS, continued: **NOTES:**

p. 273 C. RESOLUTION NO. 16-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON ADOPTING DESIGN GUIDELINES FOR RESIDENTIAL LANDSCAPING	This resolution approves the City of Ripon Residential Landscaping Design Guidelines and directs staff to process the appropriate Municipal Code amendments in order to reference the design guidelines.

7. ORDINANCES **NOTES:**

Second Reading and Adoption

p. 323 A. ORDINANCE NO. 845

AN ORDINANCE OF THE CITY OF RIPON REPEALING CHAPTER 5.28, 5.29, AND 5.32 OF THE RIPON MUNICIPAL CODE AND INTRODUCING AN NEW CHAPTER 5.28, TITLED "UTILITY JOINT TRENCH AND CONSTRUCTION REQUIREMENTS."	This ordinance repeals Chapter 5.28, 5.29, and 5.32 of the Ripon Municipal Code and introduces a new Chapter 5.28, titled "Utility Joint Trench and Construction Requirements."

8. DISCUSSION ITEMS **NOTES:**

p. 328 A. DEVELOPMENT FEE SCHEDULE COMPARISON

Discussion	Goodwin Consulting provided a comparison of Ripon's development fees to a number of neighboring cities during a June 30, 2016 workshop. After reviewing the results of the survey, the City Council directed Goodwin Consulting to evaluate certain policy changes to Ripon's development fee program. Goodwin Consulting will review the results of these policy changes, for City Council's consideration.

B. PROPOSED AUDIO-VISUAL UPGRADES TO CITY COUNCIL CHAMBERS

p. 337

Discussion	Staff has explored possible upgrades to the audio-visual equipment currently being used in the council chambers. Mayor Parks, Councilmember Zuber, City Administrator Werner, Deputy City Clerk Raymond, and Information Technology Supervisor Brannon have toured the San Joaquin County Board of Supervisors chambers, which was recently retrofitted with upgraded audio-visual equipment. Staff will provide a recommendation of audio-visual upgrades, for City Council's consideration.

8. DISCUSSION ITEMS, continued: **NOTES:**

p. 339 C. ALCOHOL ORDINANCE

Discussion

Council Member Zuber has requested an agenda item to discuss possible changes to Chapter 9.04 of the City's Municipal Code titled, "Alcoholic Beverages".

REPORTS

Department Heads:

City Council:

Adjournment:

Time:

I hereby certify the attached City Council agenda was posted 72 hours before the noted meeting:

_____ August 3, 2016

Lisa Roos, City Clerk Date

Ripon City Council Minutes

TUESDAY, JULY 12, 2016

CLOSED SESSION: The closed session meeting was called to order at 5:00 p.m.

PUBLIC DISCUSSION ON CLOSED SESSION MATTERS: No one from the public wished to speak at this time.

ROLL CALL: Council Members Leo Zuber, Michael Restuccia, Vice Mayor Dean Uecker, Mayor Jacob Parks.
Absent: Council Member Mark Winchell

OTHERS PRESENT: City Administrator Kevin Werner, City Clerk Lisa Roos, City Attorney Tom Terpstra

IN THE MATTER OF:

- Real Property Negotiations pursuant to Section 54956.9 of the California Government Code.
  - Property: 1500 Ruess Road (APN: 257-30-020)

- Personnel Negotiations pursuant to Section 54957.6 of the California Government Code.
  - Police Officers' Association
  - Ripon Sergeants' Association
  - Operating Engineers Local Union No. 3
  - Non- Represented Employees

There being no further business, the meeting adjourned at 5:55 p.m.

REGULAR MEETING
6:00 P.M.

PLEDGE OF ALLEGIANCE: The meeting was called to order at 6:04 p.m. with the Council Member Michael Restuccia leading in the Pledge of Allegiance to the Flag.

INVOCATION: Pastor Chris Williams gave the invocation.

Deputy City Attorney Stacy Henderson reported on the Closed Session that direction was given to staff and no reportable action was taken.

ROLL CALL: Council Members Leo Zuber, Michael Restuccia, Vice Mayor Dean Uecker, Mayor Jacob Parks.
Absent: City Council Member Mark Winchell

OTHERS PRESENT: City Administrator Kevin Werner, Deputy City Attorney Stacy Henderson, Planning Director Ken Zuidervaart, Recreation Director Kye Stevens, Director of Public Works Ted Johnston, Police Chief Ed Ormonde, City Clerk Lisa Roos, Deputy City Clerk Tricia Raymond, Information Systems Technician Joshua Brenner, Engineering Supervisor James Pease, Chris Lake, Jaime Fountain.

PUBLIC DISCUSSION: Aaron Donato, Chief Negotiator with the Law of Office of Mastagni Holstedt wanted to thank staff for their time and due diligence with the negotiation process.

APPROVAL OF MINUTES: **MOTION:** MOVED/SECONDED (RESTUCCIA,UECKER) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON JUNE 14, 2016 AND THE SPECIAL MEETING ON JUNE 30, 2016.

APPROVAL OF AGENDA AS POSTED (OR AMENDED): MOTION: MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO APPROVE THE AGENDA AS POSTED.

CONSENT CALENDAR **NOTES:**

1. Income

A. STATE OF CALIFORNIA

Retail Sales Tax (2015 $201,602.09)	$279,497.31	
Highway Users Tax (2015 $34,852.64)	$26,694.79	
TOTAL		**$306,192.10**

B. WASTE MANAGEMENT

Franchise fee payment – May 2016 **$1,902.44**

C. CCATT HOLDINGS

Acacia Avenue Cell Tower Lease – June 2016 **$999.53**

D. T-MOBILE

Cell Tower Lease **$898.03**

2. Bills, Invoices, Payments

A. NATIONAL METER & AUTOMATION, INC.

Material Purchase – Water Meter Installation Project

Progress Payments –		
Invoice #S1072336.001	$2,280.96	
Invoice #S1072217.001	$102.57	
Invoice #S1072140.004	$7,324.02	
Invoice #S1072140.002	$5,369.76	
Invoice #S1071716.003	$980.10	
Invoice #S1071716.001	$163.35	
Invoice #S1072140.006	$12,263.41	
Invoice #S1072288.001	$532.17	
Invoice #S1072140.008	$1,861.92	
Invoice #S1064420.022	$2,461.33	
Invoice #S1072951.003	$772.72	
Invoice #S1073176.001	$37.81	
Invoice #S1073329.001	$2,892.78	
Invoice #S1071716.005	$1,470.15	
TOTAL		**$38,513.05**

B. PETERSON BRUSTAD, INC.

SB5 Compliance – 200 year Flood Mapping **$4,809.53**
Progress Payment – Invoice #6403

CONSENT CALENDAR **NOTES:**

2. Bills, Invoices, Payments, continued:

C. SILICON VALLEY BUSINESS JOURNAL

Gateway to Growth Publication		**$2,232.22**

D. SAN JOAQUIN REGIONAL TRANSIT DISTRICT

Blossom Express Driver May Invoice #AR109615		**$1,996.65**

E. WOOD RODGERS

Well Site Suitability & Design Progress Payment – Invoice #99940	$7,092.50	
Well 5 & 12 Assessments & Design Progress Payment – Invoice #99941	$5,275.00	
TOTAL		**$12,367.50**

F. TERPSTRA HENDERSON

General Matters	$15,713.50	
Police Matters	$1,712.85	
J-M Manufacturing	$70.00	
TOTAL		**$17,496.35**

G. BASECAMP ENVIRONMENTAL

River Road/Fulton Avenue – Intersection Improvement Project

Progress Payment – Invoice #1018		**$3,112.30**

H. PRICE PAIGE & COMPANY

Audit Services Progress Payment – Invoice #10487		**$5,410.00**

I. CENTRAL SAN JOAQUIN VALLEY RISK MANAGEMENT AUTHORITY

2016-2017 1st Quarter Deposits		**$242,746.00**

CONSENT CALENDAR **NOTES:**

2. Bills, Invoices, Payments, continued:

J. J.B. ANDERSON LAND USE PLANNING

SB5 Compliance – Progress Payment Invoice #070116W19	**$679.50**

3. Miscellaneous Items

A. 2016 LOCAL AGENCY BIENNIAL NOTICE

Conflict of Interest Code	Approve the 2016 Local Agency Biennial Notice confirming the City's Conflict of Interest Code, and authorize the Mayor to execute the document. (Amendments have been made to the code approved by Resolution No. 14-54 on August 19, 2014)

B. LAN PARCEL MAP

Land Subdivision Map	Authorize the City Administrator, Mayor, and City Clerk to sign the subdivide map and have it recorded by the San Joaquin County Recorder's office.

C. LIEBERT CASSIDY WHITMORE

Agreement for Special Services Employment Relations Consortium Membership (July 2016 – June 2017)	Authorize the Mayor to sign the agreement with Liebert Cassidy Whitmore for training and consulting services; and approve payment of membership dues. (Dues: $2,255.00 due before August 1)

D. FEHR AND PEERS

General Services Agreement	Authorize the Mayor to sign the agreement with Fehr and Peers to perform the traffic signal and electrical portion of the design for the River/Fulton Road Intersection & Sidewalk Improvement Project. (Cost: not to exceed $19,500.00)

E. DOMESTIC WATER WELL NO. 19 MINOR SITE PLAN PERMIT

Initial Study/Negative Declaration Mistlin Sports Park Well	Adopt the Negative Declaration for Water Well #19 and direct staff to file the Notice of Determination for Water Well #19 to be constructed at the northern edge of Mistlin Sports Park.

CONSENT CALENDAR: **NOTES:**

3. Miscellaneous Items, continued:

F. SUBDIVISION IMPROVEMENT AGREEMENT (SIA)

Alexandra Place Subdivision	Accept the SIA and authorize the Mayor and City Clerk to sign the SIA for recording.

G. SUBDIVISION IMPROVEMENT AGREEMENT (SIA)

Silverstone Subdivision	Accept the SIA and authorize the Mayor and City Clerk to sign the SIA for recording.

H. FINAL MAP

Silverstone Subdivision	Accept the Final Map for the Silverstone development and authorize the Mayor, City Engineer, and City Clerk to sign for recording.

4. Resolutions

A. RESOLUTION NO. 16-51

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON ADOPTING THE MEMORANDUM OF UNDERSTANDING FOR FISCAL YEARS 2016-2017 AND 2017-2018 FOR ALL EMPLOYEES OF THE CITY OF **RIPON POLICE OFFICER'S ASSOCIATION**	This resolution adopts the MOU for the Police Officer's Association for fiscal years 2016-2018.

B. RESOLUTION NO. 16-52

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON ADOPTING MEMORANDUM OF UNDERSTANDING FOR FISCAL YEARS 2016-2017 and 2017-2018 FOR ALL EMPLOYEES OF THE CITY OF **RIPON POLICE SERGEANT'S ASSOCIATION**	This resolution adopts the MOU for the Police Sergeant's Association for fiscal years 2016-2018.

CONSENT CALENDAR: **NOTES:**

4. Resolutions, continued:

C. RESOLUTION NO. 16-53

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON ADOPTING THE MEMORANDUM OF UNDERSTANDING FOR FISCAL YEARS 2016-2017 AND 2017-2018 FOR ALL EMPLOYEES OF THE CITY OF RIPON WORKING IN THE CLASSIFICATION OF **PUBLIC WORKS MAINTENANCE AND PUBLIC WORKS FOREMAN**	This resolution adopts the MOU for those working in the classification of Public Works Maintenance and Public Works Foreman for fiscal years 2016-2018.

D. RESOLUTION NO. 16-54

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON EMPLOYEE COMPENSATION PLAN FOR FISCAL YEAR 2016-2017 FOR ALL **ADMINISTRATIVE STAFF AND NON-REPRESENTED POLICE DEPARTMENT EMPLOYEES**	This resolution adopts the employee compensation for fiscal years 2016-2017 for all administrative staff and non-represented Police Department employees.

End of Consent Calendar

MOTION: MOVED/SECONDED (ZUBER,UECKER) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO APPROVE THE CONSENT CALENDAR AS POSTED.

5. PUBLIC HEARINGS **NOTES:**

A. RESOLUTION NO. 16-55

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON DETERMINING THE AMOUNT OF AND APPROVING THE LEVY OF THE ANNUAL ASSESSMENT FOR THE FISCAL YEAR 2016-2017 FOR ASSESSMENT OF THE LIGHTING DISTRICT, CITY OF RIPON, COUNTY OF SAN JOAQUIN, COMMONLY KNOWN AS **CITY OF RIPON LIGHTING DISTRICT.**	This is a public hearing to set the amount and give approval of the levy of the annual assessment for fiscal year 2016-2017 for the City of Ripon Lighting District. **Council action:** Authorize the Mayor to sign and execute any and all documents to the County Assessor's Office in order to place the assessment on the county tax rolls.

City Administrator Werner said this is the annual process the City goes through to set the annual assessment for the City of Ripon Lighting District.

PUBLIC HEARING OPENED

No one from the public wished to speak at this time.

PUBLIC HEARING CLOSED

MOTION: MOVED/SECONDED (RESTUCCIA,ZUBER) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO APPROVE RESOLUTION NO.16-55 AND AUTHORIZE THE MAYOR TO SIGN AND EXECUTE ALL DOCUMENTS TO THE COUNTY ASSESSOR'S OFFICE IN ORDER TO PLACE THE ASSESSMENT ON THE COUNTY TAX ROLLS.

6. ORDINANCES **NOTES:**

First Reading and Introduction

A. ORDINANCE NO. 844

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON ADDING CHAPTER 9.34 TO THE RIPON MUNICIPAL CODE, TITLED "UNMANNED AIRCRAFT SYSTEMS."	This ordinance adds Chapter 9.34 to the Ripon Municipal Code, titled "Unmanned Aircraft Systems."

Police Chief Ormonde said the department is requesting the adoption of an ordinance that would limit the usage and restrict locations within the City of Ripon where unmanned aircraft systems can be operated. Ormonde said discussion at the June 14th meeting led to the ordinance being revised and is before Council tonight for a first reading and introduction.

Council Member Restuccia asked if the penalty charges on page 257 were the maximum.

Ormonde said those are the maximum fines that can be issued.

Council Member Zuber asked if Section C was removed from the second page relating to "operator line of site".

Deputy City Attorney Henderson said the Federal Aviation Administration (FAA) has its own regulations in regards to line of site and ceiling to floor regulations so the city will defer to those regulations in order to hold local jurisdiction for the safety of the public.
Henderson said the goal in drafting this ordinance is to allow people to do their recreational activities within the FAA regulations, but give the Police Department authority to enforce penalties if a person operates in a manner that interferes, or which may interfere, in any way, with another person or entity's right to privacy, right to quiet enjoyment of his/her property, business operations or recreational activities as stated on page 256, Section D.

Zuber said without "operator line of site" in the ordinance it will be hard to catch violators.

Henderson said there is a provision on page 256, Section D that allows the Police Department to regulate the danger and enforce penalties as necessary. Henderson said with the FAA regulations evolving and changing this section was best fit to allow for the Police Department to regulate any and all dangerous activities.

Zuber said he is still worried because without line of site people can use drones with video cameras and you will never know where they are or where they came from.

Henderson said Section A on page 256 states all Model Aircraft or Civil UAS shall be labeled with the owner's name, address and telephone number.

Ormonde said there have been several drafts of this ordinance and the language in this one allows local jurisdiction and if issues arise the City can always defer to the FAA.

Zuber said he wants to thank staff and Chris Lake for their work on this ordinance.

MOTION: MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 844.

Chris Lake – Resident and member of the Modesto RC Club and active member of the Academy of Model Aeronautics (AMA) asked why there is a new Section C, no flying at night. Why can't we fly at Mistlin Park where it does not impede on others.

Ormonde said there is a current ordinance that states parks are closed after dusk, so this ordinance prohibits night flying, plus the FAA regulations do not recommend it.

6. ORDINANCES **NOTES:**

First Reading and Introduction

B. ORDINANCE NO. 845

AN ORDINANCE OF THE CITY OF RIPON REPEALING CHAPTER 5.28, 5.29, AND 5.32 OF THE RIPON MUNICIPAL CODE AND INTRODUCING AN NEW CHAPTER 5.28, TITLED "UTILITY JOINT TRENCH AND CONSTRUCTION REQUIREMENTS."	This ordinance repeals Chapter 5.28, 5.29, and 5.32 of the Ripon Municipal Code and introduces a new Chapter 5.28, titled "Utility Joint Trench and Construction Requirements."

City Administrator Werner said there has been extensive conversation on the impacts of this ordinance to Charter Communication's installation work. Other entities such as Verizon, Frontier and PG&E have minimal concerns. The biggest concern Charter has is with areas that have outages or flooding. The conclusion in regards to those areas is to handle them on a case by case basis. Charter's biggest concern is with the utility boxes and their placement below ground in new construction and the raising of boxes in existing sites where there are issues.

Werner said he and City Attorney Terpstra have been back and forth with Charter regarding provisions in the ordinance. Just this morning Charter contacted staff and said they wanted more time. Werner said they will continue to work with Charter, but staff recommends waiving the first reading and introducing the ordinance.

Council Member Restuccia said this item was first introduced 4 months ago and has been added and pulled from the agenda multiple times. The goal is to do what is right for Ripon and this ordinance is setting requirements that do that. Restuccia said this needs to move forward.

Mayor Parks said if the issues are minor and can be worked out, then Council should move forward with the ordinance. Enough time has lapsed and these issues should have been taken care of.

MOTION: MOVED/SECONDED (RESTUCCIA,ZUBER) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 845.

6. ORDINANCES **NOTES:**

First Reading and Introduction

C. ORDINANCE NO. 846

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON ADDING CHAPTER 8.28 TO THE RIPON MUNICIPAL CODE, TITLED "MASSAGES/MASSAGE BUSINESSES"	This ordinance amends Chapter 8.28, to include a grandfather clause and provide parameters and clarification on legal permissions for locking doors.

Planning Director Zuidervaart said at the City Council meeting in April, the City Council unanimously adopted Chapter 8.28 pertaining to massages and massage businesses within the City of Ripon. At that meeting the City Council instructed City staff to bring back an amendment to clarify two issues: providing a grandfather clause within the ordinance; and providing parameters and clarification on legal permissions for locking doors. The City Attorney's office looked at both requests and has provided red line copies of both recommendations.

Deputy City Attorney Henderson said there are added provisions in Section 8.28.040 that permit existing and law abiding businesses to be grandfathered in without a CAMTC certification and clarification was provided for Section 8.28.070(N) related to the ability of businesses to lock the front door. The language states "During business hours, the entry door to the Massage Business shall remain unlocked and unobstructed unless otherwise permitted by law." This language is based on Fire Code requirements.

Council Member Restuccia agrees with the amendment changes and appreciates that they don't affect current long term law abiding businesses.

Council Member Zuber said when he read the language in Section 8.28.070 businesses had to keep their doors unlocked. But what was just stated is that doors could be locked if the fire code permits.

Henderson said on page 276, Section N it states "During business hours, the entry door to the Massage Business shall remain unlocked and unobstructed unless otherwise permitted by law."

MOTION: MOVED/SECONDED (UECKER,ZUBER) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 846.

6. ORDINANCES

NOTES:

Note: Ordinances 6D – 6H can be taken as one item if no one from the public objects.

First Reading and Introduction

D. ORDINANCE NO. 847

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.12 OF THE RIPON MUNICIPAL CODE RELATING TO DEFINITIONS AND USE CLASSIFICATIONS SYSTEMS

This ordinance amends Chapter 16.12, titled "Definitions and Use Classifications Systems".

First Reading and Introduction

E. ORDINANCE NO. 848

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.16 OF THE RIPON MUNICIPAL CODE RELATING TO RESIDENTIAL DISTRICTS

This ordinance amends Chapter 16.16, titled "Residential Districts".

First Reading and Introduction

F. ORDINANCE NO. 849

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.20, CHAPTER 16.24, AND CHAPTER 16.26 OF THE RIPON MUNICIPAL CODE RELATING TO OFFICE AND COMMERCIAL DISTRICTS, INDUSTRIAL DISTRICTS AND MIXED USE DISTRICTS

This ordinance amends Chapter 16.20, 16.24, and Chapter 16.26, titled "Office and Commercial Districts, Industrial Districts and Mixed Use Districts".

First Reading and Introduction

G. ORDINANCE NO. 850

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.89 OF THE RIPON MUNICIPAL CODE RELATING TO COTTAGE FOOD OPERATION PERMITS

This ordinance amends Chapter 16.189, titled "Cottage Food Operation Permits".

6. ORDINANCES **NOTES:**

First Reading and Introduction

H. ORDINANCE NO. 851

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON AMENDING CHAPTER 16.144 OF THE RIPON MUNICIPAL CODE RELATING TO PARKING AND LOADING	This ordinance amends Chapter 16.144, titled "Parking and Loading".

Planning Director Zuidervaart said Items 6D – 6H were discussed at the June 14, 2016 meeting and these amendments are the follow up to those updates to make sure the items are in compliance with the Housing Element.

MOTION: MOVED/SECONDED (ZUBER,RESTUCCIA) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO WAIVE THE FIRST READING AND INTRODUCE ORDINANCE NO. 847, 848, 849, 850, AND 851.

First Reading and Introduction

I. ORDINANCE NO. 852

AN ORDINANCE OF THE CITY OF RIPON FIXING THE AMOUNT OF MONEY TO BE RAISED BY TAXATION AND THE RATE OR RATES OF TAX THEREFORE NECESSARY TO CARRY ON THE VARIOUS FUNCTIONS AND DEPARTMENTS OF THE CITY OF RIPON AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH	This ordinance sets the amount of money raised by taxes necessary to carry on the various functions of the City of Ripon. (City tax rate: $0.00)

City Clerk Roos said this is an annual ordinance based on numbers in the budget.

MOTION: MOVED/SECONDED (RESTUCCIA,UECKER) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO WAIVE THE FIRST READING AND ADOPT ORDINANCE NO. 852.

7. RESOLUTIONS **Notes:**

A. RESOLUTION NO. 16-56

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON ADOPTING THE CITY OF RIPON FISCAL YEAR 2016-2017 BUDGET

General	$9,936,209
Streets	$1,683,270
Water	$2,826,258
Garbage	$1,684,000
Transit	$51,774
Sewer District	$1,449,431
Redevelopment ROPS	$2,216,830
Special Districts	$318,293
Capital	$5,602,307
CDBG	$7,005

Adopt the City Budget for the fiscal year 2016-2017. **The public hearing was held on June 14, 2016.**

City Administrator Werner said this is the final step in the budget approval process. Werner showed a slide of the steps in the process.

MOTION: MOVED/SECONDED (RESTUCCIA,ZUBER) AND CARRIED BY A 4-0 (WINCHELL ABSENT) VOTE TO ADOPT THE CITY BUDGET FOR THE FISCAL YEAR 2016-2017.

Council Member Zuber said when we get the audit report he would like staff to provide a detailed report on the road funds. The report can be for 2015-2016 and should include the sources of money to be used for roads, each category of where the funds came from, and what was provided with those funds.
Zuber said he is getting more and more comments on Ripon roads and what is being done.

REPORTS

Department Heads: Chief Ormonde reported that August 2, 2016 is National Night Out from 6:00 p.m. to 9:00 p.m. at the Community Center. Ormonde invited the community to come and enjoy the event.

Public Works Director Johnston reported June water usage was down 30.6% compared to June 2013.
Johnston said the Mistlin Sports Park water feature is up and running.

City Council:

Vice Mayor Uecker said the fireworks show was good and the Chamber of Commerce did a great job. Uecker said hopefully they will want to continue hosting the event.

There being no further business, the meeting adjourned at 6:44 p.m.

(Signed) Jacob Parks
Mayor

ATTEST:

(Signed) Tricia Raymond
Deputy City Clerk

CONSENT CALENDAR

Income

STATE OF CALIFORNIA

DIRECT DEPOSIT NUMBER
99150222

1A

DIRECT DEPOSIT ADVICE

The amount printed on the face of this advice was transmitted to an account at bank 121101037 *from the* RETAIL SALES TAX

07 | 20 | 16

DOLLARS	CENTS
$**189500	.00

NOT NEGOTIABLE

150222
CITY TREASURER
CITY OF RIPON
259 N WILMA AVE
RIPON CA
95366-3028

39004
PAYEE IDENTIFICATION NUMBER(S)

When changing accounts or financial institutions, notify your retirement system or agency accounting office immediately. Do not close your old account until you have received your first payment in your new account.

BETTY T. YEE
CALIFORNIA STATE CONTROLLER

STATE OF CALIFORNIA - BOARD OF EQUALIZATION
STATEMENT OF BRADLEY-BURNS LOCAL TAX DISTRIBUTION

39004 DATE: 07/11/2016 FOR THE PERIODS SHOWN BELOW
PAYEE: CITY TREASURER
CITY OF RIPON

CURRENT ADVANCE	May 2016	189,500.00
PRIOR CREDITS		0.00
TOTAL PAYMENT		189,500.00

CONTROLLER OF CALIFORNIA, STATE OF CALIFORNIA P O BOX 942850, SACRAMENTO, CA 94250-0001	REMITTANCE ADVICE

1A

CLAIM SCHEDULE NUMBER: 1600005A
PAYMENT ISSUE DATE: 08/01/2016

RIPON CITY TREASURER
259 N WILMA AVE

RIPON CA 95366

Financial Activity

Additional Description:
Highway Users Tax

HIGHWAY USERS TAX - Sections 2103, 2105, 2106 and 2107, Streets & Highways Code **Fiscal Year: 2016**

Collection Period: 06/24/2016 **To** 07/23/2016

Payment Calculations:

Population for all Cities	32,778,663
City Population	14,724
HUT 2107 snow payment	0.00
City Per Capita Amount for Section 2105	**0.48152332**
City Per Capita Amount for Section 2107	**0.19831605**
HUT 2107.5	**$3,000.00**
HUT 2103	**$6,969.54**
HUT 2105	**$7,089.95**
HUT 2106	**$4,562.19**
HUT 2107	**$2,920.01**
Gross Claim	**$24,541.69**
Net Claim / Payment Amount	**$24,541.69**
YTD Amount:	**$24,541.69**

For assistance, please call: Nathalie Ortiz at (916) 324-1875

THIS CHECK PRINTED ON DOCUCHECK GHOST PAPER AND HAS A GRAPHIC WATERMARK ON REVERSE SIDE

1B

CCATT HOLDINGS LLC
2000 CORPORATE DRIVE
CANONSBURG PA 15317
724-416-2000

JPMorgan Chase Bank, N.A.
DALLAS TX
32-61/1110

228149

NINE HUNDRED NINETY NINE AND 53/100********** DATE 08/01/16 $*******999.53

Pay To The Order Of CITY OF RIPON
259 W WILMA AVE
RIPON CA 95366

750570

Real VP AND CONTROLLER
Denise Grant, Asst Controller

VOID AFTER 180 DAYS

⑈228149⑈ ⑆111000614⑆ 581929721⑈

Check No 228149
Check Date 08/01/16

Stub 1 of 1

Description

Tower Lease #387779	08/01/16	845975	999.53	999.53
			999.53	999.53

WARNING! THIS DOCUMENT HAS A VOID PANTOGRAPH. DO NOT ACCEPT THIS CHECK UNLESS YOU CAN SEE A PINK LOCK ICON THAT FADES WITH HEAT.

Bertolotti DISPOSAL Inc.

COUNTY DIVISION
P.O. BOX 127 (209) 537-8000
CERES, CALIFORNIA 95307

BANK OF THE WEST
2501 E. WHITMORE AVE.
CERES, CA 95307
90-78/1211

033972
1C

7/12/2016

PAY TO THE ORDER OF CITY OF RIPON $ **1,602.32

One Thousand Six Hundred Two and 32/100********** DOLLARS

CITY OF RIPON
FINANCE DEPARTMENT
259 N. WILMA AVE.
RIPON, CA 95366

BERTOLOTTI MODESTO DISPOSAL, INC
VOID AFTER 180 DAYS

COLOR FADES WITH HEAT

MEMO 2ND QUARTER END 6/30/16

⑈033972⑈ ⑆121100782⑆ 388000416⑈

BERTOLOTTI DISPOSAL, INC. - COUNTY DIVISION P.O. BOX 127 CERES, CA 95307

033972

CITY OF RIPON	7/12/2016	
FRANCHISE FEES RIPON		1,602.32
CHECKING	2ND QUARTER END 6/30/16	1,602.32

Waste Management
P.O. Box 3027
Houston, TX 77253

Check No. 0012680370

For inquiries, please call 1-866-834-2080, option 4.

1D

Doc Date	Invoice Number / Description	Original Amount	Discount Amount	Amount Paid
06/01/2016	HaulFee Ripon BU 51 Jun16 **AT* ATTACH ALL BACKUP HAULFEE RIPON BU 51 JUN16*	2,279.44	0.00	2,279.44

Vendor Number	Name
0000386801	City of Ripon

Check Number	Date	Total Amount	Discounts Taken	Total Paid Amount
0012680370	07/26/2016	$2,279.44	$0.00	$2,279.44

THIS DOCUMENT HAS A COLORED BACKGROUND AND MICROPRINTING IN THE ENDORSEMENT SIGNATURE LINE. THE REVERSE SIDE OF THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK.

Waste Management
P.O. Box 3027
Houston, TX 77253

VE

BANK OF AMERICA
COMMERCIAL DISBURSEMENT ACCOUNT
NORTHBROOK, IL

CHECK NO 0012680370

70-2328 / 719

Security features included. Details on back

DATE: 07/26/2016

PAY EXACTLY
$2,279.44***

PAY EXACTLY
****TWO THOUSAND TWO HUNDRED SEVENTY-NINE AND 44 / 100 DOLLAR****

VOID AFTER 90 DAYS

Wilma S Rankin
MP
AUTHORIZED SIGNATURE

MP
AUTHORIZED SIGNATURE

TO THE ORDER OF

CITY OF RIPON
259 N Wilma Ave
Ripon, CA 95366

⑈0012680370⑈ ⑆071923284⑆ 87654⑈03178⑈

CONSENT CALENDAR

Bills, Invoices, Payments

Invoice

2A

National Meter & Automation, Inc.
PO Box 5429
GREENWOOD VILLAGE CO 80155
(303) 339-9100 FAX (303) 649-1017

INVOICE DATE	INVOICE NUMBER
07/11/16	S1070483.005

ISSUING BRANCH:	PAGE NO.
National Meter & Automation-Ca 2250 Apollo Way Suite 300 SANTA ROSA CA 95407 707-575-0700 Fax 707-575-3786	1

BILL TO:
City of Ripon
259 N Wilma Ave
RIPON, CA 95366

SHIP TO:
City of Ripon
1210 S Vera Ave
Corp Yard
RIPON, CA 95366

CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	RELEASE NUMBER	SALESPERSON
92	VERBAL ELIZABETH	$KR	Kathy Richards

WRITER	SHIP VIA	TERMS	SHIP DATE	ORDER DATE
Kathy Richards	BW BEST-WAY	Net Due 30 Days	07/11/16	04/04/16

DESCRIPTION	ORDER QTY	SHIP QTY	Net Prc	Ext Prc
68086-015 BEACON ORION CELLULAR ENDPOINT ASSY ONLY W/ NICOR CONNECTOR 8" .10851	32	20	79.500	1590.00
64394-003 UNDER METAL LID MOUNTING KIT F/ PIT ORION .630	32	20	0.000	0.00
********** HOLD FOR RELEASE FINAL QUANTITY TO BE AUTHORIZED BY ELIZABETH QUILICI / CITY OF RIPON **********				

APPROVED FOR PAYMENT
Approved By: EQ
Account Code: _____

Please remit to: National Meter & Automation, Inc. PO Box 5429
Greenwood Village, CO 80155-5429

Subtotal	1590.00
S&H CHGS	0.00
Sales Tax	127.20
Amount Due	1717.20

Invoice is due by 08/10/16.

l claims for shortage or errors must be made at once. Returns require written authorization
d are subject to handling charges. Special orders are non-returnable.
ast due invoices may be subject to 1.50% late charge.

9007137-90000

Invoice

National Meter & Automation, Inc.
PO Box 5429
GREENWOOD VILLAGE CO 80155
(303) 339-9100 FAX (303) 649-1017

INVOICE DATE	INVOICE NUMBER
07/14/16	S1073329.003

ISSUING BRANCH:	PAGE NO.
National Meter & Automation-Ca 2250 Apollo Way Suite 300 SANTA ROSA CA 95407 707-575-0700 Fax 707-575-3786	1

BILL TO:
City of Ripon
259 N Wilma Ave
RIPON, CA 95366

SHIP TO:
City of Ripon
1210 S Vera Ave
Corp Yard
RIPON, CA 95366

CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	RELEASE NUMBER	SALESPERSON
92	V. Elizabeth	$DG-N	Kathy Richards

WRITER	SHIP VIA	TERMS	SHIP DATE	ORDER DATE
Dan Gilliam	BW BEST-WAY	Net Due 30 Days	07/14/16	06/24/16

DESCRIPTION	ORDER QTY	SHIP QTY	Net Prc	Ext Prc
FL16D FIBRELYTE LID MARKED "WATER"	20	20	32.850	657.00

APPROVED FOR PAYMENT
Approved By: _____
Account Code: _____

Please remit to: National Meter & Automation, Inc. PO Box 5429 Greenwood Village, CO 80155-5429

Subtotal	657.00
S&H CHGS	0.00
Sales Tax	52.57
Amount Due	709.57

Invoice is due by 08/13/16.

All claims for shortage or errors must be made at once. Returns require written authorization and are subject to handling charges. Special orders are non-returnable.
Past due invoices may be subject to 1.50% late charge.

#900 7137-90000

Invoice

2A

National Meter & Automation, Inc.
PO Box 5429
GREENWOOD VILLAGE CO 80155
(303) 339-9100 FAX (303) 649-1017

INVOICE DATE	INVOICE NUMBER
07/14/16	S1072952.001

ISSUING BRANCH:	PAGE NO.
National Meter & Automation-Ca 2250 Apollo Way Suite 300 SANTA ROSA CA 95407 707-575-0700 Fax 707-575-3786	1

BILL TO:
City of Ripon
259 N Wilma Ave
RIPON, CA 95366

SHIP TO:
City of Ripon
1210 S Vera Ave
Corp Yard
RIPON, CA 95366

CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	RELEASE NUMBER	SALESPERSON
92	V. Elizabeth	$DG-N	Kathy Richards

WRITER	SHIP VIA	TERMS	SHIP DATE	ORDER DATE
Dan Gilliam	BW BEST-WAY	Net Due 30 Days	07/14/16	06/14/16

DESCRIPTION	ORDER QTY	SHIP QTY	Net Prc	Ext Prc
B16 CONCRETE METER BOX	119	119	21.500	2558.50
FL16D	67	67	32.850	2200.95
FIBRELYTE LID MARKED "WATER"				
NS - N36 CONCRETE METER BOX	22	22	38.050	837.10
NS - FL36D FIBRELYTE LID MARKED "WATER"	7	7	84.700	592.90
NS - N36RP CONCRETE LID MARKED "WATER" W/ PROBE HOLE	14	13	37.420	486.46

APPROVED FOR PAYMENT
Approved By: EQ
Account Code: _____

Please remit to: National Meter & Automation, Inc. PO Box 5429 Greenwood Village, CO 80155-5429

Subtotal	6675.91
S&H CHGS	0.00
Sales Tax	534.07
Amount Due	7209.98

Invoice is due by 08/13/16.

l claims for shortage or errors must be made at once. Returns require written authorization
d are subject to handling charges. Special orders are non-returnable.
ast due invoices may be subject to 1.50% late charge.

900.7137.90000

Invoice

2A

National Meter & Automation, Inc.
PO Box 5429
GREENWOOD VILLAGE CO 80155
(303) 339-9100 FAX (303) 649-1017

INVOICE DATE	INVOICE NUMBER
07/19/16	S1072952.003

ISSUING BRANCH:	PAGE NO.
National Meter & Automation-Ca 2250 Apollo Way Suite 300 SANTA ROSA CA 95407 707-575-0700 Fax 707-575-3786	1

BILL TO:
City of Ripon
259 N Wilma Ave
RIPON, CA 95366

SHIP TO:
City of Ripon
1210 S Vera Ave
Corp Yard
RIPON, CA 95366

CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	RELEASE NUMBER	SALESPERSON
92	V. Elizabeth	$DG-N	Kathy Richards

WRITER	SHIP VIA	TERMS	SHIP DATE	ORDER DATE
Dan Gilliam	BW BEST-WAY	Net Due 30 Days	07/19/16	06/14/16

DESCRIPTION	ORDER QTY	SHIP QTY	Net Prc	Ext Prc
NS - N36RP CONCRETE LID MARKED "WATER" W/ PROBE HOLE	1	1	37.420	37.42

APPROVED FOR PAYMENT
Approved By: EL
Account Code: _____

Please remit to: National Meter & Automation, Inc. PO Box 5429 Greenwood Village, CO 80155-5429

Subtotal	37.42
S&H CHGS	0.00
Sales Tax	3.00
Amount Due	40.42

Invoice is due by 08/18/16.

All claims for shortage or errors must be made at once. Returns require written authorization and are subject to handling charges. Special orders are non-returnable.
Past due invoices may be subject to 1.50% late charge.

Invoice

2A

National Meter & Automation, Inc.
PO Box 5429
GREENWOOD VILLAGE CO 80155
(303) 339-9100 FAX (303) 649-1017

INVOICE DATE	INVOICE NUMBER
07/21/16	S1074131.001

ISSUING BRANCH:	PAGE NO.
National Meter & Automation-Ca 2250 Apollo Way Suite 300 SANTA ROSA CA 95407 707-575-0700 Fax 707-575-3786	1

BILL TO:
City of Ripon
259 N Wilma Ave
RIPON, CA 95366

SHIP TO:
City of Ripon
1210 S Vera Ave
Corp Yard
RIPON, CA 95366

CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	RELEASE NUMBER	SALESPERSON
92	V. Elizabeth	$DG-N	Kathy Richards

WRITER	SHIP VIA	TERMS	SHIP DATE	ORDER DATE
Dan Gilliam	BW BEST-WAY	Net Due 30 Days	07/21/16	07/19/16

DESCRIPTION	ORDER QTY	SHIP QTY	Net Prc	Ext Prc
LF 3" CS BRZ METER BODY ONLY, NSF-61 LEAD FREE, SLOTTED HOLES .1308	2	2		
M25 HR-E 8-DIAL ENCODER, CF, 6' NICOR POTTED CABLE, TX .10108	2	2		
M450 3" TS HR-E 8-DIAL ENCODER, NICOR CONNECTOR, CF, 6' .9412 1855	2	2		

Subtotal -------*				3996.90
Assembly Price: $1998.45				

APPROVED FOR PAYMENT
Approved By: EQ
Account Code:

Please remit to: National Meter & Automation, Inc. PO Box 5429 Greenwood Village, CO 80155-5429

Subtotal	3996.90
S&H CHGS	0.00
Sales Tax	319.75
Amount Due	4316.65

Invoice is due by 08/20/16.

All claims for shortage or errors must be made at once. Returns require written authorization and are subject to handling charges. Special orders are non-returnable.
Past due invoices may be subject to 1.50% late charge.

Credit Memo

2A

National Meter & Automation, Inc.
PO Box 5429
GREENWOOD VILLAGE CO 80155
(303) 339-9100 FAX (303) 649-1017

INVOICE DATE	INVOICE NUMBER
07/25/16	S1074323.001

ISSUING BRANCH:	PAGE NO.
National Meter & Automation-Ca 2250 Apollo Way Suite 300 SANTA ROSA CA 95407 707-575-0700 Fax 707-575-3786	1

BILL TO:
City of Ripon
259 N Wilma Ave
RIPON, CA 95366

SHIP TO:
City of Ripon
1210 S Vera Ave
Corp Yard
RIPON, CA 95366

CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	RELEASE NUMBER	SALESPERSON
92	Return	$HR	Kathy Richards

WRITER	SHIP VIA	TERMS	SHIP DATE	ORDER DATE
Hilary Richards	KATHY RICHARDS	Net Due 30 Days	07/25/16	07/25/16

DESCRIPTION	ORDER QTY	SHIP QTY	Net Prc	Ext Prc
M25 HR-E 8-DIAL ENCODER, CF, 6' NICOR POTTED CABLE, TX .10108 ** Original Sale : S1068948.001 **	-131	-131	48.000	-6288.00
64394-001 THRU METAL LID MOUNTING KIT F/ PIT ORION .486 ** Original Sale : S1064420.008 **	-1,000	-1,000	0.000	0.00
Please remit to: National Meter & Automation, Inc. PO Box 5429 Greenwood Village, CO 80155-5429				

Subtotal	-6288.00
S&H CHGS	0.00
Sales Tax	-503.04
Amount Due	-6791.04

All claims for shortage or errors must be made at once. Returns require written authorization and are subject to handling charges. Special orders are non-returnable.
Past due invoices may be subject to 1.50% late charge.

Invoice

National Meter & Automation, Inc.
PO Box 5429
GREENWOOD VILLAGE CO 80155
(303) 339-9100 FAX (303) 649-1017

INVOICE DATE	INVOICE NUMBER
07/26/16	S1074360.001

ISSUING BRANCH:	PAGE NO.
National Meter & Automation-Ca 2250 Apollo Way Suite 300 SANTA ROSA CA 95407 707-575-0700 Fax 707-575-3786	1

BILL TO:
City of Ripon
259 N Wilma Ave
RIPON, CA 95366

SHIP TO:
City of Ripon
1210 S Vera Ave
Corp Yard
RIPON, CA 95366

CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	RELEASE NUMBER	SALESPERSON
92	v. elizabeth	$JS	Kathy Richards

WRITER	SHIP VIA	TERMS	SHIP DATE	ORDER DATE
Jordan Sharp	BW BEST-WAY	Net Due 30 Days	07/26/16	07/26/16

DESCRIPTION	ORDER QTY	SHIP QTY	Net Prc	Ext Prc
LF120 1-1/2"x 13" BRZ METER BODY ONLY NSF-61 LEAD FREE, W/ TP, (ELL) .99	1	1	321.000	321.00
M120 HR-E 8-DIAL ENCODER, CF, 6' NICOR POTTED CABLE .8844	1	1	48.000	48.00
Please remit to: National Meter & Automation, Inc. PO Box 5429 Greenwood Village, CO 80155-5429				

APPROVED FOR PAYMENT
Approved By: EQ
Account Code: _____

Subtotal	369.00
S&H CHGS	0.00
Sales Tax	29.53
Amount Due	398.53

Invoice is due by 08/25/16.

All claims for shortage or errors must be made at once. Returns require written authorization and are subject to handling charges. Special orders are non-returnable.
Past due invoices may be subject to 1.50% Late charge.

#900-7137-90000

Invoice

National Meter & Automation, Inc.
PO Box 5429
GREENWOOD VILLAGE CO 80155
(303) 339-9100 FAX (303) 649-1017

INVOICE DATE	INVOICE NUMBER
07/26/16	S1074360.002

ISSUING BRANCH:	PAGE NO.
National Meter & Automation-Ca 2250 Apollo Way Suite 300 SANTA ROSA CA 95407 707-575-0700 Fax 707-575-3786	1

BILL TO:
City of Ripon
259 N Wilma Ave
RIPON, CA 95366

SHIP TO:
City of Ripon
1210 S Vera Ave
Corp Yard
RIPON, CA 95366

CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	RELEASE NUMBER	SALESPERSON
92	v. elizabeth	$js/n	Kathy Richards

WRITER	SHIP VIA	TERMS	SHIP DATE	ORDER DATE
Jordan Sharp	BW BEST-WAY	Net Due 30 Days	07/26/16	07/26/16

DESCRIPTION	ORDER QTY	SHIP QTY	Net Prc	Ext Prc
LF 3" CS BRZ METER BODY ONLY, NSF-61 LEAD FREE, SLOTTED HOLES .1308	3	3	1855.000	5565.00
Please remit to: National Meter & Automation, Inc. PO Box 5429 Greenwood Village, CO 80155-5429				

APPROVED FOR PAYMENT
Approved By: EO
Account Code: _____

Subtotal	5565.00
S&H CHGS	0.00
Sales Tax	445.21
Amount Due	6010.21

Invoice is due by 08/25/16.

All claims for shortage or errors must be made at once. Returns require written authorization and are subject to handling charges. Special orders are non-returnable.
Past due invoices may be subject to 1.50% late charge.

900-7137-90000

Invoice

2A

National Meter & Automation, Inc.
PO Box 5429
GREENWOOD VILLAGE CO 80155
(303) 339-9100 FAX (303) 649-1017

INVOICE DATE	INVOICE NUMBER
07/14/16	S1073329.002

ISSUING BRANCH:	PAGE NO.
National Meter & Automation-Ca 2250 Apollo Way Suite 300 SANTA ROSA CA 95407 707-575-0700 Fax 707-575-3786	1

BILL TO:
City of Ripon
259 N Wilma Ave
RIPON, CA 95366

SHIP TO:
City of Ripon
1210 S Vera Ave
Corp Yard
RIPON, CA 95366

CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	RELEASE NUMBER	SALESPERSON
92	V. Elizabeth	$DG-N	Kathy Richards

WRITER	SHIP VIA	TERMS	SHIP DATE	ORDER DATE
Dan Gilliam	BW BEST-WAY	Net Due 30 Days	07/14/16	06/24/16

DESCRIPTION	ORDER QTY	SHIP QTY	Net Prc	Ext Prc
M1000 4" TS HR-E, 8-DIAL, CF, 6' NICOR POTTED CABLE, TX .9560	2	X 2	94.980	189.96
M35 3/4" HR-E 8-DIAL ENCODER, CF, TX, 6' LEAD, NICOR CONNECTOR .8809	2	2	48.000	96.00
**********				

APPROVED FOR PAYMENT
Approved By: EL
Account Code: _____

Please remit to: National Meter & Automation, Inc. PO Box 5429 Greenwood Village, CO 80155-5429

Subtotal	285.96
S&H CHGS	0.00
Sales Tax	22.88
Amount Due	308.84

Invoice is due by 08/13/16.

ll claims for shortage or errors must be made at once. Returns require written authorization nd are subject to handling charges. Special orders are non-returnable.
ast due invoices may be subject to 1.50% late charge.

#900.7137-90000

Invoice

2A

National Meter & Automation, Inc.
PO Box 5429
GREENWOOD VILLAGE CO 80155
(303) 339-9100 FAX (303) 649-1017

INVOICE DATE	INVOICE NUMBER
07/28/16	S1074458.001

ISSUING BRANCH:	PAGE NO.
National Meter & Automation-Ca 2250 Apollo Way Suite 300 SANTA ROSA CA 95407 707-575-0700 Fax 707-575-3786	1

BILL TO:
City of Ripon
259 N Wilma Ave
RIPON, CA 95366

SHIP TO:
City of Ripon
1210 S Vera Ave
Corp Yard
RIPON, CA 95366

CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	RELEASE NUMBER	SALESPERSON
92	Verbal Elizabeth	$jsn	Kathy Richards

WRITER	SHIP VIA	TERMS	SHIP DATE	ORDER DATE
Jordan Sharp	BW BEST-WAY	Net Due 30 Days	07/28/16	07/28/16

DESCRIPTION	ORDER QTY	SHIP QTY	Net Prc	Ext Prc
LF 3" CS BRZ METER BODY ONLY, NSF-61 LEAD FREE, SLOTTED HOLES .1308	1	1		
Subtotal -------				1855.00

APPROVED FOR PAYMENT
Approved By: EQ
Account Code: _____

Please remit to: National Meter & Automation, Inc. PO Box 5429 Greenwood Village, CO 80155-5429

Subtotal	1855.00
S&H CHGS	0.00
Sales Tax	148.41
Amount Due	2003.41

Invoice is due by 08/27/16.

All claims for shortage or errors must be made at once. Returns require written authorization and are subject to handling charges. Special orders are non-returnable.
Past due invoices may be subject to 1.50% late charge.

#900-7137-90000

INVOICE

SAN JOAQUIN RTD
SAN JOAQUIN REGIONAL TRANSIT DISTRICT
P.O. Box 201010
Stockton, CA 95201
Phone (209) 948-5566

Invoice Number: AR109680
Customer Number: C01524
Invoice Date: 06/30/16
Terms: Due upon receipt
Federal ID#: **94-1563999**

To: CITY OF RIPON
ATTN: BARBARA SHNEIDER
259 N. WILMA AVENUE
RIPON, CA 95366

Trans Date	Description	Quantity	Unit Cost	Amount
06/30/16	JUNE 2016 Driver Services JUNE 2016	40.9	55.08	2,254.61
			TAX	0.00
			Total Due	2,254.61

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

Please make checks payable to:

SAN JOAQUIN RTD
P.O. Box 201010
Stockton, CA 95201

Invoice Number: AR109680
Customer Number: C01524
Invoice Date: 06/30/16
Total Amount Due $ 2,254.61

Total Payment $ _____

TERPSTRA HENDERSON, A
Professional Corporation
578 N. Wilma Avenue, Suite A (209) 599-5003
Ripon, CA 95366
Federal ID# 20-8735125

INVOICE

14677

Invoice submitted to:
Kevin Werner
City of Ripon
259 North Wilma Avenue
Ripon, CA 95366

July 25, 2016

File #: 1084-003; Matter: General

Professional Services

			Hrs/Rate	Amount
6/27/2016	SLH	Conferences & correspondence regarding drone and fireworks ordinances.	0.30 240.00/hr	72.00
	RAR	Emails to and from K. Zuidervaart re sale of Stockton Street properties; Confer with T. Terpstra re same.	0.30 175.00/hr	52.50
	RAR	Review and revise letters to residents re code enforcement violations of municipal code; Emails to and from and telephone calls with L. Forks re same; Review municipal code; Research re same.	1.50 175.00/hr	262.50
	THT	Draft and send advice regarding reconsideration, water conservation, union negotiations, discuss with client; conference with Rosie re auction procedures.	1.75 275.00/hr	481.25
6/28/2016	SLH	Conferences and correspondence regarding fireworks ordinance.	0.40 240.00/hr	96.00
	RAR	Revisions to ordinance, bid form and supporting documents for sale of city owned properties.	1.00 175.00/hr	175.00
	THT	Prepare for and attend conference call on telecommunications and utility joint trench ordinance, review revisions suggested by Frontier; discuss and advise regarding meeting procedures in view of 2003 resolution, review and revise RPOA proposal language with client.	2.50 275.00/hr	687.50
6/29/2016	THT	Calls to and from client regarding reconsideration and Resolution 03-82; draft new staff report language, RPOA proposal, golf course lease, review Caltrans Agreement for maintenance of monuments, email to Henderson re same.	1.75 275.00/hr	481.25

			Hrs/Rate	Amount
6/30/2016	RAR	Review and revise ordinance, bid form and supporting documents for sale of city owned properties; Emails to and from K. Zuidervaart re same.	0.60 175.00/hr	105.00
	SLH	Review press release and encroachment agreement. Review City Council agenda. Attend City Council Meeting.	1.20 240.00/hr	288.00
	RAR	Revise letter to resident for violations of municipal code; Legal research re same; Telephone calls with L. Forks and K. Zuidervaart re same.	1.50 175.00/hr	262.50
	THT	Calls, emails regarding agenda items.	0.50 275.00/hr	137.50
7/1/2016	RAR	Emails and telephone calls with L. Forks re code enforcement violations and issues.	0.30 175.00/hr	52.50
7/5/2016	SLH	Correspondence with Client regarding proposed revisions to agreement with consultant.	0.30 240.00/hr	72.00
	THT	Emails regarding Joint trench ordinance, agenda items.	0.50 275.00/hr	137.50
7/6/2016	SLH	Review agenda for City Council meeting.	0.20 240.00/hr	48.00
	NBM	Began legal research regarding whether City responsibility for tree maintenance located on private property, but also in a public right of way.	0.30 175.00/hr	52.50
	THT	Numerous conversations with client, Zuber regarding labor negotiations and related issues; follow up with client and Frontier regarding joint trench ordinance, revise and send ordinance to client for council agenda.	1.75 275.00/hr	481.25
7/7/2016	NBM	Researched municipal responsibility for tree maintenance.	0.20 175.00/hr	35.00
	NBM	Researched municipal responsibility for tree maintenance, discussed issue with SLH, began drafting memo, obtained examples of tree maintenance ordinances	3.70 175.00/hr	647.50
	THT	Calls to and from client re closed session, agenda items, emails to and from BIA, client.	1.25 275.00/hr	343.75
7/12/2016	NBM	Complete drafting of memo re: tree maintenance responsibility.	1.80 175.00/hr	315.00
	SLH	Review City Council meeting agenda. Conference regarding agenda items. Prepare for and attend City Council meeting.	1.80 240.00/hr	432.00

			Hrs/Rate	Amount
7/12/2016	THT	Review and revise joint trench ordinance, review and discuss Charter's amendments with client, draft new version with Kevin's changes, work on golf course lease amendment, attend closed session	4.25 275.00/hr	1,168.75
7/13/2016	RAR	Emails to and from E. Ormonde re code enforcement compliance issues; Telephone call with E. Ormonde re same.	0.30 175.00/hr	52.50
	SLH	Correspondence regarding utility joint trench ordinance.	0.20 240.00/hr	48.00
	RAR	Meet with resident re code enforcement violations and remedial plan; Telephone call with K. Zuidervaart re same.	1.80 175.00/hr	315.00
7/15/2016	RAR	Telephone call with K. Zuidervaart re sale of real property procedures.	0.20 175.00/hr	35.00
	SLH	Review draft City Council meeting minutes.	0.30 240.00/hr	72.00
	THT	Conference with client re construction contract and prevailing wage issue, follow up on joint trench ordinance, emails re same; emails on JM case	2.00 275.00/hr	550.00
7/18/2016	THT	Calls to and from Manteca City attorney re SGMA agreement, discuss same with client, review Kevin's comments and suggestions for new MOU, discuss third party maintenance at sports park.	1.50 275.00/hr	412.50
7/19/2016	RAR	Telephone call with L. Forks re follow-up communications of partial compliance with code enforcement issue.	0.20 175.00/hr	35.00
	RAR	Meet with resident re settlement of code violations; Telephone calls with T. Johnston and K. Zuidervaart re same.	2.00 175.00/hr	350.00
	SLH	Correspondence with Client regarding language of professional services agreement.	0.20 240.00/hr	48.00
7/20/2016	RAR	Telephone calls with and email from L. Forks re code enforcement issues; Review email and attachments re same.	0.60 175.00/hr	105.00
	SLH	Review publication regarding unmanned aircraft systems.	0.20 240.00/hr	48.00
	RAR	Emails from co-counsel re qui tam wireless action; Email to K. Werner and L. Roos re same; Review opposition to demurrer.	1.00 175.00/hr	175.00
7/22/2016	THT	Review and discuss GMA agreement with Manteca City Attorney, review claim.	1.75 275.00/hr	481.25

			Hrs/Rate	Amount
7/25/2016	RAR	Telephone call to T. Johnston re building code enforcement issues and remedies.	0.20 175.00/hr	35.00
		For professional services rendered	42.10	$9,649.00
		Previous balance		$15,713.50
		Accounts receivable transactions		
7/18/2016		Payment - Thank You No. 53895		($15,713.50)
		Total payments and adjustments		($15,713.50)
		Balance due		$9,649.00

TERPSTRA HENDERSON, A
Professional Corporation
578 N. Wilma Avenue, Suite A (209) 599-5003
Ripon, CA 95366
Federal ID# 20-8735125

INVOICE

14678

Invoice submitted to:
Kevin Werner
City of Ripon
259 North Wilma Avenue
Ripon, CA 95366
USA

July 25, 2016

File #: 1084-004; Matter: Police Department Matters

Professional Services

			Hrs/Rate	Amount
6/30/2016	SLH	Conference regarding enforcement of massage ordinance.	0.20 240.00/hr	48.00
7/6/2016	RAR	Prepare for and attend hearings on pleas in abeyance for open container and animal control violations and for sales without a business license.	1.80 175.00/hr	315.00
7/7/2016	RAR	Review new files and reports re code violations for open containers.	0.40 175.00/hr	70.00
7/12/2016	RAR	Meet with resident re complaint/citation for open container and disorderly conduct for public intoxication; Research re same.	0.30 175.00/hr	52.50
7/13/2016	RAR	Telephone call with K. Werner re hearing on nuisance violations; Review reports and letter re same; Attend hearing on same.	1.50 175.00/hr	262.50
	SLH	Legal research and correspondence with Client regarding potential revisions to skateboard park ordinance.	1.00 240.00/hr	240.00
7/20/2016	RAR	Review incident report for public intoxication; Telephone call with E. Ormonde re same and re complaint procedures.	0.40 175.00/hr	70.00
7/21/2016	RAR	Review citations and reports for illegal discharge of fireworks; Legal research re same.	1.00 175.00/hr	175.00
7/25/2016	SLH	Legal research, conference and correspondence regarding response to CPRA request.	1.00 240.00/hr	240.00

			Hrs/Rate	Amount
7/25/2016	RAR	Prepare for and attend hearings on open containers in public park violations.	2.00 175.00/hr	350.00
		For professional services rendered	9.60	$1,823.00
		Previous balance		$1,712.85
		Accounts receivable transactions		
7/18/2016		Payment - Thank You No. 53895		($1,712.85)
		Total payments and adjustments		($1,712.85)
		Balance due		$1,823.00

TERPSTRA HENDERSON, A
Professional Corporation
578 N. Wilma Avenue, Suite A (209) 599-5003
Ripon, CA 95366
Federal ID# 20-8735125

INVOICE

14679

Invoice submitted to:
Kevin Werner
City of Ripon
259 North Wilma Avenue
Ripon, CA 95366

July 25, 2016

File #: 1084-198; Matter: v. J-M Manufacturing Co. et al.

Professional Services

			Hrs/Rate	Amount
7/6/2016	RAR	Emails to and from co-counsel re status of action and pending conference call.	0.20 175.00/hr	35.00
7/12/2016	RAR	Emails to and from co-counsel re conference call on subpoenas and correspondence from Defendants; Telephone calls to and from C. Rodriguez re same; Conference call with co-counsel re same.	1.70 175.00/hr	297.50
7/13/2016	RAR	Email from co-counsel re deposition subpoenas; Review responsive letter re same.	0.20 175.00/hr	35.00
7/22/2016	THT	Review recent correspondence from cocounsel, review status of settlement discussions.	1.25 275.00/hr	343.75
	For professional services rendered		3.35	$711.25
	Previous balance			$70.00
	Accounts receivable transactions			
7/18/2016	Payment - Thank You No. 53895			($70.00)
	Total payments and adjustments			($70.00)
	Balance due			$711.25

CAVES & ASSOCIATES

Management Consultants – Labor Relations

Statement No. 16-154
Date: July 1, 2016

Kevin Werner, City Administrator
City of Ripon
259 N. Wilma Avenue
Ripon, CA 95366

STATEMENT

	PREVIOUS BALANCE		$ 3,646.80
	PAYMENT RECEIVED		$ 3,646.80
6/20/16	Negotiation with OE#3	1.75 hours	$ 280.00
	Mileage		$ 218.50
6/28/16	Negotiation with POA	2.50 hours	$ 400.00
	Mileage		$ 218.50
Total for Month			$ 1,117.00

Thank you,

Kenneth W. Caves

Kenneth W. Caves
CAVES & ASSOCIATES

All statements are due and payable by the 20th of the month

Post Office Box 889 * Springville, CA 93265-0889 * (559)-269-5431

Padilla & ASSOCIATES

Billed To:
Engineering Secretary
City of Ripon
259 N. Wilma Avenue
Ripon, CA 95366

Invoice No.: 16-RIP-1

Purchase Order Number	Consultant Agreement	Other	Terms
	Letter of Commitment (3/8/16) dtd 3/17/16		Net 30

ACCOUNT STATUS SUMMARY

Padilla & Associates, Inc. has completed the Following Tasks and Deliverables in accordance with the City of Ripon's above referenced Professional Services Agreement. Payments associated with each task is now due and payable, please see below:

TASKS	COST
A. Assisted the City of Ripon in its completion of "DBE Implementation Agreement for Local Agencies (Exhibit 9A) as the City's formal acknowledgement to the local agency's commitment to implement the Caltrans DBE Program and Local Assistance Procedures Manual.	$375.00
B. Padilla & Associates Inc. – Developed a Local Agency DBE Annual Submittal Form – Exhibit 9B, which included the preparation of all required correspondence (transmittal Lettes) for submission to City of Ripon's Caltrans DLAE to facilitate their respective approvals. Assisted with the identification of their Disadvantaged Business Enterprise Liaison Officer *DBELO) and development of their Organizational Chart regarding staff assigned to implementing the DBE program. Ensure the City of Ripon's prompt payment and full payment to the prime contractors and subcontractors selection is in compliance with the prompt payment clauses.	$250.00
INVOICE TOTAL:	$625.00

PLEASE REMIT PAYMENT TO:

PADILLA & ASSOCIATES, INC.
211 E. CITY PLACE DRIVE
SANTA ANA CA 92705
Federal Identification Number: 33-0889949

WGR

Not Your Typical Consultant

2F

INVOICE

DATE	INVOICE NO.
7/19/2016	18003

INVOICE TO	SITE ADDRESS
City of Ripon 259 N. Wilma Ave. Ripon, CA 95366 Attn: James Pease	259 N. Wilma Ave. Ripon, CA

Phase II MS4 NPDES permit compliance

TERMS	PROJECT	P.O. NO.
Net 30	783.PRI	

	SERVICED	DESCRIPTION	QTY	RATE	AMOUNT
E.11	6/7/2016	BW - Hot Spot Inspections - City of Ripon	6	82.00	492.00
	6/8/2016	BW - Hot Spot Inspections - City of Ripon	5	82.00	410.00
	6/13/2016	ST - City of Ripon/ Placed H.S.I. inspection documentation data into a sortable spreadsheet. Summarized data and sent to the City.	1	96.00	96.00
E.11	6/15/2016	ST - City of Ripon/ Placed H.S.I. inspection documentation data into a sortable spreadsheet. Summarized data and sent to the City.	1	96.00	96.00
E.12	6/16/2016	JT - City of Ripon - Reviewed Crumm Dental Post-Construction Standards Plan	2	125.00	250.00
	6/21/2016	JT - City of Ripon - Review of Crumm Dental Post Construction Standards Plan with City staff	0.5	125.00	62.50
E.16	6/23/2016	ST - City of Ripon/ Created punch list of documentation needed for Annual Report and performance effectiveness assessment.	3	96.00	288.00
E.12	6/27/2016	JT - City of Ripon - Review of Crumm Dental Post Construction Standards Plan with City staff	0.5	125.00	62.50
E.11	6/28/2016	ST - City of Ripon/ Researched and sorted through SJC Ag commissioner Pesticide Use Records for Diazinon and Chlorpyrifos applied within the City. (PEAIP management question)	4	96.00	384.00
E.11	6/29/2016	ST - City of Ripon/ Researched and sorted through SJC Ag commissioner Pesticide Use Records for Diazinon and Chlorpyrifos applied within the City. (PEAIP management question)	2	96.00	192.00
E.11	6/30/2016	ST - City of Ripon/ Researched and sorted through SJC Ag commissioner Pesticide Use Records for Diazinon and Chlorpyrifos applied within the City. (PEAIP management question)	1	96.00	96.00
		Mileage			
E.16	7/1/2016	BW - 6/7	80	0.56	44.80
	7/1/2016	BW - 6/8	60	0.56	33.60
			Total		$2,507.40

JP 7-26

WGR Southwest, Inc.
11021 Winners Circle, Suite 101 · Los Alamitos, CA 90720 · 562.799.8510

WGR

Not Your Typical Consultant

2F

INVOICE

DATE	INVOICE NO.
6/19/2016	17909

INVOICE TO	SITE ADDRESS
City of Ripon 259 N. Wilma Ave. Ripon, CA 95366 Attn: James Pease	259 N. Wilma Ave. Ripon, CA

TERMS	PROJECT	P.O. NO.
Net 30	783.PRI	

SERVICED	DESCRIPTION	QTY	RATE	AMOUNT
5/16/2016	JT - City of Ripon - Reviewed the DSP for Alexandra Place subdivision; telephone meeting with James to discuss maintenance requirements	1	145.00	145.00
5/19/2016	JT - City of Ripon - Reviewed the DSP for Alexandra Place subdivision; telephone meeting with James to discuss maintenance requirements	0.5	145.00	72.50
5/25/2016	JT - City of Ripon - Meeting with City staff on annual self certification reports and post-construction standards	2.5	145.00	362.50
		Total		$580.00

612 ACC

APPROVED FOR PAYMENT
Approved By: 7-26-16
Account Code:

7-26

WGR Southwest, Inc.
11021 Winners Circle, Suite 101 · Los Alamitos, CA 90720 · 562.799.8510

PROJECT: Water Meter Installation Project

CONTRACTOR: G.M. Construction & Develop., Inc.
8040 Linden Lime Ct.
Citrus Heights, CA 95610

INVOICE NO: 3694.10
BILLING NO:
DATE: 07/27/16

BILLING INFORMATION

ORIGINAL CONTRACT AMOUNT:	$1,931,962.00	PREVIOUS BILLED TO DATE:	1,830,969.65
APPROVED CONTRACT CHANGES:	$184,892.00	BILLING THIS INVOICE:	
		Telemetry	*$66,452.00*
		Water Meter Installation	*$621.00*
		5% RETENTION:	
		Telemetry	*$3,322.60*
		Water Meter Installation	*$31.05*
REVISED CONTRACT AMOUNT:	$2,116,854.00		
		NET BILLING THIS INVOICE:	
		Telemetry	*$63,129.40*
		Water Meter Installation	*$589.95*
		Total	**$63,719.35**

PROGRESS OF PROJECT

A total of 2,010 Meters were installed
A total of 2664 Meters have been retrofitted for the Change Order
Original Contract: 99% complete
Change Order: 96% complete

MARK THOMAS & COMPANY
Providing Engineering, Surveying & Planning Services

April 19, 2016 File No. SA-16107

Mr. Ken Zuidervaart
City of Ripon
259 N Wilma Avenue
Ripon, CA 95366

OFFICES
Cupertino
Fresno
Irvine
Oakland
Sacramento
Carmel
San Jose
Belmont
Walnut Creek

RE: CIRCULATION ELEMENT UPDATE

Dear Mr. Zuidervaart:

For you review, here is our Monthly Progress Report for the above referenced project.

Schedule Review:

The project has been kicked off and MTCo is in the process of gathering information from the City. We have also coordinated with F&P on the development of their work.

Budget Review:

Contract Amount	**25,089.00**
Costs Previously Billed	0.00
Costs Billed This Period	1,587.00
Total Cost To Date	1,587.00
Budget Remaining	**23,502.00**

Tasks Completed through March:

Project kickoff.

Anticipated Tasks for April:

Development of high level traffic analysis to review potential roadway segments to be upgraded.

Issues:

None at this time.

Mark Thomas & Company, Inc.
7300 Folsom Boulevard, Suite 203, Sacramento, CA 95826
www.markthomas.com (916) 381-9100 fax: (916) 381-9180

MARK THOMAS & COMPANY
Providing Engineering, Surveying & Planning Services

Ken Zuidervaart
City of Ripon
259 N. Wilma Avenue
Ripon, CA 95366

SUMMARY

03/09/16
File No. **SA-16107**

Re: Circulation Element Update
Invoice No. 25250
Contract Exp **03/31/18**

Engineering Services: Through April 3, 2016

Original	25,089
Total Contract Amount	25,089

PHASE NO.	TASK NO.	PHASE/TASK DESCRIPTION	ORIGINAL BUDGET	REALLOCATED BUDGET	PREVIOUSLY BILLED	BILLED THIS PERIOD	COSTS TO DATE	BALANCE REMAINING	BILLED BUDGET
100		PROJECT MANAGEMENT							
	001	1.1 Project Management & Meetings	2,018	2,018	0.00	1,587.00	1,587.00	431.00	79%
		SUBTOTAL PHASE 100	2,018	2,018	0.00	1,587.00	1,587.00	431.00	79%
200		TRAFFIC ANALYSIS							
	001	2.1 Traffic Analysis	2,637	2,637	0.00	0.00	0.00	2,637.00	0%
		SUBTOTAL PHASE 200	2,637	2,637	0.00	0.00	0.00	2,637.00	0%
300		INTERSECTION EXHIBITS							
	001	3.1 Intersection Exhibits	10,504	10,504	0.00	0.00	0.00	10,504.00	0%
		SUBTOTAL PHASE 300	10,504	10,504	0.00	0.00	0.00	10,504.00	0%
780		SUBCONSULTANTS							
	100	F&P: 2.1 TRAFFIC ANALYSIS	9,930	9,930	0.00	0.00	0.00	9,930.00	0%
		SUBTOTAL PHASE 780	9,930	9,930	0.00	0.00	0.00	9,930.00	0%
		GRAND TOTAL SERVICES	**25,089**	**25,089**	**0.00**	**1,587.00**	**1,587.00**	**23,502.00**	**6%**

Invoice

Mark Thomas & Company, Inc.
1960 Zanker Road
San Jose, CA 95112
Phone (408) 453-5373 * Fax (408) 452-0408

Ken Zuidervaart
City of Ripon
259 N. Wilma Avenue
Ripon, CA 95366

April 19, 2016
Project No: SA-16107
Invoice No: 25250

Project SA-16107 Circulation Element Update

Professional Services through April 3, 2016

Phase 100 PROJECT MANAGEMENT

Task 001 1.1 Project Management & Meetings

Professional Personnel

	Hours	Rate	Amount	
Principal				
Brogan, Robert	2.00	325.00	650.00	
Senior Project Engineer				
Blomquist, Daniel	4.00	178.00	712.00	
Project Coordinator				
Harney, Marlayna	2.25	100.00	225.00	
Totals	8.25		1,587.00	
Total Labor				**1,587.00**
		Total this Task		**$1,587.00**
		Total this Phase		**$1,587.00**
		Total this Invoice		**$1,587.00**

MARK THOMAS & COMPANY
Providing Engineering, Surveying & Planning Services

June 16, 2016 File No. SA-16107

OFFICES
Cupertino
Fresno
Irvine
Oakland
Sacramento
Carmel
San Jose
Belmont
Walnut Creek

Mr. Ken Zuidervaart
City of Ripon
259 N Wilma Avenue
Ripon, CA 95366

RE: CIRCULATION ELEMENT UPDATE

Dear Mr. Zuidervaart:

For you review, here is our Monthly Progress Report for the above referenced project.

Schedule Review:

MTCo is working with Fehr & Peers to review the traffic model impacts to the overall circulation element. A meeting is scheduled for mid June with the City to discuss.

Budget Review:

Contract Amount	**25,089.00**
Costs Previously Billed	1,587.00
Costs Billed This Period	4,473.00
Total Cost To Date	6,060.00
Budget Remaining	**19,029.00**

Tasks Completed through May:

Traffic model update; review of roadway segments.

Anticipated Tasks for June:

Discussion of impacts with City and beginning development of intersection exhibits.

Issues:

None at this time.

Mark Thomas & Company, Inc.
7300 Folsom Boulevard, Suite 203, Sacramento, CA 95826
www.markthomas.com (916) 381-9100 fax: (916) 381-9180

MARK THOMAS & COMPANY
Providing Engineering, Surveying & Planning Services

Ken Zuidervaart
City of Ripon
259 N. Wilma Avenue
Ripon, CA 95366

SUMMARY

06/16/16
File No. **SA-16107**

Re: Circulation Element Update
Invoice No. 25686
Contract Exp **03/31/18**

Engineering Services: Through May 29, 2016

Original	25,089
Total Contract Amount	25,089

PHASE NO.	TASK NO.	PHASE/TASK DESCRIPTION	ORIGINAL BUDGET	REALLOCATED BUDGET	PREVIOUSLY BILLED	BILLED THIS PERIOD	COSTS TO DATE	BALANCE REMAINING	BILLED BUDGET
100		PROJECT MANAGEMENT							
	001	1.1 Project Management & Meetings	2,018	2,018	1,587.00	0.00	1,587.00	431.00	79%
		SUBTOTAL PHASE 100	2,018	2,018	1,587.00	0.00	1,587.00	431.00	79%
200		TRAFFIC ANALYSIS							
	001	2.1 Traffic Analysis	2,637	2,637	0.00	1,863.00	1,863.00	774.00	71%
		SUBTOTAL PHASE 200	2,637	2,637	0.00	1,863.00	1,863.00	774.00	71%
300		INTERSECTION EXHIBITS							
	001	3.1 Intersection Exhibits	10,504	10,504	0.00	0.00	0.00	10,504.00	0%
		SUBTOTAL PHASE 300	10,504	10,504	0.00	0.00	0.00	10,504.00	0%
780		SUBCONSULTANTS							
	100	F&P: 2.1 TRAFFIC ANALYSIS	9,930	9,930	0.00	2,610.00	2,610.00	7,320.00	26%
		SUBTOTAL PHASE 780	9,930	9,930	0.00	2,610.00	2,610.00	7,320.00	26%
		GRAND TOTAL SERVICES	**25,089**	**25,089**	**1,587.00**	**4,473.00**	**6,060.00**	**19,029.00**	**24%**

Invoice

Mark Thomas & Company, Inc.
1960 Zanker Road
San Jose, CA 95112
Phone (408) 453-5373 * Fax (408) 452-0408

Ken Zuidervaart
City of Ripon
259 N. Wilma Avenue
Ripon, CA 95366

June 16, 2016
Project No: SA-16107
Invoice No: 25686

Project SA-16107 Circulation Element Update

Professional Services through May 29, 2016

Phase 200 TRAFFIC ANALYSIS

Task 001 2.1 Traffic Analysis

Professional Personnel

	Hours	Rate	Amount	
Principal				
Brogan, Robert	1.00	325.00	325.00	
Senior Project Engineer				
Blomquist, Daniel	8.50	178.00	1,513.00	
Project Coordinator				
Harney, Marlayna	.25	100.00	25.00	
Totals	9.75		1,863.00	
Total Labor				**1,863.00**
		Total this Task		**$1,863.00**
		Total this Phase		**$1,863.00**

Phase 780 SUBCONSULTANTS

Task 100 F&P: 2.1 TRAFFIC ANALYSIS

Consultants

Fehr & Peers				
5/25/2016	Fehr & Peers	Invoice #107814	2,610.00	
	Total Consultants		**2,610.00**	**2,610.00**
			Total this Task	**$2,610.00**
			Total this Phase	**$2,610.00**
			Total this Invoice	**$4,473.00**

Outstanding Invoices

Number	Date	Balance
25250	4/19/2016	1,587.00
Total		**1,587.00**

5/25/16

2H

FEHR PEERS

Improving Communities Since 1985

100 Pringle Avenue, Suite 600 | Walnut Creek, CA 94596 | P 925.977.3200 F 925.933.8007
FED ID 68-0065540

Accounts Payable
Mark Thomas & Company, Inc.
1960 Zanker Road
San Jose, CA 95112

May 20, 2016
Project No: RS16-3419.00
Invoice No: 107814
Project Manager David Manciati

Project RS16-3419.00 Ripon Circulation
SA-16107

Professional Services for the Period: March 26, 2016 to April 29, 2016

Professional Personnel

	Hours	Rate	Amount	
Principal III				
Choa, Fred	2.00	270.00	540.00	
Engineer/Planner I				
Manciati, David	17.50	115.00	2,012.50	
Senior Administrative Assistant I				
Souto, JoLynn	.50	115.00	57.50	
Totals	20.00		2,610.00	
Total Labor				**2,610.00**

Budget Summary	**Current**	**Prior**	**To-Date**
Total Billings	2,610.00	0.00	2,610.00
Total Budget			9,930.00
Remaining Budget			7,320.00

TOTAL CURRENT INVOICE AMOUNT DUE: $2,610.00

Vendor # F004 Month 5/16
Accounts #SA-16107-780-100 2610.00

Route to MB

DUE AND PAYABLE UPON RECEIPT

INVOICE SUMMARY

Project # RS16-3419.00
RE: Ripon Circulation
MTC# SA-16107

Professional Services: March 26, 2016 - April 29, 2016

TASK NO.	DESCRIPTION	BUDGET	PREVIOUSLY BILLED	BILLED THIS PERIOD	BILLED TO DATE	REMAINING BUDGET	PERCENT BILLED
SA-16107-780-100	Traffic Analysis	$9,930.00	$0.00	$2,610.00	$2,610.00	$7,320.00	26%
	TOTALS	$9,930.00	$0.00	$2,610.00	$2,610.00	$7,320.00	26%

FEHR PEERS

Improving Communities Since 1985

100 Pringle Avenue, Suite 600 | Walnut Creek, CA 94596 | P 925.977.3200 F 925.933.8007
FED ID 68-0065540

May 23, 2016

Accounts Payable ap@markthomas.com
Mark Thomas & Company, Inc.

RE: Ripon Circulation

Enclosed is invoice number 107814 for $2,610.00 dated May 20, 2016 for costs incurred from March 26, 2016 through April 29, 2016 for the above referenced project.

Tasks completed this period include the following:

- Analyzed current PFIP, MIP, and City of Ripon model networks and land use files.
- Edited PFIP and MIP models to include more arterial, expressway, and collector links in the cumulative year.
- Completed several model runs to assist in determining which model to use.
- Prepared a spreadsheet that takes model outputs and displays ADT and recommended number of lanes.

We appreciate the opportunity to assist you on this project. Please call if you have any questions.

Sincerely,

FEHR & PEERS

David Manciati
Project Manager

RS16-3419.00

DUE AND PAYABLE UPON RECEIPT

RESOLUTIONS

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF RIPON AUTHORIZING THE TRANSFER OF
CERTAIN MUNICIPAL FUNDS

WHEREAS the City Council of the City of Ripon is desirous of transferring certain funds to capital reserve funds as hereinafter set forth; and

WHEREAS, it is necessary that the balance of certain funds as hereinafter indicated, be adjusted and certain transfers made in order to properly reflect the correct balance of said funds for the period from July 1, 2015 through June 30, 2016; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ripon that the following transfers of the City of Ripon be and the same are hereby authorized and approved by the City Council of the City of Ripon as hereinafter specifically set forth:

1. The transfer of $200,000.00 from the Water Fund of the City of Ripon to the Capital Reserve Fund of the Water Department of the City of Ripon.
2. The transfer of $80,000.00 from the Garbage Fund of the City of Ripon to the Capital Enterprise Funds of the Garbage Department of the City of Ripon.
3. The transfer of $62,500.00 from the Sewer Fund of the City of Ripon to the Capital Enterprise Funds of the Sewer Department of the City of Ripon.
4. The transfer of $40,000.00 from the Sewer Fund of the City of Ripon to the Wastewater Treatment Plant Contingency Fund of the Sewer Department of the City of Ripon.
5. The transfer of $35,425.67 from the General Fund of the City of Ripon to the Dutch Meadows Landscaping Assessment District Fund for the deficit balance of this Fund.
6. The transfer of $5,013.39 from the General Fund of the City of Ripon to the Farmland Estates Landscaping Assessment District Fund for the deficit balance of this Fund.
7. The transfer of $64,608.86 from the General Fund of the City of Ripon to the Main Street Landscaping Assessment District Fund for the deficit balance of this Fund.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this ____ day of _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINING:

THE CITY OF RIPON
A Municipal Corporation

By_____
Jacob Parks, Mayor

ATTEST:

By_____
LISA ROOS, City Clerk

RESOLUTION NO. 16-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF RIPON AUTHORIZING THE TRANSFER OF CERTAIN
MUNICIPAL FUNDS FOR STREET MAINTENANCE AND REPAIRS

WHEREAS, it is necessary that the balance of certain funds as hereinafter indicated, be adjusted and certain transfers made in order to properly reflect the correct balance of said funds for the period from July 1, 2015 through June 30, 2016.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ripon that the following transfer of City funds be and the same is, hereby authorized and approved by the City Council of the City of Ripon as hereinafter specifically set forth:

1. The sum of $100,000.00 of Highway User Tax Section 2103 funds is ordered transferred to the Street Fund for expenses incurred from July 1, 2015 through June 30, 2016, for street maintenance.

2. The sum of $100,000.00 of Highway User Tax Section 2105 funds is ordered transferred to the Street Fund for expenses incurred from July 1, 2015 through June 30, 2016, for street maintenance.

3. The sum of $125,000.00 of Highway User Tax Section 2106 funds is ordered transferred to the Street Fund for expenses incurred from July 1, 2015 through June 30, 2016, for street maintenance.

4. The sum of $235,000.00 of Highway User Tax Section 2107 funds is ordered transferred to the Street Fund for expenses incurred from July 1, 2015 through June 30, 2016, for street maintenance.

5. The sum of $200,000.00 of Measure K funds is ordered transferred to the Street Fund for expenses incurred from July 1, 2015 through June 30, 2016, for street maintenance.

6. The sum of $325,000.00 of COG/LTF funds is ordered transferred to the Street Fund for expenses incurred from July 1, 2015 through June 30, 2016, for street maintenance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this 9th day of August, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINING:

THE CITY OF RIPON
A Municipal Corporation

By_____
Jacob Parks, Mayor

ATTEST:

By_____
LISA ROOS, City Clerk

Ripon Police Department
Memorandum

TO: Honorable Ripon City Council

FROM: Edward Ormonde, Chief of Police

DATE: July 28, 2016

SUBJECT: Meyenberg Avenue and McBrian Drive Residential Parking Permit Program Area

Honorable City Council,

In July of 2015, the police department began meeting with concerned residents in the Ripon Bluffs neighborhood regarding numerous issues stemming from reported overuse of the Ripon River Crossing Recreational Area near Reynolds Avenue. The usage of this city park has increased dramatically in recent years due to the free usage, easy access, and safety of the area.

During conversations with a neighborhood committee that was developed to represent the interest of residents in the Ripon Bluffs, concerns and fear of criminal activity, available parking, vegetation fire, and overall condition the park was being left in by some users.

Since the initial meeting, I have had ongoing communications with the committee and hosted two informational meetings for the neighborhood residents. Through these communications a plan was developed to assist residents in the area with their concerns. As part of this plan a Residential Parking Permit Program was developed into an ordinance.

After a show of significant interest by residents, a vote for a Parking Permit Program was conducted of Ripon Bluffs neighborhood in March. The vote did not receive enough returned yes ballots to pass. In July of 2015 Reynolds Avenue residents requested a revote and passed the Reynolds Avenue Parking Permit Program.

As a result of the first vote, and adoption of the Reynolds Avenue Parking Permit Program Area, a revote was requested by residents of the 400 block of Meyenberg Ave. and McBrian Dr. for their area only. The request was to institute a parking permit program for their area between start of the Memorial Day weekend and to then of Labor Day weekend. Flyers were hand delivered to each residence and ballots were mailed to each address.

The vote received 18 yes votes, 3 no votes, and 1 ballot was not returned. With a majority of the ballots returned, and meeting the 2/3rds requirement showing support for the designated residential parking permit area I am requesting the approval of the attached resolution setting the 400 block of Meyenberg Avenue and McBrian Drive as an The Meyenberg Avenue and McBrian

Drive Residential Parking Permit Area.

Respectfully,

Edward Ormonde

Edward Ormonde
Chief of Police

RESOLUTION NO. 16-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF RIPON SETTING THE REYNOLDS AVENUE RESIDENTIAL PARKING PERMIT PROGRAM AREA

WHEREAS, Section 10.58.040 of the Ripon Municipal Code allows the Ripon City Council to designate specific residential areas as a residential permit parking area; and

WHEREAS, Twenty-two Residential Parking Permit Program ballots were mailed to the addresses associated with the 400 block of Meyenberg Avenue and McBrian Drive, with 18 returned in favor of the Residential Parking Permit Program, with 3 returned in opposition of the Residential Parking Permit Program, and with 1 ballots not returned: and

WHEREAS, the Meyenberg Avenue and McBrian Drive Residential Parking Permit Program Area will be defined as the 400 block of Meyenberg Avenue, from McBrian Drive to Reynolds Avenue, and McBrian Drive, from South Manley Road to Meyenberg Avenue, for property that possess residential frontage, encompassing both the east and west side of the 400 block of Meyenberg Drive and the north and south side of McBrian Drive; and

WHEREAS, the Meyenberg Avenue and McBrian Drive Residential Parking Permit Program Area will be in effect from the start of the Memorial Day weekend through the end of the Labor Day weekend each year and 24 hours a day during this time period, and be designated by street signage: and

WHEREAS, each residential applicant will be responsible for paying the required fees designated in Resolution No. 16-17 upon permit issuance: and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ripon that the City of Ripon does hereby approve:

The Meyenberg Avenue and McBrian Drive Residential Parking Permit Program Area.

IT IS FURTHER RESOLVED that the Meyenberg Avenue and McBrian Drive Residential Parking Permit Program Area will be effective 30-days from the date of passage of this resolution.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this ____ day of_____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

THE CITY OF RIPON
A Municipal Corporation

By_____
JACOB PARKS, Mayor

ATTEST:

By_____
LISA ROOS, City Clerk

CONSENT CALENDAR

Miscellaneous Items

ORDINANCE NO. ~~_____~~844

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON ADDING CHAPTER 9.34 TO THE RIPON MUNICIPAL CODE

SECTION 1. AMENDMENT TO CODE.

Chapter 9 of the Ripon Municipal Code is hereby amended to add Section 9.34, to read in full as follows:

Chapter 9.34
UNMANNED AIRCRAFT SYSTEMS

Sections:

9.34.010 Definitions
9.34.020 Public UAS
9.34.030 UAS Operation and Restrictions
9.34.040 Violations

9.34.010 Definitions.

A. **"Unmanned Aircraft"** shall mean an aircraft, including, but not limited to, an aircraft commonly known as a drone, that is operated without the possibility of direct human intervention from within or on the aircraft.

B. **"Unmanned Aircraft System"** shall mean the elements associated with a Unmanned Aircraft, including, but not limited to, any communication links and components that control the Unmanned Aircraft.

C. **"Model Aircraft"** shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any person strictly for hobby or recreational purposes.

D. **"Civil UAS"** shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any person for any purposes other than strictly hobby or recreational purposes, including, but not limited to, commercial purposes or in furtherance of, or incidental to, any business or media service or agency.

E. **"Public UAS"** shall mean an Unmanned Aircraft or Unmanned Aircraft System operated by any public agency for government related purposes.

9.34.020 Public UAS.

The restrictions set forth in this Chapter shall not apply to any Public UAS operated pursuant to, and in compliance with, the terms and conditions of any current and enforceable authorization granted by the Federal Aviation Administration.

9.34.030 UAS Operation and Restrictions.

The following shall apply to the operation of any Model Aircraft or Civil UAS within the City of Ripon:

A. All Model Aircraft or Civil UAS shall be labeled with the owner's name, address and telephone number.

B. No person shall operate any Model Aircraft or Civil UAS within the City of Ripon in a manner that interferes with manned aircraft or any Public UAS, and shall always give way to any and all manned aircraft and Public UAS.

~~C. No person shall operate any Model Aircraft or Civil UAS within the City of Ripon beyond the visual line of sight of the person operating the Model Aircraft or Civil UAS. The operator must use his or her own natural vision (which includes vision corrected by standard eyeglasses or contact lenses) to observe the Model Aircraft or Civil UAS at all times. People other than the operator may not be used in lieu of the operator for maintaining visual line of sight. For purposes of this Section, the term "visual line of sight" means that the operator has an unobstructed view of the Model Aircraft or Civil UAS. The use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, goggles or other devices designed to provide a "first-person view," do not constitute the visual line of sight of the person operating the Model Aircraft or Civil UAS.~~

C~~D~~. No person shall operate any Model Aircraft or Civil UAS within the City of Ripon other than during daylight hours, which is defined for purposes of this Section as between official sunrise and official sunset for local time.

~~E. No person shall operate any Model Aircraft or Civil UAS within the City of Ripon more than 400 feet above the earth's surface.~~

~~F. Excluding takeoff and landing, no person shall operate any Model Aircraft or Civil UAS within the City of Ripon within 100 feet of any individual, except the operator or the operator's helper(s).~~

D~~G~~. No person shall operate any Model Aircraft or Civil UAS within the City of Ripon in a manner that is dangerous, negligent, careless, reckless or that otherwise poses a risk of harm, danger or injury to life or property. The standards set forth in all federal laws, statutes, regulations, standards and requirements governing aeronautics, including, but not limited to those set forth in Federal Aviation Rule 91.13, shall apply to this Section.

E~~H~~. No person shall operate any Model Aircraft or Civil UAS within the City of Ripon for invasive, harassing or obnoxious purposes, in a manner that constitutes or may constitute a public or private nuisance, and/or in a manner that interferes, or which may interfere, in

any way, with another person or entity's right to privacy, right to quiet enjoyment of his/her property, business operations or recreational activities.

F~~I~~. No person shall operate any Model Aircraft or Civil UAS within the City of Ripon in a manner that violates any civil or criminal restraining order, judgment or other court order.

G~~J~~. No person shall operate any Model Aircraft or Civil UAS within the City of Ripon in a manner that interferes, or which may interfere, in any way, with safe operation of motor vehicles or other lawful use of public streets, property or right of ways.

H~~K~~. No person shall operate any Model Aircraft or Civil UAS within the City of Ripon in a manner that results in the unauthorized photographing or recording of any other person, entity or property.

I~~L~~. No person shall operate any Model Aircraft or Civil UAS within the City of Ripon above or within 100 feet of any organized event including, but not limited to, any sporting event, festival, fair or otherwise.

J~~M~~. Persons operating any Model Aircraft or Civil UAS within the City of Ripon shall, at all times, comply with all local, state and federal laws, statutes, regulations, standards and requirements, including, but not limited to, those related to use, reporting, registration, licensing and safety standards and the Academy of Model Aeronautics National Model Aircraft Safety Code.

K~~N~~. No person shall operate any Model Aircraft or Civil UAS within the City of Ripon in a manner that is prohibited by any local, state or federal law, statute, regulation, standard or regulation governing aeronautics.

L~~O~~. No person shall operate any Model Aircraft or Civil UAS within the City of Ripon in violation of any temporary flight restriction ("TFR") or notice to airmen ("NOTAM") issued by the Federal Aviation Administration.

M~~P~~. In the interest of public safety, upon the request or order of any City official, persons operating any Model Aircraft or Civil UAS within the City of Ripon shall immediately cease flight operations and immediately land the Model Aircraft or Civil UAS.

9.34.040 Violation.

A. A violation of any of the provisions of this Chapter shall constitute a misdemeanor and the City Attorney and/or District Attorney may, in the exercise of their discretion, in addition to or in lieu of taking any other action permitted by this Chapter, prosecute the violation as a misdemeanor in the Superior Court of San Joaquin County or any other Court having jurisdiction over the matter. Misdemeanors under this Chapter shall be punishable by a fine of not more than one thousand dollars ($1,000.00) per violation, or by imprisonment in the County Jail for a period of not more than six (6) months per violation, or by both fine and imprisonment.

B. It shall be unlawful and a public nuisance for a Model Aircraft or Civil UAS to be operated within the City of Ripon in violation of any provision of this Chapter or any other applicable local, state or federal law, statute, regulation, standard or requirement as currently drafted or as may be amended. The City Attorney and/or District Attorney may, in the exercise of their discretion, in addition to or in lieu of taking any other action permitted by this Chapter or any other applicable law, commence proceedings in the Superior Court of San Joaquin County or any other Court having jurisdiction over the matter, to abate and/or enjoin the public nuisance and to recover damages.

C. All remedies provided for in this Chapter are cumulative and are not intended to limit the City's available remedies as provided in this Code or elsewhere.

SECTION 2. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to, and shall not be construed or given effect in a manner that imposes upon the City or any of its officers, agents, employees or volunteers, a mandatory duty of care towards persons and property, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified in this Chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted at City Hall and on the City of Ripon website, and a notice shall be published once in *The Manteca Bulletin*, the official newspaper of the City of Ripon, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Ripon held on the _____, 9th of August, 2016, by Councilmember _____, _____, who moved its introduction and passage to print, which motion being duly seconded by Councilmember _____, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
APPROVED:

_____

~~Jake~~ Jacob Parks, Mayor

ATTEST:
By

_____

LISA ROOS, City Clerk (SEAL)

ORDINANCE NO. 846

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIPON ADDING CHAPTER 8.28 TO THE RIPON MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF RIPON HEREBY FINDS:

1. The registration and health and safety requirements imposed by this Chapter are reasonable necessary to protect the health, safety and welfare of the citizens of the City; and

2. Massage businesses have been found to present opportunities for acts of prostitution and other unlawful activity, officers have made arrests for prostitution in massage businesses located within the City, and it has been reported that instances of acts of prostitution have occurred in massage businesses located in unincorporated areas of San Joaquin County; and

3. The California legislature and the courts have long recognized the necessity of imposing reasonable regulations and standards for the operation of massage businesses, including but not limited to, minimum educational and experience requirements, passage of a practical examination of competence, sanitary conditions, hours of operation, and other operational regulations designed to minimize opportunities for illegal activities and to ensure the protection of the health, safety and welfare of citizens; and

4. There is significant risk of injury to clients of massage businesses by improperly trained or poorly educated massage practitioners; and

5. The presence of businesses known or reputed to be places of prostitution or other illegal activity can have an adverse impact on surrounding properties and result in blight, foster further illegal activities, and generally become a public nuisance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIPON, CALIFORNIA, ORDAINS that:

SECTION 1. AMENDMENT TO CODE.

Chapter 8 of the Ripon Municipal Code is hereby amended to add Section 8.28, to read in full as follows:

CHAPTER 8.28 - MASSAGES / MASSAGE BUSINESSES

Sections:

8.28.010	**Purpose and Intent**
8.28.020	**Definitions**
8.28.030	**Exemptions**
8.28.040	**CAMTC Certification Required**
8.28.050	**City Business License Required**
8.28.060	**Massage Business Permit Required for Owners and Operators who do not Qualify as Certified Massage Therapists**
8.28.070	**Operating Requirements for all Massage Businesses**
8.28.080	**Exchange of Information**
8.28.090	**Inspections by Officials**
8.28.100	**Applicability of Other Laws and Regulations**
8.28.110	**Notifications**
8.28.120	**Responsible Persons**
8.28.130	**Public Nuisance**
8.28.140	**Unlawful Business Practices**
8.28.150	**Criminal Prosecution**
8.28.160	**Administrative Fines**
8.28.170	**Prosecutorial Discretion**

8.28.010 PURPOSE AND INTENT

A. In enacting this Chapter, the City Council recognizes that commercial massage therapy is a professional pursuit which can offer the public valuable health and therapeutic services. The City Council further recognizes that, unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and may pose a threat to the quality of life in the local community. Accordingly, it is the purpose and intent of this Chapter to protect the public health, safety and welfare by providing for the orderly regulation of businesses providing massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health and operational standards for massage businesses.

B. Furthermore, it is the purpose and intent of this Chapter to address the negative impacts identified in the City Council's findings to reduce or prevent neighborhood blight and to protect and preserve the quality of the City, and to enhance enforcement of laws and regulations relating to the conduct of operators and employees of massage businesses.

C. It is the Council's further purpose and intent to rely upon the uniform statewide regulations applicable to massage practitioners and establishments that were enacted by the State Legislature as Business and Professions Code sections 4600 *et seq*., as currently drafted or as may be amended, to restrict the commercial practice of massage in the City to those persons duly certified to practice by the California Massage Therapy Council, and to provide for the registration and regulation of massage businesses for health and safety purposes to the extent allowed by law.

8.28.020 DEFINITIONS

For the purposes of this Chapter, unless the particular provision or the context otherwise requires, the definitions in this Section shall govern the construction, meaning and application of words and phrases used in this Chapter.

A. "California Massage Therapy Council" or "CAMTC" means the organization formed pursuant to Business and Professions Code section 4602, as currently drafted or as may be amended.

B. "CAMTC Certificate" means a valid certificate issued by the California Massage Therapy Council to a Certified Massage Therapist or as a Certified Massage Practitioner pursuant to California Business and Professions Code sections 4600 *et seq*., as currently drafted or as may be amended.

C. "Certified Massage Therapist" means any individual who possesses a valid CAMTC Certificate.

D. "Chief of Police" means the Chief of Police of the City of Ripon and his or her authorized representatives or designees.

E. "City" shall mean the City of Ripon.

F. "City Administrator" means the City Administrator of the City of Ripon, and his or her authorized representatives or designees.

G. "Client" means the customer or patron who pays any form of Compensation for and/or receives a Massage.

H. "Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange or gift of money or anything of value.

I. "Employee" means any person employed by a Massage Business who may render any service to the business and who receives any form of Compensation from the business or any Client of the business. For the purposes of this Chapter, the term "Employee" shall include independent contractors, agents and volunteers of the Massage Business.

J. "Massage" or "Massage Therapy" means any method of treating the body for remedial, health or hygienic purposes for any form of Compensation by means of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external parts of the body with hands or other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, and with or without supplementary aids such as rubbing alcohol, liniments, antiseptic, oils, powder, creams, lotions, ointments or other similar preparations commonly used in Massage, or by steam, bath, shower or wrap, including, but not limited to, Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, mud, fermentation or any other type of bath.

K. "Massage Business" means any Person or business that offers or performs Massage in exchange for Compensation, whether at a fixed place of business or pursuant to Outcall Massage. For purposes of this Chapter, the term "Massage Business" includes all businesses where

Massage is offered or performed, even if other services are also offered at the business, such as salons, day spas, health clubs, etc. For purposes of this Chapter, the term "Massage Business" shall not include a Person who performs Massage to limited areas of the neck, face, scalp, hands or feet of Clients when that Massage is accessory to and within the scope of a barber's, cosmetologist's and/or esthetician's valid state license.

L. "Massage Business Permit" means the permit required by Section 8.28.060 for every Owner or Operator who does not qualify as a Certified Massage Therapist.

M. "Operator" means a Person who supervises, manages, directs, organizes, controls, operates or is in any other way is responsible for or in charge of the activities within a Massage Business, regardless of whether the Person qualifies as an Owner or Certified Massage Therapist. Evidence that a Person is an Operator includes, but is not limited to, indications that the Person has power to direct, hire and/or dismiss Employees, control hours of operation, create policies or rules, and/or purchase supplies for the Massage Business.

N. "Outcall Massage" means offering or providing Massage in exchange for any form of Compensation in a location other than at a fixed place of business.

O. "Owner" means any of the following, regardless of whether the Person qualifies as an Operator or Certified Massage Therapist:

1. The sole proprietor of a Massage Business; or
2. Any person who is a general partner of a general or limited partnership that owns a Massage Business; or
3. Any person who has a five percent (5%) or greater ownership interest in a corporation that owns a Massage Business; or
4. Any person who is a member of a limited liability company that owns a Massage Business; or
5. Any person who has a five percent (5%) or greater ownership interest in any other type of business association that owns a Massage Business.

P. "Person" means any individual, firm, association, partnership, corporation, joint venture, limited liability company or other combination of individuals.

Q. "Reception Area" means the area immediately inside the front door of a Massage Business, dedicated to the reception and waiting of Clients and visitors of the Massage Business, which is not a Massage room and is not otherwise used to perform Massage Services.

8.28.030 EXEMPTIONS

The provisions of this Chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties:

A. Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the State of California and persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person, and administering Massage services subject to review or oversight by the licensed person.

B. Barbers and cosmetologists who are duly licensed under the laws of the State of California while engaging in practices within the scope of their licenses, except that this Chapter shall apply when such person is solely performing any method of Massaging of the neck, face and/or scalp, hands or feet of a Client.

C. Hospitals, nursing homes, mental health facilities or any other health facilities duly licensed by the State of California, and employees of these licensed institutions, while acting within the scope of their employment and within the parameters of the relevant license.

D. Accredited high schools, junior colleges and colleges or universities whose coaches and trainers are acting within the scope of their employment.

E. Trainers of amateur, semi-professional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes, and trainers working in conjunction with a specific athletic event.

F. Individuals administering Massage or health treatment involving Massage to persons participating in single-occurrence athletic, recreational or festival events, such as health fairs, road races, track meets, triathlons and other similar events, provided that all of the following conditions are satisfied:

1. The Massage services are made equally available to all participants in the event;
2. The event is open to participation by the general public or a significant segment of the public;
3. The Massage services are provided at the site of the event and during the event;
4. The sponsors of the event have been advised of and have approved the provision of Massage services;
5. The Persons providing the Massage services are not the primary sponsors of the event.

8.28.040 CAMTC CERTIFICATION REQUIRED

A. Except as provided in Section 8.28.040(B), it shall be unlawful for any Person to offer or perform Massage in exchange for any form of Compensation within the City unless that Person possesses a valid CAMTC certificate by January 1, 2017.

B. The Chief of Police may permit a Person to offer and perform Massage in exchange for Compensation within the City without a valid CAMTC certificate if the following conditions are met:

1. The Person has been in possession of a valid City Business License for a lawful Massage Business for a minimum of 10 years prior to adoption of this Chapter.
2. The Person has not had his/her City Business License revoked or suspended for the 10 year period preceding adoption of this Chapter.
3. The Person obtains a Massage Business Permit pursuant to Section 8.28.060 by January 1, 2017.

8.28.050 CITY BUSINESS LICENSE REQUIRED

It shall be unlawful for Person or Massage Business to offer or perform Massage for Compensation within the City without first obtaining a valid City Business License pursuant to Ripon Municipal Code Chapter 5.04.

8.28.060 MASSAGE BUSINESS PERMIT REQUIRED FOR OWNERS AND OPERATORS WHO DO NOT QUALIFY AS CERTIFIED MASSAGE THERAPISTS

Every Owner and Operator of a Massage Business who does not qualify as a Certified Massage Therapist shall obtain a Massage Business Permit from the Chief of Police prior to obtaining a Business License according to the following procedures:

A. Application for Permit. Every Massage Business Owner and Operator shall complete and submit an application to the Chief of Police on the form provided by the City.

B. Background Investigation for Permit. Every Massage Business Owner and Operator shall personally appear at the City Police Department to be fingerprinted and shall pay the fees established by City Council Resolution to cover the cost of fingerprinting and processing a criminal background investigation. Upon receipt of a completed application and all required fees, the Chief of Police shall conduct or cause to be conducted a background investigation of each applicant.

C. Issuance or Denial of Permit. Based on the information contained in the application and obtained from the background investigation, the Chief of Police shall determine whether to issue or deny a Massage Business Permit. The applicant will be notified of the decision in writing. If the Chief of Police denies an application for a Massage Business Permit, the applicant will be notified in writing of the reasons for the denial. The City may deny issuance of a Massage Business Permit for any of the following reasons:

1. The application is incomplete.
2. The applicant has provided false information on the application.
3. During the five (5) years immediately preceding the date the application was filed, the applicant was convicted of, or pled guilty to, any of the following offenses: violation of California Penal Code section 243.4, 261, 266 267, 288, 314 to 316 inclusive, 318, 647, any offenses requiring registration under California Penal Code section 290 or California Health and Safety Code section 11590, any felony offense involving the possession for sale, sale, transportation, furnishing or giving away of a controlled substance specified in California Health and Safety Code sections 11054 to 11058, inclusive, any offense in another state which if committed in California, would have been punishable as any of the offenses identified herein, any offense involving the use of force or violence upon the person of another, or any offense involving theft, embezzlement or moral turpitude.
4. During the five (5) years immediately preceding the date the application was filed, the applicant had a Massage license, permit, certificate or the equivalent, suspended or revoked.

D. Length of Permit. Massage Business Permits shall be valid for two (2) years from the date of issuance unless terminated earlier by the Permit holder or unless the Permit is suspended or revoked by the City.

E. Suspension and/or Revocation of a Permit. The Chief of Police may suspend or revoke a Massage Business Permit by providing written notice to the Massage Business and its Owners and Operators. The written notice of suspension or revocation shall explain the grounds for the suspension or revocation, the effective date of the suspension or revocation and provide notice of the right to request an appeal hearing before the City Administrator. A Massage Business Permit may be suspended and/or revoked for any of the following reasons:

1. Any individual offering or performing Massage at or on behalf of a Massage Business is not in possession of valid CAMTC certificate.
2. The City determines, in its reasonable discretion, that there was a material misrepresentation, false statement or omission of a material fact on the application for a Massage Business Permit or renewal thereof.
3. A violation of any provision of this Chapter or any other applicable local, state or federal law or regulation, as currently drafted or as may be amended, has occurred at the Massage Business or during an Outcall Massage.
4. Any individual offering or performing Massage at or on behalf of a Massage Business was convicted of, or pled guilty to, any of the following offenses: violation of California Penal Code section 243.4, 261, 266, 267, 288, 314 to 316 inclusive, 318, 647, any offenses requiring registration under California Penal Code section 290 or California Health and Safety Code section 11590, any felony offense involving the possession for sale, sale, transportation, furnishing or giving away of a controlled substance specified in California Health and Safety Code sections 11054 to 11058, inclusive, any offense in another state which if committed in California, would have been punishable as any of the offenses identified herein, any offense involving the use of force or violence upon the person of another, or any offense involving theft, embezzlement or moral turpitude.
5. The City determines, in its reasonable discretion, that any activity has occurred at the Massage Business or during an Outcall Massage which poses a risk to the health, safety or general welfare of any Person or the public.

F. Right to Appeal Adverse Action. Any Person whose application for a Massage Business Permit is denied, or whose Permit has been suspended or revoked may appeal the decision to the City Administrator by filing a written notice of appeal within ten (10) days of being notified of the decision. The notice of appeal shall explain all reasons for the appeal and shall be accompanied by a filing fee in the amount of Two Hundred Fifty Dollars ($250). The City Administrator shall schedule a hearing within thirty (30) days of receipt of the notice of appeal and shall provide written notice of the time, date and location of the hearing to the appellant. A continuance of the appeal hearing may be requested in writing, for good cause, by either the appellant or the Chief of Police. The decision of whether to grant a continuance shall be made in the discretion of the City Administrator, who shall consider whether granting the continuance poses a risk to the health, safety or general welfare of any Person or the public.

G. Appeal Hearings.

1. The following rules apply to appeal hearings:
   a. Oral evidence shall only be taken under oath or affirmation. The City Administrator shall have the authority to administer oaths and to receive and rule upon the admissibility of evidence.
   b. Each party shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues, to be represented by counsel of their choosing and at their sole cost, and to confront and cross-examine witnesses.
   c. The City Administrator may call and examine or cross examine any witness.
   d. Formal rules of evidence and discovery do not apply to the appeal hearing. However, only relevant evidence shall be admitted, irrelevant and unduly repetitious testimony shall be excluded, and rules of privilege shall apply.
   e. Unless otherwise specifically prohibited by law, the burden of proof is on the appellant.
2. The decision of the City Administrator shall be made within fifteen (15) days of the appeal hearing and shall be final, with no further right to an administrative appeal or reconsideration by the City. The following, without limitation, are potential outcomes of an appeal hearing:
   a. Uphold the decision.
   b. Overrule the decision.
   c. Reduce a revocation to a suspension.
   d. Reduce the length of a suspension.
   e. Stay the effective date of a suspension or revocation for a reasonable time following a hearing.
   f. Impose conditions on the issuance or continued validity of the Massage Business Permit.
3. If a Massage Business Permit is revoked, the City shall not accept a new application from the Massage Business or any of its Owners or Operators for a period of one (1) year from the date of revocation.

H. Notification of Sale of Massage Business. A Massage Business Permit holder shall notify the Chief of Police in writing within thirty (30) days of the sale of the Massage Business for which he/she obtained the Massage Business Permit.

I. Transfer and Sale of Permits Prohibited. Massage Business Permits shall be non-transferable and cannot be sold. Every new Owner and Operator of a Massage Business who does not qualify as a Certified Massage Therapist must obtain a Massage Business Permit within five (5) days of becoming an Owner or Operator.

8.28.070 OPERATING REQUIREMENTS FOR ALL MASSAGE BUSINESSES

No Person or Massage Business shall offer, perform or permit any Massage service within the City of Ripon unless all of the following requirements are met:

A. Required Displays. A copy of the following shall be displayed, in English, and in an area immediately visible by all who enter the Massage Business, and for Outcall Massage, shall be provided to Clients at the location where the Outcall Massage is performed:

1. Valid CAMTC certifications for all People who offer or perform Massage at or on behalf of the Massage Business. CAMTC certifications of former Employees shall be removed as soon as those individuals are no longer employed by or offering services through or on behalf of the Massage Business.
2. Valid City Business License.
3. Valid Massage Business Permit.
4. A description of the Massage services available and the cost of each service.

B. Massage Services and Fees. Every Massage Business shall maintain a current, complete and legible list of all Massage services available, which shall include a description of each service and the cost of each service. No Person shall offer, perform or permit any Massage service other than those contained in the list of Massage services required by this Section. No individual shall request or charge a fee for any Massage service other than the fees contained in the list of Massage services required by this Section.

C. Hours of Operation. The hours in which Massage may be offered and performed shall be limited to 6:00 a.m. - 9:00 p.m. No Massage Business shall be open and no Massage shall be offered or performed between 9:00 p.m. and 6:00 a.m. A Massage that has commenced prior to 9:00 p.m. shall terminate by 9:00 p.m. All Clients shall exit the Massage Business by 9:00 p.m. and all individuals performing Outcall Massage shall exit the premises where said services were performed by 9:00 p.m. It is the obligation of the Massage Business to inform Clients of the requirement that services must cease at 9:00 p.m.

D. Roster of Certified Massage Therapists. The Massage Business shall keep a current, complete and legible written roster of all People offering or performing Massage for the Massage Business, regardless of whether the Massage is offered or performed at the Massage Business premises or as an Outcall Massage, which shall contain all of the following information:

1. Legal name of the Person
2. Nickname / aliases used by the Person
3. Residential address and telephone number for the Person
4. The Person's date of birth
5. The Person's gender
6. The Person's height and weight
7. The Person's hair and eye color
8. The Person's CAMTC certificate number and expiration date

E. Service Records. For each Massage service provided, the Massage Business shall keep a complete and legible written record of the following information:

1. The name and address of the Client
2. The date and timeframe that Massage service was provided
3. A description of the Massage service provided
4. The amount paid for the Massage service, including any gratuity
5. The name and CAMTC Certificate number of the Person performing the Massage service

6. The address where the Massage Service was provided
7. The name of the individual entering the information in the written record

F. Record Retention. All records required by this Section shall be retained at the location of the Massage Business for a minimum of two (2) years and shall be open to inspection and copying during business hours by the Planning Director and Chief of Police for purposes of investigating compliance with this Chapter and all other applicable local, state and federal laws and regulations, as currently drafted or as may be amended.

G. Required Clothing. All Massage Business Owners, Operators and all Certified Massage Therapists, as well as any other Employees of the Massage Business shall, at all times while present at the Massage Business or during any Outcall Massage, be fully clothed. Clothing shall be fully opaque, with non-transparent material and provide complete covering of the genitals, pubic areas, buttocks and chest. For the purposes of this Section, the term "clothing" means any article of clothing worn over other articles of clothing and does not include items such as underwear or bras.

H. Required Coverings. The Massage Business shall provide all Clients with clean, sanitary and opaque coverings capable of covering the Client's genitals, anal area and female breasts. Coverings shall not be used by more than one (1) Client, unless they have first been laundered and disinfected. No Massage shall be performed unless the Client's genitals, anal area and female breasts are, at all times, fully covered. No Person shall, in the course of performing any Massage, make physical contact with the genitals, anal area and female breasts of any other person regardless whether the person's skin is exposed or covered.

I. Required Towels and Linens. The Massage Business shall provide Clients with an adequate supply of clean and sanitary towels and linens, which shall be stored in enclosed cabinets. Non-disposable towels and linens shall not be used on more than one (1) Client, unless they have first been laundered and disinfected. Disposable towels and linens shall not be used on more than one (1) Client.

J. Dressing Rooms, Restrooms and Washing Facilities. The Massage Business premises and the area where any Outcall Massage is performed shall be equipped with facilities that permit Clients to undress and dress in private and shall have at least one (1) restroom that complies with the requirements of this Code, which shall be accessible to Clients as well as Employees of the Massage Business. Hot and cold running water shall be available at all times within the Massage Business premises and the area where any Outcall Massage is performed. Toilet facilities shall be provided in convenient locations within the Massage Business and shall consist of at least one (1) unisex toilet with lavatories or wash basins provided with soap and both hot and cold running water either in the toilet room or vestibule.

K. Cleaning Requirements. The entire premises of the Massage Business, including but not limited to, all rooms, bathrooms, showers, steam rooms, bathtubs and pools, shall be thoroughly cleaned and disinfected as needed, and at least once each day when the premises are open, with a hospital-grade disinfectant. Bathtubs shall be thoroughly cleaned with a hospital-grade disinfectant after each use. All walls, ceilings, floors and other physical facilities of the premises shall be maintained in good repair and in a clean and sanitary condition. All equipment used in any Massage shall be maintained in a clean and sanitary condition and shall not be used on more than one (1) Client unless they have been properly sterilized using standard sterilization methods.

L. Alcohol and Drugs Prohibited. No Person shall enter, be, or remain in any part of a Massage Business or in the area where an Outcall Massage is performed while in possession of or under the influence of any alcoholic beverage, illegal drug or controlled substance (as defined in the Controlled Substances Act and Code of Federal Regulations). No person offering or performing Massage shall not be under the influence of any alcoholic beverage, illegal drug or controlled substance (as defined in the Controlled Substances Act and Code of Federal Regulations).

M. Advertisements. No Person shall verbally or in writing place, publish or distribute, or cause to be placed, published or distributed, any advertising material that could reasonably suggest that any service is available other than the Massage services lawfully offered by the Massage Business in compliance with this Chapter, which services shall be described in the list required by this Section.

N. Doors and Windows. During business hours, the entry door to the Massage Business shall remain unlocked and unobstructed unless otherwise permitted by law. At all times all windows fronting a public street, highway, walkway or parking area shall remain unblocked by any object or material that obstructs, blurs or unreasonably darkens the view into the premises.

O. Sexual Paraphernalia. Instruments, devices or paraphernalia that are designed for use in connection with sexual activities, including, but not limited to, condoms, shall not be permitted within the Massage Business or in area where any Outcall Massage is performed.

P. Construction. The Massage Business premises and facilities shall be constructed in compliance with the Americans with Disabilities Act, and all other applicable local, state and federal laws and regulations, as currently drafted or as may be amended, including, but not limited to, those related to the safety of structures, adequacy of the plumbing, lighting, heating, ventilation, waterproofing of rooms in which showers, water or steam baths are used, and the health and cleanliness of the facility.

Q. Lighting. All areas within the Massage Business premises and the area where any Outcall Massage is performed shall have lighting consisting of a minimum of one (1) artificial light of not less than forth (40) watts.

R. Ventilation. All areas within the Massage Business premises and the area where any Outcall Massage is performed shall be ventilated in compliance with the requirements of this Code.

S. Signs. All signs associated with the Massage Business shall comply with the requirements of this Code.

T. School of Massage. No Massage Business shall simultaneously operate as a school of Massage or share facilities with a school of Massage.

U. No Residence in Massage Business. No Massage Business shall allow any Person to reside within the Massage Business or in any attached structures owned, leased or controlled by the Massage Business Owners or Operators.

V. Prohibited Unlawful Conduct. It shall be unlawful for any individual who offers or performs Massage at or on behalf of the Massage Business, whether within the Massage Business premises or in any area where any Outcall Massage is performed to engage in any conduct listed in

Section 4609 of the California Business and Professions Code, Section 647 of the California Penal Code, or any other local, state or federal law or regulation involving a crime of moral turpitude.

8.28.080 EXCHANGE OF INFORMATION

The City may, from time to time, request information from CAMTC pertaining to any Person who possesses a CAMTC Certificate and who is engaging, or seeking authorization to engage in the practice of Massage in the City. The requested information may include, but is not limited to, the current status of the Person's CAMTC Certificate, any history of disciplinary action taken against the Person, the home and business addresses of the CAMTC Certificate holder, and any other information that may be necessary to verify fact relevant to administering the provisions of this Chapter.

8.28.090 INSPECTION BY OFFICIALS

The investigating and enforcing officials of the City, including but not limited to the Chief of Police, the Chief Building Official and the Chief of the Fire Department, shall have the right to enter any Massage Business premises and any area where Outcall Massage is performed at any time during regular business hours for the purpose of making reasonable inspections, to observe and enforce compliance with applicable laws and regulations and with the provisions of this Chapter. Such inspections may include the taking of photographs, samples or other physical evidence. The Massage Business may be charged a fee for any safety inspections.

8.28.100 APPLICABILITY OF OTHER LAWS AND REGULATIONS

Nothing contained within this Chapter shall be construed to exempt any Person from complying with the provisions of any other applicable law or regulation, or to exempt a Massage Business or Certified Massage Therapist from the provisions of any zoning, licensing, building or other law or regulation.

8.28.110 NOTIFICATIONS

In addition to all other the notifications required by this Chapter, every Massage Business Owner and Operator shall report to Chief of Police any of the following within seventy-two (72) hours of occurrence, or learning of the occurrence, whichever is later:

A. The Arrest, for an offense other than infractions or traffic violations, of any Massage Business Owner, Operator or other Person who offers or performs Massage at or on behalf of the Massage Business, whether at the Massage Business premises or pursuant to Outcall Massage, and whether as an Employee or otherwise.

B. Revocation or suspension of the CAMTC Certification of any Person who offers or performs Massage at or on behalf of the Massage Business, whether at the Massage Business premises or pursuant to Outcall Massage.

C. Any violation of the requirements of this Chapter or any other applicable local, state or federal law or regulation, as currently drafted or as may be amended.

8.28.120 RESPONSIBLE PERSONS

The City is entitled to hold all of the following individuals responsible for violations of any provision of this Chapter and any other applicable local, state and federal laws and regulations, as currently drafted or as may be amended:

A. Massage Business Owners
B. Massage Business Operators
C. Any Person offering or performing Massage within the City of Ripon
D. Any Person who owns the real property where a Massage Business is operated

8.28.130 PUBLIC NUISANCE

It shall be unlawful and a public nuisance for a Massage Business to be operated, conducted or maintained in violation of provisions of this Chapter or any other applicable local, state or federal law or regulation, as currently drafted or as may be amended. The City Attorney and/or District Attorney may, in the exercise of their discretion, in addition to or in lieu of taking any other action permitted by this Chapter, commence proceedings in the Superior Court of San Joaquin County or any other Court having jurisdiction over the matter, to abate and/or enjoin the public nuisance. All remedies provided for in this Chapter are cumulative and are not intended to limit the City's available remedies.

8.28.140 UNLAWFUL BUSINESS PRACTICES

Any Massage Business operated, conducted, or maintained in violation of the provisions of this Chapter shall constitute an unlawful business practice pursuant to California Business and Professions Code section 17200 *et seq*., and the City Attorney and/or District Attorney may, in the exercise of their discretion, in addition to or in lieu of taking any other action permitted by this Chapter, institute an action in the Superior Court of San Joaquin County or any other Court having jurisdiction over the matter, seeking an injunction prohibiting the unlawful business practice and/or any other remedy available at law, including but not limited to fines, attorney's fees and costs. All remedies provided for in this Chapter are cumulative and are not intended to limit the City's available remedies.

8.28.150 CRIMINAL PROSECUTION

A violation of any of the provisions of this Chapter shall constitute a misdemeanor, and the City Attorney and/or District Attorney may, in the exercise of their discretion, in addition to or in lieu of taking any other action permitted by this Chapter, prosecute the violation as a misdemeanor in the Superior Court of San Joaquin County or any other Court having jurisdiction over the matter. Misdemeanors under this Chapter shall be punishable by a fine of not more than one thousand dollars ($1,000.00) per violation, or by imprisonment in the County Jail for a period of not more than six (6) months per violation, or by both fine and imprisonment. All remedies provided for in this Chapter are cumulative and are not intended to limit the City's available remedies.

8.28.160 ADMINISTRATIVE FINES

A violation of any of the provisions of this Chapter may result in the issuance of an administrative citation and the City may, in its discretion, in addition to or in lieu of taking any other

action permitted by this Chapter, impose administrative fines of up to one thousand dollars ($1,000.00) per violation. All remedies provided for in this Chapter are cumulative and are not intended to limit the City's available remedies.

A. Each violation of any provision of this Chapter shall constitute a separate and distinct violation for each and every day during on which any violation occurs.

B. Notice of the violation and associated fine shall be served by certified mail on the responsible Person(s). The notice shall contain an advisement of the right to file an appeal and the process for contesting the imposition of the fine with the City. The appeal process and timeline shall follow those procedures and timelines set forth in Section 8.28.060(F) and (G).

C. All fines shall be paid within thirty (30) days of the date of the notice of violation or the date of the decision on the appeal, whichever is later.

D. Any outstanding amounts owed to the City may be referred to a collection agency and/or the City may place a lien against any real or personal property owned by the responsible Person.

8.28.170 PROSECUTORIAL DISCRETION

Pursuant to the City Attorney's prosecutorial discretion, the City may, in its discretion, enforce violations of this Chapter as criminal, civil and/or administrative violations utilizing all available legal, equitable and/or administrative remedies. All remedies provided for in this Chapter are cumulative and are not intended to limit the City's available remedies.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). The City Council hereby finds that the adoption of this Ordinance does not constitute the approval of a "project" under the California Environmental Quality Act (CEQA) pursuant to section 15060(c)(2) and (3), 15061(b)(3), 15262, and 15378 of the State of California CEQA Guidelines. Specifically, this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment because it does not authorize the construction of any new structures or other physical changes to the environment.

SECTION 3. NO MANDATORY DUTY OF CARE. This Ordinance is not intended to, and shall not be construed or given effect in a manner that imposes upon the City or any of its officers, agents, employees or volunteers, a mandatory duty of care towards persons and property, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed the ordinance codified in this Chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted at City Hall and on the City of Ripon website, and a notice shall be published once in *The Manteca Bulletin*, the official newspaper of the City of Ripon, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Ripon held on the _____, by Councilmember _____, who moved its introduction and passage to print, which motion being duly seconded by Councilmember _____, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
APPROVED:

_____
Mayor

ATTEST:
By

_____
LISA ROOS, City Clerk (SEAL)

APPROVED AS TO FORM:
By
_____
TOM TERPSTRA, City Attorney

ORDINANCE NO. 847

THE CITY COUNCIL OF THE CITY OF RIPON DOES ORDAIN AS FOLLOWS:

SECTION 1.

Chapter 16.12 of the Ripon Municipal Code is hereby enacted as set forth below.

Chapter 16.12

DEFINITIONS AND USE CLASSIFICATION SYSTEMS

Sections:

16.12.010 Purpose.
16.12.020 Classification Rules.
16.12.030 Authority and Responsibility.
16.12.040 Definitions and Use Types

16.12.010 Purpose.

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may be within the classification. The purpose of this Chapter is to classify uses according to a limited number of uses based on common functional, product or compatibility characteristics, by providing a basis for the regulation of uses according to criteria that are directly relevant to the public health, safety, and general welfare. The classifications will apply throughout the Title. (Ord. 606, 1999)

16.12.020 Classification Rules.

All uses will be classified according to the use types described in this Chapter. The classifications will comply with the provisions of this Chapter.

A. TYPES OF USES REGULATED. Only principal uses are included within the Use Classification System. Accessory uses and temporary uses are regulated by the use regulations for each zoning district.

B. TYPICAL USES WITHIN USE TYPES. The description of the use types in this Chapter often contains typical uses classified within that use type. These typical uses are examples and are not meant to include all uses that may properly be classified with the use type.

C. CLASSIFYING NEW USES. New uses will be classified into use types based on the description of the use types and upon characteristics similar to other uses already classified within this type, subject to the applicable provisions of this Section. (Ord. 606, 1999)

16.12.030 Authority and Responsibility.

The Director shall have the authority and responsibilities with respect to the Use Classification System.

A. CLASSIFY USES. The Director shall have the authority to classify uses according to use type or to decide that a use does not fit under any use type and, therefore, is not permitted.

B. LIST OF USES. The Director shall develop and maintain an administrative list of common uses and the use types into which they are classified.

C. PROCEDURE. The classification of a use is an administrative decision without notice and hearing, except that an application can appeal the Director's decision according to Section 16.08.060. (Ord. 606, 1999)

16.12.040 Definitions and Use Types

~~ABUTTING (adjacent). Two or more parcels sharing a common boundary, of at least one point.~~

ABANDONED. To cease or suspend from developing or maintaining a building or use for a stated period of time.

ABANDONED ACTIVITY. A business or activity with no reported sales activity for at least 180 days. Exceptions are temporary closures for repairs, alterations, or other similar situations.

ABUTTING (adjacent). Two or more parcels sharing a common boundary, of at least one point.

ACCESS. Safe, adequate, and usable ingress or egress to a property or use.

ACCESS RESTRICTION. That right of access to a parcel has been dedicated to the City and that, as a consequence, a property owner no longer has a right to go to and from his/her property over that right-of-way line.

ACCESSORY BUILDING OR STRUCTURE. A structure, detached from the principal structure on the same lot, incidental to the principal building, not designed for permanent human habitation, and may include conditioned space. The term "Accessory Building or Structure" includes sheds, detached garages, workshops, tool and storage buildings over one hundred twenty (120) square feet, recreation rooms and pool houses.

ACTION. The decision made by a review authority on a land use application, including appropriate findings, environmental determination and conditions of approval, where applicable.

ADULT BUSINESSES. Establishments or places of business primarily engaged in an adult oriented type of business. For further explanations and requirements for adult-oriented businesses see Chapter 16.110. The following are categories of this use type:

a. Adult Book Store: An adult bookstore includes any commercial establishment, vending machine, dispenser, booth, cart or other stand alone unit that has more than twenty-five (25%) percent of its merchandise (as measured by cost of inventory, retail floor area, retail value, or gross revenue) in books, magazines, photographs, paraphernalia, drawings, motion pictures, video tapes, films, or other audio or visual representations, which describe or depict sexual intercourse, fellatio, cunnilingus, bestiality, sodomy, sadomasochism, or other sexual conduct.

b. Adult Entertainment Center: An adult entertainment center includes any commercial establishment, vending machine, dispenser, booth, cart or other stand alone unit that shows or provides films, or displays them on a viewer, screen, or television set, more than twenty-five (25%) percent of which depict, describe, or relate to sexual intercourse, cunnilingus, bestiality, sodomy, sadomasochism, or other sexual conduct; or any commercial establishment that provides live entertainment wherein the entertainers perform partially or totally nude.

AFFORDABLE HOUSING. That housing which can be rented or purchased by those of moderate, low and very low incomes as specified in the California Code of Regulations (Title 25, Sections 6922 and 6924).

AGRICULTURE. The use of land for farming, dairying, pasturing and grazing, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry, and accessory activities, including but not limited to storage, harvesting, feeding or maintenance of equipment excluding stockyards, slaughtering or commercial processing.

AMBIENT NOISE LEVEL. The background noise level always present when isolated, identifiable sources are absent.

AMBULANCE SERVICES. Provision of emergency medical transportation vehicles, including incidental office services, and storage and maintenance of vehicles.

ANIMAL BOARDING SERVICES. Establishments providing shelter and care for small domestic animals on a commercial basis. Activities of this use type include feeding, exercising, grooming and incidental medical care. The facility shall be located at least 300 feet away from any residentially zoned district if any operations and/or boarding of animals is not conducted within an entirely enclosed and soundproofed building.

ANIMAL GROOMING SERVICES. Establishments focusing primarily on bathing and trimming services for small animals on a commercial basis, and includes indoor boarding of domestic animals for a maximum period of forty-eight (48) hours.

ALLEY. A public or private way, at the rear or side of property, permanently reserved as an supplementary means of vehicular or pedestrian access to abutting property.

ALTERATION. Any construction or physical change in the internal arrangement of rooms or supporting members of a building or structure, or change in appearance of any building or structure.

ANCILLARY USE. A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel, including, but not limited to, massage therapy/spa, body art and kennels or boarding of pets.

ANTENNA. A device for transmitting or receiving radio, television, or any other transmitted signal.

APARTMENT, MULTI-FAMILY. The part of a structure designed and used for occupancy by two or more individual persons or families living independently of each other, including duplex, triplex, fourplex, and other multi-unit designs.

APPLICANT. The owner(s) or lessee(s) of property, or their agent(s), or person(s) who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this Development Title, or their agents.

AREA OF BENEFIT. A geographical area created to spread the cost of a service or improvements. An area of benefit is also sometimes referred to as a "Local Benefit District".

ASSEMBLY/LIGHT MANUFACTURING. An establishment engaged in assembly and/or light manufacturing activities that use moderate amounts of partially processed materials to produce items of relatively high value per unit weight, such as consumer electronics, small household items, etc.

ATTACHED. Any structure that has an interior wall or roof in common with another structure.

AUTO/TRUCK TRAVEL PLAZA. Minor servicing and washing of trucks, retail sales of fuel and auto/truck accessories, restaurants, convenience market and overnight accommodations available for truck crews.

AUTO SALES LOT. An open area used for the display, sale, rental or consignment of new or used automobiles, vans or small trucks.

BANQUET FACILITY. A function hall, reception hall or banquet hall is a room or building for the purpose of hosting a party, banquet, wedding or other reception or other social event.

BARN. A building used especially for storing hay and grain and for housing livestock or farm equipment.

BASEMENT. A story partly or completely under-ground. A basement shall be counted as a story for purposes of height measurement where any portion of a basement has more than one half its height above average finished ground level.

BED AND BREAKFAST INN. A transit lodging establishment primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals to the extent otherwise permitted by law.

BIKEWAY. An area, either within or outside the right-of-way of a dedicated street, where bicycle travel is the designated use. ABikeway@ includes bike paths and bike lanes.

BLOCK. A parcel of land surrounded by public streets, highways, freeways, railroad rights-of way, flood control channels, creeks, washes, rivers, or unsubdivided acreage or any combination thereof.

BOARDING HOUSE. A structure where lodging and meals for five or more boarders is provided for compensation.

BUILDING. Any structure having a roof supported by columns or walls.

BUILDING AREA. The net portion of the lot remaining after deducting all required setbacks from the gross area of the lot.

BUILDING COVERAGE (Lot Coverage). The percent of lot area that may be covered by buildings or structures on a lot.

BUILDING HEIGHT. The vertical distance from the pad grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a sloping roof.

BUILDING, MAIN. A building in which the principal use is conducted.

BUILDING SITE. The ground area occupied or to be occupied by a building or group of buildings with all of the open spaces required by this Title.

CARPORT. A permanent roofed structure not completely enclosed to be used for vehicle parking.

CARETAKER RESIDENCE. Complete independent living facility used only by an individual whose presence on the property is necessary for the operation of the business and/or to prevent vandalism, pilferage, damage, or destruction of property, structures or equipment on the same parcel.

CARGO CONTAINERS. A standardized, reusable vessel a maximum of forty feet (40') in length, eight feet (8') in width and eight feet, six inches (8'-6") in height that is or appears to be: 1) Originally, specifically or formerly designed for or used in the parking, shipping, movement, transportation or storage of freight, articles, goods or commodities; or 2) Designed for or capable of being mounted or moved on a rail car; or 3) Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

CATERING SERVICE. Preparation of food and beverages for off-site consumption.

CEMETERY. Services or groundgs involving the keeping of bodies below ground on cemetery grounds and the incidental provision of interring, undertaking, and crematory services on said cemetery grounds.

CHILD CARE CENTERS. Child day-care services for fifteen (15) or more children. Typical uses include child care centers, preschools, and day nurseries.

CHURCHES. Structures and grounds used for

religious worship and incidental religious education, but not including private schools.

CITY. The City of Ripon.

CITY COUNCIL. The City Council of the City of Ripon.

CLUB. An association of persons, whether or not –incorporated, organized for some common purpose, but not including a group organized primarily to render a service customarily carried on as a business.

CLUBS AND LODGES. Meeting, recreational, or social facilities of a private or nonprofit organization primarily for use of members or guests. This use type includes union halls, social clubs and centers for youths or seniors.

COMMERCIAL RECREATION AND ENTERTAINMENT. Provision of participant and/or spectator recreation or entertainment. The use types include theaters, sports venues and stadiums, race tracks, amusement parks, bowling alleys, billiard parlors, ice/roller skating rinks, golf courses, miniature golf courses, scale model courses, shooting galleries, tennis/ racquetball courts, health/fitness clubs, pinball arcades, or electronic games centers having eight (8) or more coin operated game machines.

COMMERCIAL VEHICLE. A vehicle customarily used as apart of a business for transportation of goods or people.

COMMISSION. The Planning Commission of the City of Ripon.

COMMUNICATION FACILITIES. Broadcasting, recording, and other communication through electronic or telephonic mechanisms. The use types include radio, television or recording studies, and telephone switching centers.

COMMUNITY CENTERS. Special purpose facilities which includes uses such as senior centers, boy and girls clubs and community centers.

CONDOMINIUM. A development consisting of an undivided interest in common for part of a parcel coupled with separate interest in space in a residential or commercial building -on the parcel.

CONFERENCE CENTER. Specialized hotels designated and built almost exclusively to host conferences, exhibitions, large meetings, seminars, training sessions, etc. A conference center often also provides office facilities, and a range of leisure activities.

CONVALESCENT FACILITIES. Establishments providing twenty-four (24) hour care for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.

CONVENIENCE MARKET. A small grocery store, selling a limited variety of food and nonfood products, typically with extended hours and conveniently located to service a variety of customers. Does not include stores whose primary focus is the sale of liquor.

COOP. A covered enclosure for housing fowl, as defined in RMC, Title 6.

COPING. The top layer of a wall.

COTTAGE FOOD OPERATION. A business operated by a person who produces or packages non-potentially hazardous food in a kitchen located in the person's primary domestic residence or another appropriately equipped residential or commercial style kitchen on that property.

~~CREMATORY. An establishment involving the reduction of human body to ashes by burning.~~

COUNCIL. The City Council of the City of Ripon.

COUNTY. The County of San Joaquin, hereafter referred to as ACounty.@

COURT. An open, unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by the walls of a building.

CREMATORY. An establishment involving the reduction of human body to ashes by burning.

CUSTOM MANUFACTURING. Uses in this category are typically the on-site production of goods by hand manufacturing or artistic endeavor that involves only the use of hand tools or small mechanical equipment, the incidental sale of these goods directly to consumers. Usual uses include ceramic studios, candle making shops, custom jewelry manufactures, and like uses.

DAYS. Days are based on calendar days, except where otherwise noted.

DENSITY BONUS. An increase in residential units over the maximum number of normally allowed units within a residential General Plan designation.

DETENTION FACILITIES. Publicly owned and operated facilities providing housing, care and supervision of persons confined by law.

DEVELOPER. Any person or persons, partnership, firm, corporation, or other business entity financially responsible for the work involved on a given project, either direct or through the services of any employee, agent, or independent

contractor.

DEVELOPMENT. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining , excavation, landfill, or land disturbance; and any use or extension of the use of the land; and any activity requiring a permit, excluding maintenance.

DEVELOPMENT PROJECT. Any project for which a discretionary permit is required, excluding General Plan amendments, ordinance text changes, rezonings, Specific Plans and Specific Plan amendments.

DEVIATION. A "deviation" is a limited waiver of zoning standards on property being proposed for subdivision.

DIRECTOR. The Director of Planning, hereafter referred to as ADirector@ or designee.

DISCRETIONARY PERMIT. Any permit required before the development or use of real property can proceed, that the City Council, Planning Commission or Staff may approve, deny or approve subject to conditions. Discretionary permits include, but are not limited to, major and minor subdivisions, use permits, variances, zone district reclassifications and site plan reviews.

DUPLEX. A house or residential unit designed to contain two units, typically sharing a common wall on a single residential parcel.

DWELLING GROUP. A group or row of detached or semidetached dwellings occupying a parcel of land in one ownership and having a yard or court in common, including bungalow courts, but not including recreational vehicle parks or lots with second dwelling units.

DWELLING, MULTIPLE. A building occupied as a residence by three or more families living independently of each other, including apartment buildings or courts but not including recreational vehicle parks.

DWELLING, SINGLE-FAMILY. A detached or attached building occupied by one family.

DWELLING, TWO-FAMILY. A building occupied by two families exclusively, living independently.

DWELLING, SECOND UNIT. A detached or attached dwelling unit, located on the same parcel as another primary dwelling and subject to the requirements specified in Chapter 16.86.

EMERGENCY SHELTER. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

EQUESTRIAN CENTER. A full service facility providing boarding services, training and show facilities, and riding lessons for equestrians.

FAMILY. An individual, or two (2) or more persons related by blood, marriage or legal adoption, or a group of not more than five (5) persons, who are not so related, living together as a single housekeeping unit.

FAMILY DAY CARE, ADULT. Non-medical care and supervision of six (6) or fewer persons on a less than twenty-four (24) hour basis.

FAMILY DAY CARE, CHILD. Child day-care services in a residence which provide care for fourteen (14) or fewer children, including children who reside at the residence.

FENCE. A wall or barrier constructed of boards, masonry, wire, or any other material for the purpose of enclosing space or separating parcels of land. The term Afence@ does not include retaining walls but does include fence gates and gateposts.

FENCE HEIGHT. The height of any fence as determined by measurement from the natural or finished grade at the lowest side of the fence. If a fence is proposed to be built on top of an earthen berm or other landscape feature, the maximum fence height shall include the height of the berm or landscape feature.

FINISH GRADE. The final elevation of the site after excavating or filling which conforms to the approved final grading plan. The finish grade is also the grade at the top of a paved surface.

FINAL MAP. A map or recording instrument for a subdivision of land. The final map must be in substantial compliance with an approved tentative map. A final map must be filed with the County Recorder.

FREIGHT DELIVERY. The delivery of goods made by commercial freight haulers.

FRONTAGE. That side of a lot which abuts a public road, or waterway if so specified.

FRONTAGE, PRIMARY. That side of a lot abutting a street where the main building entrance is located and in the general direction in which the principal building faces.

FRONTAGE, SECONDARY. That side of a lot abutting a street which is to the side or in the opposite direction from which the principal

building faces.

GARAGE. An enclosed building, or portion of an enclosed building used for the parking of vehicles. For Detached Garages see Chapter 16.140 section 16.140.030 (Accessory Buildings/Structures) for specific requirements.

GARAGE & YARD SALE. The sale of personal possessions and household articles incidentally accumulated during normal residential use of the property on which the sale is held.

GENERAL PLAN. The City of Ripon General Plan as adopted by the City Council, which may be amended from time to time.

GOVERNMENT OFFICES. Administrative, clerical or public contact offices of a government agency, including postal facilities, with incidental storage and maintenance of vehicles.

GRADE. The degree of rise or descent of a sloping surface.

GROUP CARE FACILITY. LARGE. A facility authorized, certified, and licensed by the State of California to provide non-medical residential care and supervision for seven (7) or more persons, on a 24 hour-a-day basis to either mentally disordered or otherwise disabled persons, to dependent and neglected children or to aged individuals.

GROUP CARE FACILITY. SMALL. A facility authorized, certified, and licensed by the State of California to provide non-medical residential care and supervision for six (6) or fewer persons, on a 24 hour-a-day basis to either mentally disordered or otherwise disabled persons, to dependent and neglected children or to aged individuals.

GROUP RESIDENTIAL. Shared living quarters without separate kitchen or bathroom facilities for each room or unit. This classification includes boardinghouses, dormitories, fraternities, sororities, and private residential clubs.

GUEST HOUSE. Living quarters, having no permanent kitchen facilities, located on a lot with a main building and occupied for the sole temporary use of members of the family or guests and not rented or leased, or used as a separate dwelling. The term “Guest House” does not include “Second Unit Dwellings”, as defined in Chapter 16.86.

HAZARDOUS MATERIAL INDUSTRIAL. The manufacture, fabrication, processing, packaging and treatment, or storage of chemicals and chemical products that are considered as hazardous materials and could potentially pose a threat to the community if handled inappropriately.

HEAVY INDUSTRIAL. Production process that should not be near residential or commercial uses due to the intensive nature of the industrial activity or its scale of operation. These uses can be located near other similar manufacturing uses although special control measures may still be required of some extremely intensive operations to ensure compatibility with similar industrial uses. Typical uses include food processing and packaging, laundry and dry cleaning plants, motor vehicle assembly, sawmills, textile dyeing, leather tanning and chemical production.

HELIPORTS. Pads and facilities enabling takeoffs and landings by helicopters.

HIGH DENSITY RESIDENTIAL. Residential development with densities ranging from 16 to 22 units per gross acres. This designation permits a range of housing types, including single family attached and detached and multi-family developments, and is intended for specific areas where higher density is appropriate.

HIGH TECHNOLOGY. Establishments directed at research, development, and controlled production of high-tech electronic, industrial, or scientific products. Typical uses include biotechnology firms and computer component manufacturers.

HIGH TURNOVER SIT DOWN RESTAURANT. Sit-down, full service eating establishments with turnover rates of approximately one (1) hour or less.

HISTORIC RESOURCE. Any object, building, structure, site, area, or place which is historically or archaeologically significant, or which is significant in the aesthetic, architectural, cultural, engineering, scientific, economic, agricultural, educational, social, political, or military annuals of the state, county, or community.

HISTORIC DISTRICT. An integrated group of structures or an area which holds special historical interest or value.

HISTORICALLY SIGNIFICANT. Any site, structure, or district which holds special historical interest or value as part of the culture or heritage characteristic of the nation, state, county or community, including registered National or State Landmarks, items registered or eligible for listing on the National Register of Historical Places, and resources of local historical significance.

HOME OCCUPATION. Any occupation, conducted in compliance with Chapter 16.88, Home Occupation that is customarily or ordinarily

conducted within a dwelling. The home occupation must be clearly incidental and secondary to the use of the dwelling as a dwelling and cannot change the residential character or design of the dwelling.

HOSPITAL. Facilities providing medical, surgical, psychiatric, or emergency medical services to injured persons, primarily on an inpatient basis. This use type includes incidental facilities for outpatient treatment, and training, research, and administrative services for patients and employees.

HOTEL. Guest rooms or suites occupied on a transient basis, with most gaining access from an interior walkway.

HOUSEHOLD, LOW INCOME. A household whose income does not exceed eighty percent (80%) of area median income.

HOUSEHOLD, MODERATE INCOME. A household whose income does not exceed one hundred twenty percent (120%) of the area median income.

HOUSEHOLD, SENIOR CITIZEN. A person of a least 62 years of age, or 55 years of age if the project consists of at least thirty-five (35) dwelling units.

HOUSEHOLD, VERY-LOW INCOME. A household whose income does not exceed fifty percent (50%) of the area median income.

INCUBATOR UNITS. More than one small business located in one facility, sharing office support and equipment.

INDOOR VEHICLE SALES ESTABLISHMENT. Sale and/or lease of vehicles within an enclosed structure, with the following provisions:

1. All vehicles owned by or being sold by the dealership must be stored, maintained, and sold within a permanent building. The dealership may not display, store, or service vehicles outdoors or under any temporary structure or partially enclosed building.

2. Dealerships are limited to the sale or lease of automobiles, motorcycles and watercrafts. Dealerships may not have more than ten (10) of any such vehicles on the premises for sale, lease, storage, or service at any given time.

3. All vehicle service must be performed in a permanent structure out of view from the public areas. The dealership may not service vehicles outdoors or in a partially enclosed building.

4. All dealerships must conform to all sign and advertising requirements as required by Chapter 16.172 of the Ripon Municipal Code.

5. Indoor vehicle establishments shall comply with all applicable building and fire codes.

INOPERATIVE VEHICLE. A vehicle that mechanically is incapable of being driven, including a vehicle which is missing any part essential for movement or where such essential parts are broken or defective; or a vehicle prohibited from being operated on a public street or highway pursuant to Sections 4000, 5202, 24002, or 40001 of the California Vehicle Code, concerning license plates, registration, equipment, safety and related matters.

JUNKYARD. The use of any lot, or portion of a lot, for the sale, storage, keeping, or abandonment of junk, including scrap metals or salvageable material, or for the dismantling, wrecking, or abandonment of automobiles or other vehicles.

KITCHEN, PERMANENT FACILITIES. Include but are not necessarily limited to any gas service, hood, electrical service, etc., intended for cooking appliances such as ranges, stoves, etc.

LABORATORY, MEDICAL, DENTAL, OR OPTICAL. Establishments intended for the research and laboratory processing and analysis of material and/or products relating to the medical industry.

LABORATORY, RESEARCH AND ANALYSIS. Establishments intended for the research of an industrial or scientific nature and laboratory processing of material, but excludes medical testing and analysis, product testing, and manufacturing of materials classified under the High Technology use type. Typical uses include electronics research firms, pharmaceutical research laboratories, photographic laboratories, and like uses.

LIMITED INDUSTRIAL. Production processes that, by the nature of the activity performed or the scale of operation, can be located near residential or commercial uses with minimum impact to the adjacent uses. This use type usually includes processing, small scale food processing, fabrication, assembly treatment, and packaging, but excludes basic industrial processing from raw materials or large scale food processing.

LINEN SUPPLY SERVICES. Establishments primarily engaged in supplying, on a rental basis, laundered items, such as uniforms, gowns and coats, table linens, bed linens, towels, clean room apparel, treated mops, shop towels, and door mats. These establishments may contain laundering

facilities.

LIQUOR STORE. An establishment whose primary focus is the sales of alcohol for off premises consumption, typically with extended hours and conveniently located to service a variety of customers.

LOCAL BENEFIT DISTRICT. A district formed over certain, specified parcels of real property to allocate the costs and benefits, as among benefitted property owners, of public infrastructure, to reimburse either the City or private developers or owners for the installation of said infrastructure.

LOT. A parcel of land established by plat, subdivision, or otherwise permitted by law, to be used, developed or built upon. The classifications of lots are:

a. Corner. A lot located at the intersection of two streets, not including alleys.

b. Flag. A lot having access or an easement to a public or private street by narrow private right-of-way.

c. Interior. A lot abutting one street.

d. Key. A lot with one side line that abuts the rear of any one or more adjoining lots.

e. Reverse Corner. A corner lot, the rear of which abuts the side of another lot.

f. Through. A lot having frontage on two generally parallel streets, with only one primary access.

LOT AREA. The total area included within lot lines, including one half, but not exceeding ten (10) feet of width of any abutting alley.

LOT DEPTH. The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line.

LOT LINE ADJUSTMENT. A minor change in a property line between existing parcels that would create no new parcels, pursuant to the Subdivision Map Act.

LOT MERGER. A reduction of the number of lots.

LOT MERGER, VOLUNTARY. An owner-initiated merger of contiguous parcels under common ownership without reversion to acreage, pursuant to the Subdivision Map Act.

LOT WIDTH. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a midway point between the front and rear lot lines.

LOT OF RECORD. A parcel held in separate ownership as shown on the County Assessor=s records and established by the provisions of this or previous Titles.

MAJOR SUBDIVISION. A subdivision of land creating five (5) or more parcels, five (5) or more condominiums, or community apartment project containing five (5) or more units, unless otherwise excepted in the definition of a Minor Subdivision.

MANSARD ROOF. A roof having two slopes on all sides with the lower slope steeper than the upper one.

MANUFACTURED HOME. A manufactured home is a complete single-family home deliverable in one or more transportable sections, designed to be placed on a permanent foundation, and constructed to the standards established by the U. S. Department of Housing and Urban Development (HUD). A manufactured home is not the same as a recreational vehicle or commercial coach which may look similar from the exterior.

MASSAGE ESTABLISHMENT. An establishment whose primary function of business is where any person provides, receives, or permits others to provide or receive massage therapy services.

MEDIAN, ROADWAY. A paved or planted area separating a street or highway into two or more lanes of opposite direction of travel.

MEDICAL MARIJUANA DISPENSARY. Any facility or location where medical marijuana is made available to and/or distributed by or to two (2) or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code '11362.5 et seq. A Amedical marijuana dispensary@ shall not include the following uses, as long as the location of such uses are otherwise regulated by this Title or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use

complies strictly with applicable law including, but not limited to, Health and Safety Code ' 11362.5 et seq.

MEDIUM DENSITY RESIDENTIAL. Residential development with densities ranging from 8 to 13 units per gross acres. This designation permits a range of housing types, including single family attached and detached and multi-family developments, and is intended for specific areas where medium and higher densities are appropriate.

MINI-STORAGE. Buildings providing space for the storage of household and commercial goods, and yards providing space for the storage of vehicles, boats, and trailers.

MINOR SUBDIVISION. A subdivision of land where:

a. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the City Council; or

b. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a City maintained road, street, or highway; or

c. The land consists of a parcel or parcels of land which have approved access to a public road, street, or highway and which compose part of a tract of land zoned for industrial or commercial development and which have the approval of the City Council as to street alignments and widths; or

d. The subdivision would create four (4) parcels or less, or condominiums or community apartments containing four (4) units or less; or

e. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter-section.

MIXED USE DEVELOPMENT. Two or more uses that are integrated and developed under a coherent plan.

MOBILE HOME. The term "mobile home" shall be considered a manufactured home for the purposes of this chapter.

MOBILE HOME PARK. A residential facility arranged or equipped for the accommodation of two (2) or more manufactured homes, with spaces for such manufactured homes available for rent, lease or purchase, and providing utility services and other facilities either separately or in common to manufactured home space therein.

MOTEL. Guest rooms or suites occupied on a transient basis, with most gaining access from an exterior walkway.

NET SITE AREA. The total area within lot lines of a lot or parcel of land after public street easements or other areas to be dedicated or reserved for public use are deducted from the lot or parcel.

NEWSPAPER/MAGAZINE STAND. An establishment or stand whose primary focus of business is the sale of newspapers, magazines, etc.

NONCONFORMING LOT. A lot created by applicable laws but now the area, frontage or dimensions do not conform to provisions of this Development Title.

NONCONFORMING STRUCTURE. A structure that conformed to applicable laws when constructed but does not conform to the provisions of this Development Title.

NONCONFORMING USE. A use complying with applicable laws when established but does not conform to the provisions of this Development Title.

OFF STREET PARKING. A site or portion of a site devoted to the off street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

OFFICES, BUSINESS AND PROFESSIONAL. Offices of firms or organizations providing professional, executive, management, or administrative services such as architectural, engineering, real estate, insurance, investment counseling, legal, and medical/dental/optometry services. This use type includes chiropractor services, advertising businesses, employment services, real estate services, title companies, travel agencies, or any other business/office use as deemed appropriate by the Director of Planning.

OFFICES, CONTRACTORS. Contractors offices include businesses providing contracting types of services, such as plumbing, electrical, general contracting, etc. These offices can contain some on-site storage of materials so long as the materials contained on-site are contained within an enclosed building.

PALLET MANUFACTURING. Establishments for the manufacturing/sale of new pallet products. Activities must be conducted entirely with a building. Building must be equipped with automatic sprinkler system. Outside storage of product and materials is limited to no more than 30% of the site not occupied by a

building. The height of stored pallets is limited to eight (8) feet and an overall storage plan must be approved by the Fire District. The site must be enclosed with an eight (8) foot high solid wall or chain linked fence with salt material.

PALLET RECOVERY SERVICES. Establishments for the collection, storage, and sale of used pallets (minor repair of pallets is allowed). Activities must be conducted entirely on the premises and outside storage will be limited to no more than 30% of the site not occupied by building. The height of stored pallets is limited to eight (8) feet and an overall storage plan must be approved by the Fire District. The site must be enclosed with an eight (8) foot high solid wall or chain linked fence with slat material.

PARCEL. A piece of land under one ownership that has been legally subdivided or combined and is shown as a single parcel on the latest equalized assessment roll.

PARK AND RECREATION FACILITIES. Parks, playgrounds, recreation facilities and open spaces that are publicly owned and operated by a city, county, state, or federal agency.

PARKWAY. The area within a street right-of-way adjoining the outer edge of the paved surface in which sidewalks, landscaping, utilities, bank slopes and related facilities may be located.

PATIO AND SHADE STRUCTURE an arbor, projecting structure, beams, or framework with a covered roof supported on posts or columns, an containing no solid walls in any portion.

PAWN SHOPS. Establishments engaged in retail sales of new and used merchandise, and offering loans secured by personal property.

PERSON. Any individual, firm, corporation, partnership, business, trust, association, syndicate, or other legal entity acting as a unit.

PET STORE OR PET FOOD STORE. Retail sales pets and pet supplies, including the boarding of small animals, provided such activities take place within an entirely enclosed building. The use type includes grooming incidental to the retail use, and boarding of animals not offered for sale for a maximum period of forty-eight (48) hours.

PLANNED DEVELOPMENT OVERLAY DISTRICT. A designation intended for the development of an area consisting of a variety of residential uses or a combination of residential, commercial, and/or civic uses and associated ancillary uses and structures; situated on one or more contiguous parcels or noncontiguous parcels separated solely by a road or other right-of-way easement, or other any barrier which physically separates the parcels; and planned and developed as a unified project within a single development phase or series of development phases in accordance with an overall master plan and detailed specific or site plans.

POOL HOUSE. A covered enclosure associated with a swimming pool containing such amenities as a changing room, bathroom, shower, refreshment bar, storage, etc.

PRINCIPAL USE. The primary or predominant use of any lot, building or structure.

PRINT SHOP. Establishments engaged in printing by letterpress, lithography, gravure, screen, offset or other common process, including electrostatic (xerographic) copying; and establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; and establishments manufacturing business forms and binding devices.

PUBLIC. Operated and/or maintained by a governmental agency or public utility.

PUBLIC FACILITIES. Any facility operated by a public entity, including but not limited to the following:

a. Public buildings, including schools and related facilities;

b. Sewage collection, treatment, and disposal facilities;

c. Facilities for the supply, storage, treatment, and distribution of water for municipal and industrial uses;

d. Facilities for the collection and disposal of storm waters for drainage and/or flood control purposes;

e. Facilities for the generation of electricity and the distribution of gas and electricity;

f. Transportation and transit facilities, including but not limited to, street, roads, and other related facilities;

g. Parks and recreation facilities;

h. Police and fire stations; or

i. Clinics, Hospitals other related medical facilities.

PUBLIC PARK. A park, playground, swimming pool, reservoir, golf course or athletic field within the City that is under the control, operation or management of the City, the County, or the State.

PUBLIC RIGHT OF WAY. A strip of land acquired by reservation, dedication, prescription or

condemnation and intended to be occupied by a road, trail, water line, sanitary sewer or other public uses.

PUBLIC SAFETY FACILITIES. Structures and grounds used for public safety and emergency services, including police and fire protection.

QUALITY RESTAURANT. High quality, full-service eating establishments with typical turnover rates of at least one hour or longer. These establishments generally do not serve breakfast, and some do not even serve lunch, but all serve dinner.

RECREATIONAL VEHICLE. A vehicle towed or self propelled on its own chassis or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pick up campers, camping trailers, motor coach homes, converted trucks or buses, boats and boat trailers, and all terrain vehicles.

RECREATIONAL VEHICLE COVER. A detached structure intended solely for the purpose of providing cover for a recreation vehicle using a framework and cover made of light weight materials, having no enclosed walls, and having a footprint no larger than five hundred (500) square feet.

RECREATIONAL VEHICLE PARK. A parcel of land composed of a lot or contiguous lots used, designed or intended as a campground to accommodate more than four (4) recreational vehicles.

RECYCLING SERVICES - CONSUMER. The collection and temporary storage, prior to recycling, of paper, aluminum, plastic, and glass products used by consumers in the home and not intended for reuse in their commercially marketed form. Any materials that are hazardous are excluded. Typical uses include neighborhood recycling centers.

RECYCLING SERVICES - SCRAP OPERATIONS. The storage, sale, dismantling, and recycling of inoperable vehicles, scrap metal products, and inoperable industrial equipment, and he storage and sale of scrap products brought in from neighborhood recycling centers. Typical uses include junk yard, automobile wrecking yards, and commercial recycling centers. The site must be enclosed with an eight (8) foot high solid wall or chain linked fence with slat material.

RESIDENTIAL CARE, GENERAL. Twenty-four (24) hour care of seven (7) or more persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California.

RESIDENTIAL CARE, LIMITED. Twenty-four (24) hour care of six (6) or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California.

RESORT. A place that is popular for recreation and vacations and provides accommodations and entertainment.

RETAIL SALES AND SERVICE. Establishments providing for the sale of commonly used goods, merchandise, and services, excluding those use types identified in other categories.

REVIEW AUTHORITY. Any of the following entities that are empowered to interpret, implement and enforce the Development Title: City Council, Planning Commission, Director of Building and Planning, Planning Department, and Building Department.

ROOM AND BOARD. The renting of rooms and providing of table board in a dwelling unit, but not to the extent of becoming a hotel.

SCHOOLS, PUBLIC OR PRIVATE. Educational institutions having a curriculum comparable to that required in the public schools of the State of California.

SCREENING. A barrier consisting of plant materials, fencing, walls or berms for the purpose of enclosing space or separating parcels of land.

SEASONAL TEMPORARY USES. Temporary uses such as Christmas t~~T~~ree lots, Pumpkin patches, and outdoor Christmas holiday décor booths.

- Requires a Seasonal Temporary Use Permit application.~~Minor Site Review application~~;
- Open to for profit and non-profit uses;
- Permitted in all zones except, residential zones;
- Shall operate no more than (8) consecutive weeks; and
- Any signage shall be restricted to the parcel that the temporary use is located upon.

SECOND DWELLING UNIT. An attached or detached residential dwelling unit which provides

complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes the following:

a. –An efficiency unit as defined in Section 17958.1 of the Health and Safety Code.

b. -A manufactured home as defined in Section 18007 of the Health and Safety Code.

SECONDHAND STORE. Retail sales of used appliances, clothing, equipment, and items used in a typical household, excluding antique shops primarily engaged in the sale of used furniture and accessories. (Ord. 606, 1999; Ord. 705 '3, 2005)

SHADE STRUCTURE. An arbor, projecting structure, beam, or framework with an open roof of cross rafters or lattice-work supported on posts or columns and containing no solid walls in any portion.

SHELTERS. Any public or private building that provides homeless shelter or transitional housing for the homeless. Shelters shall have the following categories:

a. -Small. Up to two (2) families or not more than five (5) adults.

b. –Medium. Three (3) to five (5) families or six (6) to fifteen (15) adults.

c. -Large. More than five (5) families or more than fifteen (15) adults. (Ord. 606, 1999)

SHOPPING CENTER. A complex of stores, motion-picture theaters, restaurants, etc, grouped together and having a common parking area.

a. Small Shopping Center. Less than five (5) acres or 50,000 square feet of cumulative buildings.

b. Large Shopping Center. Five (5) to ten (15) acres or where the total square footage of buildings exceeds 50,000 –square feet, but does not exceed 100,000 square feet;

c~~e~~. Major Retail Facility. Exceeds fifteen (15) acres or where the total square footage of buildings exceeds 100,000 square feet.

SHOPPING MALL. A completely enclosed, air conditioned shopping center.

SINGLE FAMILY RESIDENTIAL. A freestanding residential unit on one lot intended for the occupancy by one person or by one family.

STORAGE. A place or space were goods, materials, and personal properties are put for more than twenty-four (24) hours.

STORAGE BUILDING, SMALL. A building designed to permit the storage of personal goods and materials no greater than one hundred twenty (120) square feet in size and no greater than eight (8) feet in height.

STORAGE, VEHICLE. Operable vehicles shall not be stored for more than seventy-two (72) hours in any required front or side yard. Stored recreation vehicles shall not be used for human habitation for more eight (8) days.

STORY. The space within the building included between the surface of any floor and the surface of the ceiling immediately above.

STREET SYSTEM. The classification of streets and highways by their diverse functions and design, and are described as follows:

a. —Local Street. A two-way undivided roadway providing direct access to all abutting properties.

b. Frontage Road. A two-way undivided/ divided roadway running parallel with –freeways providing direct access to all abutting properties.

c. –Collector. A two-lane undivided roadway which funnels traffic from local streets to arterial roadways.

d. -Minor Arterial. A two to four lane divided roadway with -limited access to abutting properties which carries local and through traffic within the community.

e. Major Arterial. A multi-lane divided roadway with restricted access to abutting properties which carries local and through traffic to expressways and freeways.

f. Expressway. A roadway providing no direct access to abutting properties which carries local and through traffic to freeways, major/minor arterial roadways and collectors. Expressways are intended to provide minimum interference with the flow of through traffic, and intersections are typically elevated with separate access roads.

g. Freeway. A multi-lane divided highway providing no access to adjoining property and are intended to accommodate high speed, high volume, long distance regional through traffic and traffic between urban areas.

STRUCTURE. Any object constructed or installed by man having location upon, in, or under the ground, including, but not limited to, buildings, fences over six (6) feet in height, towers, signs, smokestacks, and overhead transmission lines.

STUDIOS. Establishments that provide work space for individuals practicing a fine art, such as: artists, boxing, dance, gymnastics, martial arts, music, photography, voice, etc.

SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

SUPPORTIVE SERVICES. Supportive services include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.

TARGET POPULATION. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

TEMPORARY MOBILE HOME. Refer to Chapter 16.92, Section 16.92.030.

TOWNHOUSE. A single-family –dwelling connected to another single-family dwelling by a common wall.

TRAILER. "Trailer" means a vehicle without motive power, designed to be drawn by a motor vehicle and used for human habitation or carrying persons.

TRANSITIONAL HOUSING. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

TRIPLEX. A house or residential unit designed to contain three units, typically sharing some form of common walls on a single residential parcel.

TRUCK SALES AND SERVICES. Establishments for the operation of truck terminals, and the sales, rental, and repair of trucks.

USE. "Use" means the purpose for which premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

UTILITIES, MAJOR. Generating plants, electrical substations, above ground electrical transmission lines, refuse collection or disposal facilities, water reservoirs, water or wastewater treatment plans and similar facilities of public agencies or public utilities. A structure that may affect surrounding uses shall be regulated under this use type.

UTILITIES, MINOR. Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, storm drainage retention ponds and underground drainage lines, and underground water and sewer lines.

VARIANCE. A “variance” is a limited waiver of zoning standards for a use that is already permitted within a zone. Variances are usually considered when the physical characteristics of a piece of property, such as size, shape, topography, location, or surroundings, pose unique challenges. For example, a very small or oddly shaped lot may need a variance from a setback or floor area ration requirement in order to be developed.

VEHICLE STORAGE YARD. Yards and buildings for the storage of both operable and inoperable vehicles, including towed vehicle and impound yards, but does not include vehicle dismantling.

VETERINARIAN/ANIMAL HOSPITAL - LARGE. Establishments where any animals may receive medical and surgical treatment. This use type includes short term overnight boarding of animals (up to 30 days) and incidental care such as bathing and trimming. The facility shall be located at least 300 feet away from any residentially zoned district if any operations and/or boarding of animals is not conducted within an entirely enclosed and soundproofed building.

VETERINARIAN/ANIMAL HOSPITAL - SMALL. Establishments where small animals receive medical and surgical treatment. This use

type includes short term overnight boarding of animals (up to 30 days) and incidental care such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for sound-proof construction prescribed by the chief building official.

VISITOR ACCOMMODATIONS. Establishments offering lodging on a less than weekly basis which includes eating and drinking services. This use type includes Bed and Breakfast Inns, Hotels, Motels, Conference Centers, and Resorts.

WASTE -FACILITY. A facility that provides for on-site waste stabilization or neutralization. This use type excludes hazardous waste disposal facilities. (Ord. 606, 1999)

WHOLESALING AND DISTRIBUTION FACILITY. This category includes the bulk storage, sale, and distribution of materials and equipment. Those activities which -are conducted only within enclosed buildings are considered light wholesaling, while those involving open air yards are considered heavy wholesaling. (Ord. 606, 1999)

YARDS.

A. "Required Yard" except as otherwise provided in this chapter, means open spaces on the same lot with a building and open and unobstructed from the ground upward**,** meeting the setbacks as defined:

1. "Required Front yard" means a yard extending across the front of the lot between the side property lines and measured between the front lot line to the required front yard setback.

2. ARequired Side Yard,@ for interior lots, means a yard between the side lot line and building, and extending from the required front yard to the required rear yard and having a width equal to the shortest distance between the side lot line and the building; and for corner lots, means a yard between the side lot line and the building and extending from the street line to the rear lot line and having a width equal to the shortest distance between the side lot line and the building.

3. "Required Rear yard" means a required yard extending along the rear lot line (not a street line) throughout the entire width of the lot.

B. REAR YARD AREA. Means mid-point between front property line and rear property line, excluding any required yard area.

ZONING DISTRICT. A portion of the City that is specifically designated for certain uses of land and structures that are defined, and regulations are specified by this Development Title. (Ord. 551 ' (part) 2, 1996; Ord. 475 '1, 1991; Ord. 89 '2.46, 1954; Ord. 89 '2.47, 1954; Ord. 89 '2.48, 1954; Ord. 606, 1999

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted at City Hall and on the City of Ripon website, and a notice shall be published once in *The Manteca Bulletin*, the official newspaper of the City of Ripon, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Ripon held on the _____, by Councilmember _____, who moved its introduction and passage to print, which motion being duly seconded by Councilmember _____, was upon roll call carried and ordered printed and published by the following vote:

AYES:
NOES:
ABSENT:
APPROVED:

_____
JACOB PARKS, Mayor

ATTEST:
By

_____
LISA ROOS, City Clerk

ORDINANCE NO. 848

THE CITY COUNCIL OF THE CITY OF RIPON DOES ORDAIN AS FOLLOWS:

SECTION 1.

Chapter 16.16 of the Ripon Municipal Code is hereby enacted as set forth below.

Chapter 16.16

RESIDENTIAL DISTRICTS

Sections:

16.16.010 Purpose.
16.16.020 Permitted Uses.
16.16.030 Development Standards for Residential Districts.
16.16.040 Affordable Housing Exception.
16.16.050 Housing Density Bonus.
16.16.060 Emergency Shelter Standards

Tables:

16.16.1 Uses in Residential Districts.
16.16.2 Accessory Uses & Structures in Residential Districts.
16.16.3 Residential Lot and Structure Standards.

16.16.010 Purpose.

Purpose and intent of the residential districts is to specify the ranges of uses permitted consistent with the policies of the General Plan. Besides this general purpose, some specific purposes are listed below.

A. Provide appropriately located areas for residential development that are consistent with standards of public health and safety established by the Municipal Code.

B. Ensure adequate light, air, privacy, and open space for each dwelling.

C. Protect residential neighborhoods from excessive noise, odor, illumination, unsightliness, smoke and other objectionable influences.

D. Promote development of housing units that meet the diverse economic and social requirements of all residents.

E. Protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards.

F. Design residential development so that it is compatible with surrounding neighborhoods.

G. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential setting.

H. Assure adequate public services and facilities are available to hold planned population densities.

Each individual residential district purpose is summarized below.

R1-R DISTRICT (Single Family Residential-Rural). This district is intended to promote the development of~~for~~ low density single family detached residential units on extremely large size rural lots with a minimum lot size of eighty-seven thousand one hundred twenty (87,120) square feet, and a maximum density of one half (.5) dwelling units per gross acre to present a rural setting.

R1-E DISTRICT (Single Family Residential-Estate). This district is intended to promote the development of ~~for~~ low density single family detached residential units on large estate size lots with a minimum lot size of sixteen thousand (16,000) square feet for interior lots and twenty thousand (20,000) for corner lots~~,~~ This district allows a minimum density of one half (.51) units per acre and a maximum density of two (2) units per ~~gross~~ acre ~~to present a more rural setting~~. Affordable housing must be included in any project within this district, as provided in Chapter 16.194.

R1-E(A) DISTRICT (Single Family Residential Estate with Alley). This district is intended to promote alley access to the garage for low density single family detached residential units on large estate size lots with a minimum lot size of fourteen thousand (14,000) square feet for

interior lots, and a minimum lot size of eighteen thousand (18,000) square feet for corner lots. This district allows a minimum density of one half (.51) units per acre and a maximum density of two (2) units per gross acre. Affordable housing must be included in any project within this district, as provided in Chapter 16.194.

R1-C DISTRICT (Single Family Residential-custom). This district is intended to promote the development of low density single family residential units on large lots, single family detached residential units with a minimum lot size of twelve thousand (12,000) square feet for interior lots and fourteen thousand (14,000) for corner lots. Affordable housing must be included in any project within this district, as provided in Chapter 16.194. The R1-C District allows a minimum density of two (2.1) units per acre and a maximum density of three and one half (3.5) units per gross acre. Affordable housing must be included in any project within this district, as provided in Chapter 16.194.

R1-C(A) DISTRICT (Single Family Residential-custom with Alley). This district is intended to promote alley access to the garage for the development of low density single family detached residential units on large lots, single family detached residential units with a minimum lot size of ten thousand hundred (10,000) square feet for interior lots and twelve thousand (12,000) for corner lots. Affordable housing must be included in any project within this district, as required in Chapter 16.194. The R1-C District allows a minimum density of two (2.1) units per acre and a maximum density of three and one half (3.5) units per gross acre. Affordable housing must be included in any project within this district, as provided in Chapter 16.194.

R1-L DISTRICT (Single Family Residential-Large). Thishe purpose of this district is intended to promote the development of low density single family detached residential units on medium sized lots in a suburban setting with a minimum lot size of eight thousand five hundred (8,500) square feet for interior lots and nine thousand five hundred (9,500) for corner lots with an average lot size of nine thousand (9,000) square feet throughout the project (excluding corner lots). The R1-L district allows a minimum density of two and three quarter (2.75) units per acre, and a maximum density of four (4) units per gross acre. Affordable housing must be included in any project within this district, as provided in Chapter 16.194.

R1-L(A) DISTRICT (Single Family Residential-Large with Alley). Thise purpose of this district is intended is to promote alley access to the garage for development of low density single family detached residential units on medium sized lots in a suburban setting with a minimum lot size of seven thousand five hundred (7,500) square feet for interior lots and eight thousand five hundred (8,500) for corner lots with an average lot size of eight thousand (8,000) square feet throughout the project (excluding corner lots), The R1-L(A) district allows a minimum density of two and three quarter (2.75) units per acra and a maximum density of four (4) units per gross acre. Affordable housing must be included in any project within this district, as provided in Chapter 16.194.

R1 DISTRICT (Single Family Residential). This district is intended to promote the development of low density single family detached residential units on smaller medium sized lots with a minimum Development of low density, large lot single family detached dwellings is the purpose of this district. The R1 District allows a minimum lot size of six thousand five hundred (6,500) square feet for interior lots and seven thousand five hundred (7,500) square feet for corner lots with an average of seven thousand (7,000) square feet throughout the project (excluding corner lots). The R1 district allows a minimum density of three and one half (3.5) units per acre and a maximum density of five (5) units per gross acre. Affordable housing must be included in any project within this district, as provided in Chapter 16.194.

R1(A) DISTRICT (Single Family Residential with Alley). This district is intended to promote alley access to the garage for low density single family detached residential units on smaller medium sized lots with Development of low density, large lot single family detached dwellings is the purpose of this district. The R1 District allows a minimum lot size of five thousand five hundred (5,500) square feet for interior lots and six thousand five hundred (6,500) square feet for

corner lots with an average of six thousand (6,000) square feet throughout the project (excluding corner lots). The R1(A) district allows a minimum density of three and one half (3.5) units per acre~~,~~ and a maximum density of five (5) units per ~~gross~~ acre. Affordable housing must be included in any project within this district, as provided in Chapter 16.194.

R1-U DISTRICT (Single Family Residential-Urban). This district is intended to ~~P~~provide~~ing~~ and promote an opportunity for a mixture of new housing opportunities of varying densities within the same housing district.~~is the purpose of this district.~~ Single family dwellings are permitted on a variety of lot sizes with a minimum density of two and three quarter (2.75) units per acre and a maximum density of seven (7) dwellings per ~~gross~~ acre. ~~This District requires a minimum of one hundred (100) acres and unless otherwise specified in either a Specific Plan or Development Agreement, may be required to be developed as a Planned Unit Development as described in the following Districts:~~ The R1-U district shall be composed of the following housing ratios:

R1 – limited to no more than 25% of the total lots in a project;

R1-C – no less than 25% of the total lots in a project:

R1-L;R3;R4;R4-U – a combination of these districts to make up the remainder of the project in order to achieve a not to exceed maximum density of the project of seven (7) dwelling units per ~~gross~~ acre.

a. R3; R4 and R4-U – shall be limited to no more than fifteen percent (15%) of the total gross acreage in a project, and
b. Each R3, R4 and/or R4-U – shall be no more than a total of five (5) gross acres and dispersed through the project.

However, any project proposing to exceed five (5) gross acres in any one location within a project shall be developed as a Planned Unit Development. Townhouse development is permitted in this district on corner lots with a minimum lot size of eight thousand (8,000) square feet.

R1-U (A) DISTRICT (Single Family Residential-Urban with Alley). This district is intended to provide and promote an opportunity for a mixture of new housing opportunities of varying densities with alley access within the same housing district. Single family dwellings are permitted on a variety of lot sizes with a minimum density of two and three quarter (2.75) units per acre and a maximum density of seven (7) dwellings per acre. The R1-U(A) district shall be composed of the following housing ratios:

~~Providing an opportunity for a mixture of new housing opportunities is the purpose of this district. Single family dwellings are permitted on a variety of lot sizes with a maximum density of seven (7) dwellings per gross acre. This District requires a minimum of one hundred (100) acres and unless otherwise specified in either a Specific Plan or Development Agreement, may be required to be developed as a Planned Unit Development as described in the following Districts:~~

R1 (A) – limited to no more than 25% of the total lots in a project;

R1-C (A) – no less than 25% of the total lots in a project:

R1-L (A);R3;R4;R4-U – a combination of these districts to make up the remainder of the project in order to achieve a not to exceed maximum density of the project of seven (7) dwelling units per ~~gross~~ acre.

a. R3; R4 and R4-U– shall be limited to no more than fifteen percent (15%) of the total gross acreage in a project, and
b. Each R3, R4 and/or R4-U – shall be no more than a total of five (5) gross acres and dispersed through the project.

However, any project proposing to exceed five (5) gross acres in any one location within a project shall be developed as a Planned Unit Development. Townhouse development is permitted in this district on corner lots with a minimum lot size of eight thousand (8,000) square feet.

R1-UC DISTRICT (Single Family Residential-Urban Core). Retention of single family units in the core of the City is the purpose of this district. Single family dwellings are permitted on minimum interior lot size of five thousand (5,000) square feet and six thousand (6,000) square feet for corner lots. Duplexes may be permitted on corner lots with a minimum lot size of six thousand (6,000) square feet for

attached units and seven thousand (7,000) for detached units with a maximum density of seven (7) dwellings per ~~gross~~ acre. This district is limited to the properties located within the boundaries of incorporation established in 1945.

R3 DISTRICT (Limited Multiple Family). ~~Multiple family and dwelling groups with a maximum of three (3) units per lot are encouraged in this district~~This district is intended to promote the ~~.~~development of medium density,small to medium sized lot single family attached and detached dwellings units. The R3 District allows a minimum lot size of two thousand five hundred (2,500) square feet up to six thousand (6,000) square feet, with a minimum density of six (6) units per acre and a maximum density of ~~thirteen~~eleven (11) units per acre. Affordable housing must be included in any project within this district, as provided in Chapter 16.194.

- Medium Density 5-8 units per acre:
  - Lot Sizes – 3,500 to 6,000
  - Permits both attached (duet units) and detached single family homes
- Medium Density 8-11 units per acre:
  - Lot Sizes – 2,500 to 4,500
  - Permits both attached and detached single-family homes
- Setbacks for 5,000 to 6,000 sq. ft. lots:
  - Front – 20 feet
  - Garage – 23 feet
  - Rear – 20 feet
  - One side/both sides – 5 feet / 13 feet
  - Street side yard – 15 feet
- Setbacks for 4,000 to 4,999 sq. ft. lots:
  - Front – 15 feet
  - Garage – 23 feet
  - Rear – 13 feet
  - One side/both sides – 4 feet / 8 feet
  - Street side yard – 10 feet
  - Usable open space per DU – 300 sq. ft.
- Setbacks for 2,500 to 3,999 sq. ft. lots
  - Front – 10 feet
  - Garage – 23 feet
  - Rear – 5 feet
  - One side/both sides – 3 feet / 8 feet
  - Street side yard – 10 feet
  - Usable open space per DU – 200 sq. ft.

~~Single family dwellings are permitted on minimum lot size of five thousand (5,000) square feet. Multiple family units may be permitted with a minimum lot size of three thousand five hundred (3,500) per dwelling unit, and a maximum density of thirteen (13) units per gross acre.~~

R4 DISTRICT (Multiple Family Residential). This district is intended to promote development of multiple family units and institutional uses compatible with residential development. The R4 District allows a minimum lot size of two thousand four hundred (2,400) square feet per dwelling unit with a minimum density of thirteen (13) units per acre and a maximum density of eigh~~six~~teen (18~~6~~) units per ~~gross~~ acre. Single family dwellings are not permitted in this District ~~and shall comply with the requirements in the R3 District~~.

R4-U DISTRICT (Multiple Family Residential-Urban). High density residential units, group quarters and quasi-public development is the purpose of this district. The R4-U District allows a minimum lot size of one~~two~~ thousand five~~four~~ hundred (1,5~~2,4~~00) square feet per dwelling unit with a minimum density of twenty (20) units per acre and a maximum density of twenty-eight~~two~~ (28~~2~~) units per ~~gross~~ acre. Single family dwellings are not permitted in this District ~~and shall comply with the requirements in the R3 District~~. (Ord. 606, 1999)

16.16.020 Permitted Uses.

Table 16.16.1 shows the permitted, not permitted and conditionally permitted uses. (Ord. 606, 1999)

16.16.030 Development Standards for Residential Districts.

The intent of this Section is to regulate the size and width of lots, the location and height of structures on lots, and the physical character and intensity of lot usage within residential districts, consistent with polices and principles of the General Plan.

A. Planned Unit Development. The provisions of this Section may be modified pursuant to

Chapters 16.36 (Planned Unit Development) and 16.60 (Development Agreement).

B. Lot Area: Standards. Unless otherwise specified, minimum lot area within the residential districts will be as set forth in Table 16.16.3. ~~Individual >lots of record= created prior to January 1, 1998, in the R1, R3 and R4 districts shall not be less than five thousand square feet, and four thousand five hundred (4,500) square feet in the R1-UC and R4-U districts. Lot areas shall meet the General Plan densities~~.

C. Lot Width: Standards. Unless otherwise specified, lots within the residential districts shall have the minimum width set forth in Table 16.16 .3, unless approved otherwise by the Planning Director.~~.~~ Cul-de-sac lots shall have the same width as that specified for interior lots.

D. Lot Depth: Standards. Unless otherwise specified, lots within the residential districts shall have the minimum width set forth in Table 16.16.3, unless approved otherwise by the Planning Director.

E. Setbacks. Setbacks for all residential districts will be as set forth in Table 16.16.3. For existing lots and houses, the setbacks for the main structure will be those setbacks that were in effect at the time the lot was created, except as otherwise provided for in section 16.140.080.

F. Garage Setbacks for all residential districts: Unless otherwise specified, minimum garage setbacks within the residential districts will be as set forth in Table 16.16.3. Side loaded garages may meet the setbacks for the main structure as set forth in Table 16.16.3, and may even utilize the miscellaneous structure setback provisions provided for in section 16.140.080 (D).

G. Minimum Garage Dimensions. All two (2) car garages shall have a minimum size of 20 ft. wide by 22 ft. deep.

H. Garage standards for corner lots. Garages on all corner lots, with the exception of lots in the R1-R district and townhouses provided through the BMR program, shall be designed so that the garages front on one street and the front door of the house faces the opposite street, unless approved otherwise through a Development Agreement.

I~~D~~. Yard ~~(~~(Setback)~~)~~ Dimensions. Yards (Setbacks) on lots within residential districts shall have the minimum dimensions set forth in Table 16.16.3.

J. Staggered Setbacks. For production subdivisions, setbacks between adjacent parcels shall be varied by a minimum of three (3) feet unless approved otherwise by the Planning Director.

K. Corner lot standards. All corner lots shall be designed as single story residential units, unless approved otherwise through a Development Agreement.

L. Building Coverage. The percentage of the total area of any lot that may be occupied by buildings in the residential districts shall not exceed that set forth in Table 16.16.3, except developments providing housing affordable to persons of low and very low incomes may be permitted to increase building coverage as a possible incentive under Section 16.16.050.

~~E. Reduction of Required Yards (Setback), Developed Areas.~~

~~1. Required front yards (setbacks) may be reduced in developed areas if more than forty percent (40%) of the block on which the lot sits is developed, the required front yard (setback) may be reduced to the average of the existing front yard (setback) dimensions of the block. In no case, shall a street side yard (setback) be less than ten (10) feet in width.~~

~~2. If a lot has less width than the required width in Table 16.16.3, the side yard (setback) or street side yard may be reduced to ten (10%) percent of the width of the lot, provided the side yard (setback) is not less than four (4) feet in width and the street side yard (setback) is not less than ten (10) feet in width~~

M~~F~~. Height. Buildings and structures in the residential districts shall not exceed the heights set forth in Table 16.16.3, except as provided by other sections of this Title.

N. Medium Density (R3) Parking Requirements. Any medium density project shall provide a standard of one (1) guest space per unit. This may be accomplished with on street parking or use of common parking areas. Residential driveways shall not be considered for meeting required guest parking ratios.

~~G. Building Coverage. The percentage of the total area of any lot that may be occupied by buildings in the residential districts shall not exceed that set forth in Table 16.16.3, except developments providing housing affordable to persons of low and very low incomes may be permitted to increase building coverage as a possible incentive under Section 16.16.050.~~

~~H. Recycling of Wood and Concrete Waste Material. All wood and concrete waste material generated as by development shall be separated and removed to an authorized recycling center.~~

O. Irregular Shaped Lots. It shall be the responsibility of the Director to determine the required yards for irregular shaped lots. (Ord. 606, 1999; Ord. 665 ' 1 (part), 2002)

P. Sewer and Water. All permitted and conditionally permitted uses must be served by public water, storm and sewer, unless otherwise approved by the City Council.

Q~~I~~. Construction Noise. Unless otherwise waived by the City Council, construction activities generating noise above 70db at the property line on any lot shall not occur before 7:00 a.m. or after 7:00 P.M., Monday through Saturday, and before 10:00 a.m. or after 6:00 P.M. on Sunday. (Ord. 606, 1999)

~~J. Irregular Shaped Lots. It shall be the responsibility of the Director to determine the required yards for irregular shaped lots. (Ord. 606, 1999; Ord. 665 ' 1 (part), 2002)~~

~~K. Sewer and Water. All permitted and conditionally permitted uses must be served by public water, storm and sewer, unless otherwise approved by the City Council.~~

~~L. Garage Setbacks for all residential districts:~~

~~1. Production Subdivisions:~~

~~a. Front Loaded Garages:~~

~~i. At least 25% must be 40 feet back from the front property line.~~

~~ii. At least 25% must be 30 feet back from the front property line.~~

~~iii. Remaining percentage may be located anywhere from 20 to 40 feet back from the front property line.~~

~~b. Side Loaded Garages may meet the setbacks for the main structure, and may even utilize the miscellaneous structure setback provisions provided for in section 16.140.080 (D).~~

~~2. Custom Subdivisions:~~

~~a. Front Loaded Garages shall have a minimum setback of 25 feet from the front property line.~~

~~b. Side Loaded Garages may meet the setbacks for the main structure, and may even utilize the miscellaneous structure setback provisions provided for in section 16.140.080 (D).~~

16.16.040 Affordable Housing Exception.

Any one-family dwelling constructed on an interior lot or any one or two-family dwellings constructed on a corner lot in a subdivision, according to an affordable housing provision contained in a development agreement, shall comply with requirements as set forth in Section 16.16.030, except:

A. A use permit shall not be required.

B. Any corner lot may be divided for one-family dwellings, provided:

1. Each lot shall have a minimum area of three thousand-five hundred (3,500) square feet in the R1 and R1-UC districts and four thousand (4,000) square feet in the R1-A, R1-C and R1-U districts.

2. Each corner lot shall have a minimum frontage of seventy (70) feet and each interior lot shall have a minimum frontage of forty-five (45) feet in the R1 and R1-UC districts, and a minimum frontage of eighty (80) feet and each interior lot shall have a minimum frontage of sixty (60) feet in the R1-A, R1-C and R1-U districts.

3. That corner lot dwellings, constructed as townhouse affordable units, shall front on opposite streets from each other.

4. That the corner lot dwelling shall have a minimum rear yard setback of five (5) feet in the R1 and R1-UC districts, a minimum rear yard setback of ten (10) feet in the R1-A, R1-C and R1-U districts.

5. That the corner lot dwelling shall have side yard setbacks of twenty (20) feet on the street side and ten (10) feet on the opposite side in the R1 and R1-UC districts, and side yard setback of twenty (20) feet on the street side and twenty (20) feet on the opposite side in the R1-A, R1-C and R1-U districts.

6. That the interior lot dwelling shall have a minimum side yard set back of five (5) feet in the R1 and R1-UC districts, and of twelve (12) feet in

the R1-A, R1-C and R1-U districts.

7. That the interior lot dwelling shall have a minimum rear yard setback of twenty (20) feet.

8. That lot splitting shall not be allowed for reverse corner lots.

9. Any two (2) one-single family units constructed adjacent to each other may have zero lot lines. (Ord. 606, 1999)

16.16.050 Housing Density Bonus.

The purpose of this Section is to provide for and regulate concessions or incentives for child care facilities and the production of housing units which would be made available to moderate income persons, low income persons, very-low income persons, and senior citizens through density bonuses and incentives or concessions in compliance with the Government Code of the State of California.

A. Policy. The following policy establishes the procedures for the City and the requirements of a developer when a housing density bonus is requested.

B. Bonus.

1. A developer is entitled to a density bonus as set forth in the California Government Code, Section 65915, over the housing unit density allowed on the site by the existing zoning and General Plan designation**,** and incentives or concessions identified in 16.16.050 C. 14., when a developer agrees to construct a housing development containing at least one of the following types of affordable housing:

a. Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

b. Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

c. A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code, or mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

d. Ten percent of the total dwelling units in a common interest development as defined in Section 1351 of the Civil Code for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

2. The above provisions do not apply with respect to implementation of the City's BMR (Below Market Rate) Housing Program, as defined in Ripon Municipal Code, Title 16, Chapter 194.

C. Administration.

1. Density bonuses may be granted as part of the normal approval process for plot plans, planned developments, rezonings, subdivision maps, or other permit approvals as may be adopted by the City of Ripon from time to time. Any incentives, or waiver or modification of development standards, shall first be approved by the Ripon City Council.

2. Senior housing projects shall only be granted density bonuses, when they are constructed as Planned Unit Development projects.

a. The Density Bonus Agreement must be approved by the City Council.

3. Housing developments must have a minimum of five (5) units, excluding any bonus units, to qualify for any housing density bonuses.

a. A housing development that includes a child care facility that will be located on the premises of, as part of, or adjacent to the project shall be granted either of the following: 1) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility, or 2) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

i. The City shall require, as a condition of approval of the housing development that: 1) the child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to 16.16.050 C 10 a; 2) of the children who attend the child care facility, the children of very low income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income

households, or families of moderate income.

ii. If the City finds, based upon substantial evidence, that the community has adequate child care facilities, it shall not be required to provide a density bonus or concession for a child care facility.

4. A developer of a proposed development containing more than one (1) parcel of real property shall be allowed to build the density bonus units in one section of the proposed development while building the affordable units in another section of the development, provided that:

a. The development proposals for the two (2) sections of the proposed development are approved concurrently; and

b. The housing units in both sections are developed concurrently.

5. Tenant occupancy shall be monitored on an annual basis, and associated costs shall be paid by the project owners or developer in one lump sum for the affordability period specified in the Density Bonus Agreement. All units within the entire project shall be subject to the monitoring fees. The fee shall be paid to the City of Ripon prior to the issuance of the building permit.

6. It shall be the owner or developer's responsibility to contact the City once the units are available for occupancy. Very-low income units shall remain available for at least thirty (30) days before the owner is then able to rent or sell to households of low income levels. Notification of the start and end of the thirty (30) day period must be reported to the monitoring agency. The owner or developer must show evidence to the monitoring agency that good faith efforts have been made to advertise the very-low income (VLI) units. As further vacancies occur in rental units, the very-low income opportunity shall again be extended to renters.

7. The rental rate or sales price charged each low income (LI) and very-low income (VLI) household shall be determined by unit size and as identified in the State Density Bonus Law (income category). This means that a one person or a two person household shall pay the same rate regardless of the number of bedrooms per unit.

8. All very-low income (VLI) units must be comparable to the market rate units. Very-low income (VLI) units must be integrated throughout the project by location and number of bedrooms per unit.

9. The density bonus granted by the City shall be recorded as a restriction on the rental or ownership limits of the unit(s).

10. Any property owner or applicant requesting a density bonus shall submit a Density Bonus Agreement in a form approved by the City Attorney. The agreement shall be approved by the City Council, and shall become a covenant running with the land.

a. If the owner or applicant is granted density bonuses and incentives or concessions, the agreement shall obligate the unit(s) for a minimum thirty (30) year period to low income (LI), or very-low income (VLI) persons.

b. The initial occupant of the moderate income units that are directly related to the receipt of the density bonus in the common interest development shall be persons and families of moderate income and the units shall be offered at an affordable housing cost. An equity sharing agreement shall be enforced and shall include the following:

i. Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation;

ii. For purposes of the Chapter, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value;

iii. For purposes of this Chapter, the city's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

11. The City of Ripon shall use the income limits published by the Department of Housing and Community Development (HCD) applicable in the Ripon area in administering the State Density Bonus Law.

12. Unless otherwise provided in State Law, sale of density bonus units shall comply with the

City's BMR (Below Market Rate) Housing Program, Buyer's Resale Agreement, including paying a subsidy balance. The subsidy shall be calculated as the difference between the original purchase price of the low or very-low unit and the original fair market value of the unit**.** The subsidy shall be placed in the City's low/mod housing fund to subsidize future low or very-low housing. The original applicant, sub-divider or builder shall record the density bonus restriction set forth in this section for each individual unit to which the density bonus applies.

13. Consistent with State density bonus law, concession or incentive means any of the following:

- waiver of City sidewalk standards to permit four (4) foot sidewalks;
- waiver of City street paver standards;
- waiver of City parkway street standards;
- varying lot sizes;
- access to available housing trust funds.

The City shall, upon request of the developer require a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

a. Zero to one bedrooms: one onsite parking space.

b. Two to three bedrooms: two onsite parking spaces.

c. Four and more bedrooms: two and one-half parking spaces.

If the total number of parking spaces required is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this Chapter, a development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking.

The City shall grant the concession or incentive requested by the applicant unless the City makes a written finding, based upon substantial evidence, of either of the following: 1) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as defined in Sections 50079.5 and 50105 of the Health and Safety Code; 2) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-and moderate-income households.

Notwithstanding any other provisions of this Chapter, the City may grant additional or different concessions, or may refuse to grant concessions and/or density bonus, in cases where a Development Agreement, which provides concessions and incentives, is approved for the project.

14. Economic Feasibility. Any developer requesting an incentive or concession shall be required to show that the incentive or concession is necessary to make the project economically feasible. The developer shall submit supporting financial documents with the application. These documents shall be in a format as approved by the City Council from time-to-time. The documents shall be evaluated by the City Administrator for proof of economic necessity.

15. Findings for Denial of a Project. Notwithstanding any other provision, the City shall deny the proposed development if either of the following findings are made.

a. The proposed development does not conform to the General Plan or applicable zoning and development policies.

b. The proposed development would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the adverse impact identified.

The above findings shall be made in addition to findings made under 16.16.050 C. 13. and other Sections of this Title.

Definitions. See Section 16.12.040. (Ord. 606, 1999)

16.16.060 Emergency Shelter Standards.

Emergency shelters, where allowed as a permitted use, are subject to the standards and requirements of the zone in which the emergency shelter is located and shall meet the additional standards identified in this section.

1. Capacity. The number of beds in emergency shelters approved as a permitted use shall not exceed the total need identified in the Housing Element.

2. Proximity to Other Emergency Shelters. No emergency shelter may be located within 300 feet of another emergency shelter.

3. Length of Stay. Temporary shelter may be provided for no more than six months per calendar year for each resident.

4. Management Plan. The shelter operator shall prepare and submit to County staff a written plan for on-site management that describes provisions for staff training, neighborhood outreach, security during hours that the shelter is in operation, screening of residents to ensure compatibility with services provided at the facility, access to training, counseling, and treatment programs, and a 24-hour on-site caretaker.

5. Lighting. All exterior lighting associated with an emergency shelter shall be located, adequately shielded, and directed such that no direct light falls outside the property perimeter, or into the public right-of-way.

6. Management Plan. Prior to the Director's decision, the operator of the emergency shelter must submit to the Community Development Department a written Management Plan. As a minimum, the Management Plan shall include and address the following:

a. Procedures for staff training to meet the needs of the shelter residents, and have processes to address the following topics: client intake, confidentiality, health and safety training, mental health, and substance abuse treatment and referrals;

b. Operational rules and standards of conduct for residents, including policies prohibiting the use or possession of controlled substances by residents, rules concerning the use or possession of alcohol, curfew, prohibition of loitering, and any other provisions necessary to ensure compatibility with surrounding uses;

c. Policies and procedures for eviction from the facility for violation of rules and standards of conduct;

d. A detailed safety and security plan to protect shelter residents and surrounding uses;

e. A process for resident screening and identification;

f. Provisions for on-site or partnerships with off-site organizations to provide job training, counseling, and treatment programs for the residents;

g. Services to assist residents with obtaining permanent shelter and income;

h. If applicable, timing and placement of outdoor activities;

i. Location within the facility for temporary storage of residents' personal belongings;

j. Provisions for continuous on-site supervision during hours of operation. Specifically, there shall be a minimum of one staff person per eight clients during daytime hours, 7:00 a.m. to 9:00 p.m., and a minimum of two staff people at the facility during nighttime hours, 9:00 p.m. to 7:00 a.m.

k. If applicable, procedures for ensuring safety and security of women and children within the facility.

l. The exterior of the building must be kept in a good state of repair and the exterior finish and landscaping must be kept clean and well maintained. Each site shall be kept in a neat and orderly manner, free of weeds, loose trash, debris and other litter, including but not limited to shopping carts.

m. Organized outdoor activities on the site may only be conducted between the hours of 8:00 a.m. and 10:00 p.m.

n. Employees, partners, directors, officers, managers and similar persons shall be screened prior to occupancy to confirm that they have no history of a previously failed emergency shelter (or similar facility) due to the fault of the operator, and have not been convicted of any of the following offenses within the prior five years:

i. A crime requiring registration under Penal Code section 290;

ii. A violation of Penal Code sections 311.2 or 311.4 through 311.7;

iii. A violation of Penal Code sections 313.1 through 313.5;

iv. A violation of Penal Code section 647(a), (b), or (d);

v. A violation of Penal Code sections 315, 316, or 318;

vi. A felony crime involving the use of force or violence on another; or

vii. The maintenance of a nuisance in connection with the same or similar business operation.

The management of the emergency shelter shall effectuate a background investigation on all employees to the satisfaction of the Chief of Police.

7. Common Facilities and Services. An emergency shelter may include the following facilities and services as ancillary to the emergency shelter use:

a. Commercial kitchen facilities;

b. Dining area;

c. Laundry room;

d. Recreation or meeting room;

e. Outdoor recreational spaces; provided, that the space is located within a building interior courtyard or is enclosed by a building, solid fence, or wall or some combination thereof to secure the space and ensure that it is not accessible to the general public;

f. Animal boarding and related veterinary services for current residents of the facility only; and

g. Child care facilities for current residents of the facility only.

8. Client Intake Areas. An enclosed intake area shall be provided within the emergency shelter building. The intake area shall be a minimum of one hundred (100) square feet in size, located entirely within the building. The intake hours shall be posted clearly on the doors to the emergency shelter. Clients shall be allowed to wait in an interior or exterior waiting area that shall not exceed 150 square feet. Clients shall not loiter nor form a queue outside of the exterior waiting area.

9. Lighting. Exterior lighting shall be located along all pedestrian pathways, parking lots, entrances and exits, common outdoor areas, and at the front of the building. All lighting shall be maintained in good operating condition and shall be fully-shielded.

10. On-site Security. Security measures shall be reviewed and approved by the Chief of Police prior to commencement of operations on the site and shall be sufficient to protect clients and neighbors. On-site security shall be provided during the hours when the emergency shelter is in operation and at all times when clients are present on site. In the event that five or more calls for police services have been received over a 30-day period by the Police Department, the facility shall be required to provide additional on-site security staff to the satisfaction of the Chief of Police and the Community Development Director.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted at City Hall and on the City of Ripon website, and a notice shall be published once in *The Manteca Bulletin*, the official newspaper of the City of Ripon, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Ripon held on the _____, by Councilmember _____, who moved its introduction and passage to print, which motion being duly seconded by Councilmember _____, was upon roll call carried and ordered printed and published by the following vote:

AYES:
NOES:
ABSENT:
APPROVED:

_____
JACOB PARKS, Mayor

ATTEST:
By

_____
LISA ROOS, City Clerk

Table 16.16.1
USES IN RESIDENTIAL DISTRICTS

	R1-R	R1-E	R1-E(A)	R1-C	R1-C(A)	R1-L	R1-L(A)	R1	R1(A)	R1-U	R1-U(A)	R1-UC	R3	R4	R4-U
Residential Uses															
Single Family	P	P	P	P	P	P	P	P	P	P	P	P	P	---	---
Duplex[1]	---	---	---	---	---	---	---	U	U	U	U	U	S(PC)	---	---
Triplex	---	---	---	---	---	---	---	---	---	---	---	---	S(PC)	---	---
Medium Density Residential	---	---	---	---	---	---	---	---	---	---	---	---	S(PC)	---	---
High Density Residential	---	---	---	---	---	---	---	---	---	---	---	---	---	S(S)	S(S)
Other Residential Uses															
Convalescent Facilities	---	---	---	---	---	---	---	---	---	---	---	---	---	U	U
Emergency Shelters	---	---	---	---	---	---	---	---	---	---	---	---	---	---	P
Group Care Facility, Large	---	---	---	---	---	---	---	---	---	---	---	---	---	S(PC)	S(PC)
Group Care Facility, Small	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group Residential	---	---	---	---	---	---	---	---	---	---	---	---	---	S(PC)	S(PC)
Mobile Home Park	---	---	---	---	---	---	---	---	---	---	---	---	U	U	---
Second Dewlling Unit	P	P	P	P	P	P	P	P	P	P	P	P	---	---	---
Shelter, Small	---	---	---	---	---	---	---	---	---	---	---	---	S(PC)	S(PC)	S(PC)
Temporary Mobile Home	S(S)	S(S)	S(S)	S(S)	S(S)	S(S)	S(S)	S(S)	S(S)	S(S)	S(S)	S(S)	S(S)	S(S)	S(S)
Nonresidential Uses															
Cemetery	U	U	U	U	U	U	U	U	U	U	U	U	---	---	---
Community Centers	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Equestrian Centers	U	U	U	---	---	---	---	---	---	---	---	---	---	---	---
Family Day Care-Adult	P	P	P	P	P	P	P	P	P	S(S)	S(S)	---	S(S)	S(S)	S(S)
Family Day Care-Child	P	P	P	P	P	P	P	P	P	S(S)	S(S)	---	S(S)	S(S)	S(S)
Farming & Gardening	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Garage & Yard Sales	GY	GY	GY	GY	GY	GY	GY	GY	GY	GY	GY	GY	GY	GY	GY
Home Occupation	HO	HO	HO	HO	HO	HO	HO	HO	HO	HO	HO	HO	HO	HO	HO
Churches	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Schools, Public or Private	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U
Utilities, minor	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U

1. Duplexes: 6,000 square feet minimum for attached and 7,000 square feet minimum for detached.

Legend:	
P	Permitted Use (No Review)
U	Use Permit Required
HO	Home Occupation Permit Required
S(PC)	Site Plan Permit (Planning Commission)
S(S)	Site Plan Permit (Staff Level)
GY	Garage and Yard Sales Permit Required
---	Use Not Permitted

Table 16.16.2
ACCESSORY USES & STRUCTURES IN RESIDENTIAL DISTRICTS

	R1-R	R1-E	R1-E(A)	R1-C	R1-C(A)	R1-L	R1-L(A)	R1	R1(A)	R1-U	R1-U(A)	R1-UC	R3	R4	R4-U
Accessory Use or Structure															
Accessory Building/Structure[1]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Barn	U	U	U	---	---	---	---	---	---	---	---	---	---	---	---
Coop	U	U	U	---	---	---	---	---	---	---	---	---	---	---	---
Carport	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Garage [2,3]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Guest House[4]	P	P	P	P	P	P	P	S(S)	S(S)	S(S)	S(S)	S(S)	---	---	---
Patio[5]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreational Vehicle Cover[6]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Room and Board	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Storage Building, Small	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pool & Equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

1. For Accessory Building/Structure development requirements refer to Chapter 16.140 section 16.140.030 for specific development requirements.
2. Private two(2) car garages shall not occupy more than fifty (50%) percent and three (3) or more car garages shall not occupy more than sixty (60%) percent of dwelling frontages.
3. For detached garages refer to Chapter 16.140 section 16.140.030 for specific development requirements.
4. For Guest House development requirements refer to Chapter 16.140 section 16.140.040 for specific development requirements.
5. For Patio development requirements refer to Chapter 16.140 section 16.140.050 for specific development requirements.
6. For Recreational Vehicle Cover development requirements refer to Chapter 16.140 section 16.140.060 for specific development requirements.

Legend:	
P	Permitted Use (No Review)
U	Use Permit Required
S(S)	Site Plan Permit (Staff Level)
---	Use Not Permitted

Table 16.16.3
RESIDENTIAL LOT AND STRUCTURE STANDARDS

STANDARDS	R1-R	R1-E	R1-E(A)	R1-C	R1-C(A)	R1-L	R1-L(A)	R1
Max. Height	2 stories (35ft)	2 stories (35ft)	2 stories (35ft)	2 stories (35ft)	2 stories (35ft)	2 stories (35ft)	2 stories (35ft)	2 stories (35ft)
Min. DU per Gross Acre	0	0.51	0.51	2.1	2.1	2.75	2.75	3.5
Max. DU per Gross Acre	0.5	2	2	3.5	3.5	4.5	4.5	5
Min. Lot Area in Sq. Ft.	87,120	16,000 int. 20,000 cor.	14,000 int. 18,000 cor.	12,000 int. 14,000 cor.	10,000 int. 12,000 cor.	9,000 av. 8,500 int. 9,500 cor.	8,000 av. 7,500 int. 8,500 cor.	7,000 av. 6,500 int. 7,500 cor.
Min. Lot Width, Ft.	200	100	85	75	75	60 int. 70 cor.	60 int. 70 cor.	60 int. 70 cor.
Min. Lot Depth, Ft.	200 int. 220 cor.	150 int. 175 cor.	150 int. 175 cor.	120 int. 130 cor.	120 int. 130 cor.	100	100	100
Min. Front Setback, Ft.	50	40	40	30	30	20	20	20
Min. Rear Setback, Ft.	100	30	30	30	30	30	30	30
Min. Side Setback Interior Lot, Ft.	20 30 opposite	12 20 opposite	12 20 opposite	8 15 opposite	8 15 opposite	5/12 opposite 8/12 2nd story	5/12 opposite 8/12 2nd story	5/12 opposite 8/12 2nd story
Corner Lot Min. Street and Opposite Side Setback, Ft.	50 25 opposite	40 15 opposite	40 15 opposite	30 10 opposite	30 10 opposite	20 5 opposite	20 5 opposite	20 5 opposite
Min. Garage Setback, Ft.[2]	50	40	40	30	30	23	23	23
Building Lot Coverage Max, %[3]	20	30	30	40	40	40	40	40

STANDARDS	R1(A)	R1-UC	R1-U	R1-U(A)	R3	R4	R4-U
Max. Height	2 stories (35ft)	2 stories (35ft)	2 stories (35ft)	2 stories (35ft)	2 stories (35ft)	2 stories (35ft)	3 stories (45ft)
Min. DU per Gross Acre	3.5	3.5	2.75	2.75	6	13	20
Max. DU per Gross Acre	5	7	7	7	11	18	28
Min. Lot Area in Sq. Ft.	6,000 av. 5,500 int. 6,500 cor.	5,000 int. 6,000 cor.	Varies with underlying ratios	Varies with underlying ratios	See Section 16.16.010 R3 District	2,400 per Dwelling Unit	1,500 per Dwelling Unit
Min. Lot Width, Ft.	60 int. 70 cor.	50 int. 60 cor.	Varies with underlying ratios	Varies with underlying ratios	Determined with Site Plan	Determined with Site Plan	Determined with Site Plan
Min. Lot Depth, Ft.	100	90	Varies with underlying ratios	Varies with underlying ratios	Determined with Site Plan	Determined with Site Plan	Determined with Site Plan
Min. Front Setback, Ft.	20	20	Varies with underlying ratios	Varies with underlying ratios	See Section 16.16.010 R3 District	20 to Property Line	25 to Property Line
Min. Rear Setback, Ft.	30	20	Varies with underlying ratios	Varies with underlying ratios	See Section 16.16.010 R3 District	20 to Property Line	20 to Property Line
Min. Side Setback Interior Lot, Ft.	5/12 opposite 8/12 2nd story	5	Varies with underlying ratios	Varies with underlying ratios	See Section 16.16.010 R3 District	20 to Property Line	20 to Property Line
Corner Lot Min. Street and Opposite Side Setback, Ft.	20 5 opposite	20 5 opposite	Varies with underlying ratios	Varies with underlying ratios	See Section 16.16.010 R3 District	20 to Property Line	20 to Property Line
Min. Garage Setback, Ft.[2]	23	23	Varies with underlying ratios	Varies with underlying ratios	23	Determined with Site Plan	Determined with Site Plan
Building Lot Coverage Max, %[3]	40	50	Varies with underlying ratios	Varies with underlying ratios	Determined with Site Plan	Determined with Site Plan	Determined with Site Plan

1. Townhouses are permitted on corner lots with a minimum of 8,000 square feet for purposes of complying with the City's Affordable Housing program.
2. Minimum setbacks for alley loaded garages shall be 5 feet from the rear property line.
3. All lots are allowed an additional 5% lot coverage for attached covered porches and/or attached covered patio/shade structures. An additional 5% lot coverage is allowed for any detached accessory structure, such as patios, pool houses ,storage buildings, etc.

ORDINANCE NO. 849

THE CITY COUNCIL OF THE CITY OF RIPON DOES ORDAIN AS FOLLOWS:

SECTION 1.

Chapter 16.20, 16.24, 16.26 of the Ripon Municipal Code is hereby enacted as set forth below.

- See attached graphs.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted at City Hall and on the City of Ripon website, and a notice shall be published once in *The Manteca Bulletin*, the official newspaper of the City of Ripon, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Ripon held on the _____, by Councilmember _____, who moved its introduction and passage to print, which motion being duly seconded by Councilmember _____, was upon roll call carried and ordered printed and published by the following vote:

AYES:
NOES:
ABSENT:
APPROVED:

_____
JACOB PARKS, Mayor

ATTEST:
By

_____
LISA ROOS, City Clerk

Table 16.20.1
USES IN OFFICE AND COMMERCIAL DISTRICTS

Legend:
✓ Permitted Use
--- Not a Permitted Use
U Conditional Use Permit Required

Use, Service or Facility	Commerical and Office Districts							
	C-1	C-2	C2-R	C-3	C-4	C-5	PO	BP
Addressing and Mailing services	✓	✓	✓	✓	✓	---	✓	✓
Adult Businesses (Subject to Chapter 5.36 of RMC)	---	---	---	---	U	---	---	---
Alarm Systems sales and/or service	---	✓	✓	✓	---	---	---	---
Ambulance Services	---	U	U	---	U	---	---	U
Animal Boarding Services	---	U	U	---	---	---	---	---
Animal Grooming Services	✓	✓	✓	✓	✓	---	---	---
Anitque Store	---	✓	✓	✓	✓	---	---	---
Appliance Repair Shop	---	✓	✓	✓	✓	---	---	---
Appliance Store	---	✓	✓	✓	✓	---	---	---
Art gallery	---	✓	✓	✓	---	---	---	---
Art Supply Store	---	✓	✓	✓	✓	---	---	---
Assembly/Light Manufacturing	---	---	---	---	---	---	---	✓
Automobile/Vehicle Related Services								
Auto Parts Store	---	✓	✓	✓	✓	---	---	---
Auto Repair Shop	---	✓	✓	---	✓	---	---	---
Auto Sales lot (more than 10 acres)	---	✓	✓	---	✓	---	---	---
Auto Sales lot (up to 10 acres)	---	✓	✓	---	✓	---	---	---
Auto/Truck Travel Plaza	---	---	---	---	✓	---	---	---
Boat Sales	---	---	✓	---	✓	---	---	---
Camper Shell sales	---	---	✓	---	✓	---	---	---
Farm Equipment Sales	---	---	✓	---	✓	---	---	---
Indoor Vehicle Sales Establishment	---	U	U	U	---	---	---	---
Motorcycle sales and service	---	✓	✓	---	✓	---	---	---
Recreational Vehicle Sales and Service	---	✓	✓	---	✓	---	---	---
Recreational Vehicle Storage	---	✓	✓	---	✓	---	---	---
Rental or Lease Agency including limousine service	---	✓	✓	---	✓	---	---	---
Service or Gas station	✓	✓	✓	---	✓	---	---	---
Truck Sales and Service	---	---	U	---	✓	---	---	---
Utility Trailer sales, rental, service	---	---	U	---	✓	---	---	---
Vehicle cleaning and detailing	---	✓	✓	---	✓	---	---	---
Vehicle Storage Yard	---	---	---	---	---	---	---	---
Bakery, pastry shop	✓	✓	✓	✓	✓	---	---	---
Banks, savings and loan, finance, credit office	✓	✓	✓	✓	✓	---	✓	---
Barber Shop	✓	✓	✓	✓	✓	---	---	---
Beauty Salon	✓	✓	✓	✓	✓	---	---	---
Bicycle shop	---	✓	✓	✓	✓	---	---	---
Book Store	✓	✓	✓	✓	✓	---	---	---
Building material and lumber sales	---	✓	✓	---	✓	---	---	---
Butcher and meat market	---	✓	✓	✓	✓	---	---	---
Candy Store	✓	✓	✓	✓	✓	---	---	---
Card Room	---	---	---	---	U	---	---	---
Catering Service	---	✓	---	✓	✓	---	---	---
Clothing Stores	---	✓	✓	✓	✓	---	---	---
Clothing Stores (Boutique)	✓	✓	✓	✓	✓	---	---	---
Commercial Recreation and Entertainment	---	U	U	U	U	U	---	---
Communication Facilities	---	---	U	---	U	---	U	U

Table 16.20.1 - Continued
USES IN OFFICE AND COMMERCIAL DISTRICTS

Legend:
✓ Permitted Use
--- Not a Permitted Use
U Conditional Use Permit Required

Use, Service or Facility	Commerical and Office Districts							
	C-1	C-2	C2-R	C-3	C-4	C-5	PO	BP
Computer sales and service	---	✓	✓	✓	✓	---	---	---
Convenience Market	✓	✓	✓	✓	✓	---	---	---
Costume shop - sale and rent	---	✓	✓	✓	✓	---	---	---
Custom Manufacturing	---	---	---	---	---	---	---	U
Day Spa	---	✓	---	✓	---	---	---	---
Drug Store	✓	✓	✓	✓	✓	---	---	---
Dry Cleaning Services (Drop-off and Pick-up only)	✓	✓	✓	✓	✓	---	---	---
Dry Cleaning Services (cleaning plants)	---	---	---	---	---	---	---	---
Eating and Drinking Establishments								
Bar, tavern	---	U	U	U	U	---	---	---
Delicatessen	✓	✓	✓	✓	✓	---	✓	✓
Fast Food Restaurant with Drive Through Window	---	✓	✓	---	✓	---	---	---
Fast Food Restaurant without Drive Through Window	✓	✓	✓	✓	✓	---	---	---
High Turnover sit down Restaurant	✓	✓	✓	✓	✓	---	---	✓
Ice cream, yogurt store	✓	✓	✓	✓	✓	---	---	---
Quality Restaurant	---	✓	✓	✓	✓	---	---	---
Equestrian Center	---	---	---	---	---	U	---	---
Equipment rental	---	✓	✓	---	✓	---	---	---
Feed Store	---	✓	✓	---	✓	---	---	---
Fitness Club	---	✓	✓	✓	✓	✓	---	---
Floor Covering, drapery or upholstery store	---	✓	✓	✓	✓	---	---	---
Florist	✓	✓	✓	✓	✓	---	---	---
Funeral Home	---	✓	✓	✓	---	---	---	---
Furniture Store	---	✓	✓	✓	✓	---	---	---
Garment Makers and Tailors	✓	✓	✓	✓	✓	---	---	---
Glass replacement and repair shops	---	✓	✓	✓	✓	---	---	---
Grocery Store	---	✓	✓	✓	✓	---	---	---
Gunshop - Gunsmith	---	✓	✓	✓	✓	---	---	---
Hardware Store	✓	✓	✓	✓	✓	---	---	---
High Technology	---	---	---	---	---	---	✓	✓
Hobby Shops	✓	✓	✓	✓	✓	---	---	---
Incubator Units	---	✓	---	✓	---	---	✓	✓
Interior decorating shops	---	✓	✓	✓	---	---	---	---
Janitorial services and supplies	---	✓	✓	✓	---	---	---	---
Jewelry Stores	---	✓	✓	✓	✓	---	---	---
Laboratory; medical, dental, or optical	---	---	---	---	---	---	✓	✓
Laboratory; research, analysis	---	---	U	U	---	---	✓	✓
Laundromat, self-service	✓	✓	✓	✓	✓	---	---	---
Linen Supply services	---	✓	✓	---	---	---	---	✓
Liquor Store	---	U	U	U	U	---	---	---
Live Theatre	---	✓	---	✓	---	✓	---	---
Locksmith	---	✓	✓	✓	✓	---	---	---
Massage establishment	---	✓	✓	✓	✓	---	---	---
Medical equipement store	---	✓	✓	✓	✓	---	---	---
Medical Marijuana Dispensaries (Subject to Chapters 9.10 and 16.111 of RMC)	---	U	---	U	---	---	U	---

Military surplus store	---	✓	✓	✓	✓	---	---	---

Table 16.20.1 - Continued
USES IN OFFICE AND COMMERCIAL DISTRICTS

Legend:
✓ Permitted Use
--- Not a Permitted Use
U Conditional Use Permit Required

Use, Service or Facility	Commerical and Office Districts							
	C-1	C-2	C2-R	C-3	C-4	C-5	PO	BP
Mini-storage	---	✓	✓	---	✓	---	---	---
Movie Theatre	---	✓	✓	---	✓	---	---	---
Museum	---	✓	✓	✓	✓	✓	---	---
Music Store	---	✓	✓	✓	✓	---	---	---
Newpaper - magazine stand	✓	✓	✓	✓	✓	---	---	---
Nursery, plants	---	✓	✓	✓	✓	---	---	---
Office Supply Store	---	✓	✓	✓	✓	---	---	---
Offices, Business and Professional	✓	✓	✓	✓	U	---	✓	✓
Offices, Contractors	---	---	---	---	---	---	---	---
Paint and wallpaper store	---	✓	✓	✓	✓	---	---	---
Pallet Manufacturing	---	---	---	---	---	---	---	---
Pallet Recovery Services	---	---	---	---	✓	---	---	---
Pawn Shop	---	✓	✓	✓	✓	---	---	---
Pet Store or Pet Food Store	---	✓	✓	✓	✓	---	---	---
Photographic supply - camera store	---	✓	✓	✓	✓	---	---	---
Picture framing shop	---	✓	✓	✓	✓	---	---	---
Pool Table sale and repair service	---	✓	✓	✓	✓	---	---	---
Power Tools - sales, repair	---	✓	✓	✓	✓	---	---	---
Print Shop	---	✓	✓	✓	✓	---	---	✓
Public & Semipublic Uses								
Banquet Facility	---	U	U	---	---	U	---	U
Clubs or lodges	---	✓	✓	✓	U	---	---	---
Child Care Centers	---	U	U	U	U	---	U	U
Churches	✓	✓	✓	U	U	---	U	U
Government Offices	---	U	U	U	U	---	U	U
Hospital	---	✓	✓	---	✓	---	✓	✓
Library	---	✓	✓	✓	✓	---	---	---
Public Safety Facilities	✓	✓	✓	✓	✓	✓	✓	✓
Residential Care, General	U	U	---	---	---	---	---	---
Residential Care, Limited	---	U	---	---	U	---	U	---
Recreational Facility - Indoor	---	✓	✓	✓	✓	✓	---	---
Recreational Facility - Outdoor	---	---	U	---	---	U	---	---
Recreational Vehicle Park	---	---	---	---	---	U	---	---
Recycling Services - Consumer	✓	✓	✓	✓	✓	---	---	---
Residential								
Single Family Residential	U	U	---	U	---	---	U	---
Medium Density Residential	U	U	---	U	---	---	U	---
High Density Residential	U	U	---	U	---	---	U	---
Retail Sales and Service	✓	✓	✓	✓	✓	U	---	---
Schools								
Business School	---	U	U	---	---		U	U
College or University	---	U	U	---	---		U	U
Driving School	---	✓	✓	✓	---	---	✓	---
Medical Related School	---	U	U	---	---	---	U	U

Other Private School	---	U	U	---	---	---	U	U
Private K-12 school	---	U	U	---	---	---	---	U
Public K-12 school	---	U	U	---	---	---	---	U

Table 16.20.1 - Continued
USES IN OFFICE AND COMMERCIAL DISTRICTS

Legend:
✓ Permitted Use
--- Not a Permitted Use
U Conditional Use Permit Required

Use, Service or Facility	Commerical and Office Districts							
	C-1	C-2	C2-R	C-3	C-4	C-5	PO	BP
Trade/Vocational School	---	U	U	---	---	---	U	U
Seasonal Temporary Uses, ie. Christmas tree lots and pumpkin patches	✓	✓	✓	✓	✓	✓	✓	✓
Secondhand Store	---	✓	✓	✓	✓	---	---	---
Shoe repair shop, shoeshine store	✓	✓	✓	✓	✓	---	---	---
Shopping Center, large (over 5 acres)	---	✓	✓	---	✓	---	---	---
Shopping Center, small (less than 5 acres)	✓	✓	---	---	✓	---	---	---
Shopping Mall	---	---	U	---	U	---	---	---
Sporting Goods Store	---	✓	✓	✓	✓	---	---	---
Stamp and Coin store	---	✓	✓	✓	✓	---	---	---
Stationary Store	✓	✓	✓	✓	✓	---	---	---
Studios - Art, Boxing, Dance, Gymnastics, Martial Arts, Music, Photography, Voice	✓	✓	✓	✓	---	---	---	---
Swimming Pool/Spa - sales and service	---	✓	✓	---	✓	---	---	---
Tackle Shop	---	✓	✓	✓	✓	---	---	---
Tattoo Shop	---	U	U	U	U	---	---	---
Taxidermist	---	✓	✓	✓	✓	---	---	---
Tobacco and Drug Paraphernalia Shop	---	U	---	U	U	---	---	---
Toy Store	---	✓	✓	✓	✓	---	---	---
Trophy Shop	---	✓	✓	✓	✓	---	---	---
Veterinarian/Animal Hospital - Large	---	---	---	---	---	---	---	---
Veterinarian/Animal Hospital - Small	---	✓	✓	✓	✓	---	---	---
Video Store	✓	✓	✓	✓	✓	---	---	---
Visitor Accomodations								
Bed and Breakfast Inn	---	---	---	U	---	---	---	---
Conference Center	---	---	✓	---	✓	---	---	U
Hotel	---	U	✓	---	✓	---	---	---
Motel	---	U	---	---	✓	---	---	---
Resort	---	---	---	---	---	U	---	---
Watch and Clock sales and repair	---	✓	✓	✓	✓	---	---	---
Wholesaling and Distribution facility	---	---	---	---	---	---	---	✓
Winery Sales Facility - tasting room	---	✓	---	✓	---	---	---	---

Table 16.24.1
USES IN INDUSTRIAL DISTRICTS

Legend:
✓ Permitted Use
--- Not a Permitted Use
U Conditional Use Permit Required

Use, Service or Facility	Industrial Districts	
	M-1	M-2
Adult Businesses (Subject to Chapter 5.36 of RMC)	✓	✓
Alarm Systems sales and/or service	✓	---
Animal Boarding Service	U	---
Appliance Repair Shop	✓	✓
Assembly/Light Manufacturing	✓	✓
Automobile/Vehicle Related Services		
Auto Parts Store	---	---
Auto Repair Shop	✓	✓
Auto Sales lot (more than 10 acres)	---	---
Auto Sales lot (up to 10 acres)	---	---
Auto/Truck Travel Plaza	---	---
Boat Sales	---	---
Camper Shell sales	---	---
Farm Equipment Sales	✓	✓
Indoor Vehicle Sales Establishment	U	---
Motorcycle sales and service	---	---
Recreational Vehicle Sales and Service	---	---
Recreational Vehicle Storage	✓	---
Rental or Lease Agency including limousine service	---	---
Service or Gas station	---	---
Truck Sales and Service	✓	✓
Utility Trailer sales, rental, service	✓	---
Vehicle cleaning and detailing	✓	---
Vehicle Storage Yard	U	U
Banquet Facility	U	---
Building material and lumber sales	U	✓
Cabinet Shop	✓	✓
Card Room	---	---
Caretaker Residence	U	U
Cement Bulk Plant (Not permitted within 1000 feet of any residential area)	U	✓
Commercial Recreation and Entertainment	U	U
Communication Facilities	U	U
Crematory	U	U
Custom Manufacturing	✓	✓
Dry Cleaning Services (Drop-off and Pick-up only)	---	---
Dry Cleaning Services (cleaning plants)	U	✓
Eating and Drinking Establishments		
Bar, tavern	---	---
Delicatessen	U	U
Fast Food Restaurant with Drive Through Window	U	---
Fast Food Restaurant without Drive Through Window	U	---
High Turnover sit down Restaurant	U	U
Ice cream, yogurt store	---	---
Quality Restaurant	---	---
Equipment rental	✓	✓
Food Processing	U	✓
Glass replacement and repair shops	✓	---

Table 16.24.1 - Continued
USES IN INDUSTRIAL DISTRICTS

Legend:
✓ Permitted Use
--- Not a Permitted Use
U Conditional Use Permit Required

Use, Service or Facility	Industrial Districts	
	M-1	M-2
Hazardous Material Industrial (Not permitted within 1000 feet of any residential area)	---	U
Heavy Industrial	---	✓
High Technology	✓	✓
Janitorial services and supplies	✓	---
Junkyard	---	U
Laboratory; research, analysis	U	---
Limited Indutrial	✓	✓
Linen Supply services	✓	✓
Locksmith	✓	---
Medical Marijuana Dispensaries (Subject to Chapters 9.10 and 16.111 of RMC)	---	---
Mini-storage	✓	✓
Nursery, plants	✓	✓
Offices, Business and Professional	✓	U
Offices, Contractors	✓	✓
Pallet Manufacturing	U	U
Pallet Recovery Services	✓	✓
Picture framing shop	✓	---
Pool Table sale and repair service	✓	---
Power Tools - sales, repair	✓	---
Print Shop	✓	---
Recreational Facility - Indoor	✓	U
Recreational Facility - Outdoor	U	U
Recycling Services - Consumer	✓	✓
Recycling Services - Scrap Operations	---	U
Schools	---	---
Business School	---	---
College or University	---	---
Driving School	---	---
Medical Related School	---	---
Other Private School	---	---
Private K-12 school	---	---
Public K-12 school	---	---
Trade/Vocational School	U	U
Seasonal Temporary Uses	✓	✓
Studios - Art, Boxing, Dance, Gymnastics, Martial Arts, Music, Photography, Voice	✓	U
Swimming Pool/Spa - sales and service	✓	---
Utilities - Major	U	✓
Veterinarian/Animal Hospital - Large	U	U
Veterinarian/Animal Hospital - Small	✓	U
Visitor Accomodations		
Bed and Breakfast Inn	---	---
Conference Center	---	---
Hotel	U	---
Motel	U	---
Resort	---	---
Wholesaling and Distribution facility	✓	✓

Table 16.26.1
USES IN MIXED USE DISTRICTS

Legend:
✓ Permitted Use
--- Not a Permitted Use
U Conditional Use Permit Required

Use, Service or Facility	Mixed Use Districts MU
Addressing and Mailing Services	✓
Adult Businesses (Subject to Chapter 5.36 of RMC)	✓
Alarm Systems sales and/or service	✓
Ambulance Services	U
Animal Boarding Services	U
Animal Grooming Services	✓
Anitque Store	✓
Appliance Repair Shop	✓
Appliance Store	✓
Art gallery	✓
Art Supply Store	✓
Assembly/Light Manufacturing	U
Automobile/Vehicle Related Services	
Auto Parts Store	✓
Auto Repair Shop	✓
Auto Sales lot (more than 10 acres)	✓
Auto Sales lot (up to 10 acres)	✓
Auto/Truck Travel Plaza	---
Boat Sales	✓
Camper Shell sales	✓
Farm Equipment Sales	✓
Indoor Vehicle Sales Establishment	U
Motorcycle sales and service	✓
Recreational Vehicle Sales and Service	✓
Recreational Vehicle Storage	U
Rental or Lease Agency including limousine service	✓
Service or Gas station	✓
Truck Sales and Service	U
Utility Trailer sales, rental, service	U
Vehicle cleaning and detailing	✓
Vehicle Storage Yard	---
Bakery, pastry shop	✓
Banks, savings and loan, finance, credit office	✓
Barber Shop	✓
Beauty Salon	✓
Bicycle shop	✓
Book Store	✓
Building material and lumber sales	✓
Butcher and meat market	✓
Cabinet Shop	U
Candy Store	✓
Card Room	---
Caretaker Residence	U
Catering Service	✓

Table 16.26.1 - Continued
USES IN MIXED USE DISTRICTS

Legend:
✓ Permitted Use
--- Not a Permitted Use
U Conditional Use Permit Required

Use, Service or Facility	Mixed Use Districts
	MU
Cement Bulk Plant	---
Cemetery	U
Clothing Stores	✓
Clothing Stores (Boutique)	✓
Commercial Recreation and Entertainment	U
Communication Facilities	U
Computer sales and service	✓
Convenience Market	✓
Costume shop - sale and rent	✓
Crematory	U
Custom Manufacturing	U
Day Spa	✓
Drug Store	✓
Dry Cleaning Services (Drop-off and Pick-up only)	✓
Dry Cleaning Services (cleaning plants)	---
Eating and Drinking Establishments	
Bar, tavern	U
Delicatessen	✓
Fast Food Restaurant with Drive Through Window	✓
Fast Food Restaurant without Drive Through Window	✓
High Turnover sit down Restaurant	✓
Ice cream, yogurt store	✓
Quality Restaurant	✓
Equestrian Center	U
Equipment rental	✓
Feed Store	✓
Fitness Club	✓
Floor Covering, drapery or upholstery store	✓
Florist	✓
Funeral Home	U
Furniture Store	✓
Garment Makers and Tailors	✓
Glass replacement and repair shops	✓
Grocery Store	✓
Gunshop - Gunsmith	✓
Hardware Store	✓
High Technology	U
Hobby Shops	✓
Incubator Units	✓
Interior decorating shops	✓
Janitorial services and supplies	✓
Jewelry Stores	✓
Laboratory; medical, dental, or optical	U
Laboratory; research, analysis	U

Table 16.26.1 - Continued
USES IN MIXED USE DISTRICTS

Legend:
✓ Permitted Use
--- Not a Permitted Use
U Conditional Use Permit Required

Use, Service or Facility	Mixed Use Districts
	MU
Laundromat, self-service	✓
Limited Industrial	U
Linen Supply services	U
Liquor Store	U
Live Theatre	U
Locksmith	✓
Massage establishment	U
Medical equipement store	✓
Medical Marijuana Dispensaries (Subject to Chapters 9.10 and 16.111 of RMC)	---
Military surplus store	✓
Mini-storage	✓
Movie Theatre	✓
Museum	✓
Music Store	✓
Newpaper - magazine stand	✓
Nursery, plants	✓
Office Supply Store	✓
Offices, Business and Professional	✓
Offices, Contractors	✓
Paint and wallpaper store	✓
Pallet Manufacturing	---
Pallet Recovery Services	---
Pawn Shop	U
Pet Store or Pet Food Store	✓
Photographic supply - camera store	✓
Picture framing shop	✓
Pool Table sale and repair service	✓
Power Tools - sales, repair	✓
Print Shop	✓
Public & Semipublic Uses	
Banquet Facility	U
Clubs or lodges	✓
Child Care Centers	U
Churches	U
Government Offices	U
Hospital	U
Library	✓
Public Safety Facilities	✓
Residential Care, General	U
Residential Care, Limited	U
Recreational Facility - Indoor	✓
Recreational Facility - Outdoor	U
Recreational Vehicle Park	U
Recycling Services - Consumer	✓

Table 16.26.1 - Continued
USES IN MIXED USE DISTRICTS

Legend:
✓ Permitted Use
--- Not a Permitted Use
U Conditional Use Permit Required

Use, Service or Facility	Mixed Use Districts MU
Residential	
Emergency Shelters	✓
Medium Density Residential	U
High Density Residential	U
Retail Sales and Service	✓
Schools	
Business School	U
College or University	U
Driving School	✓
Medical Related School	U
Other Private School	U
Private K-12 school	U
Public K-12 school	U
Trade/Vocational School	U
Seasonal Temporary Uses, ie. Christmas tree lots and pumpkin patches	✓
Secondhand Store	✓
Shoe repair shop, shoeshine store	✓
Shopping Center, large (over 5 acres)	✓
Shopping Center, small (less than 5 acres)	✓
Shopping Mall	U
Sporting Goods Store	✓
Stamp and Coin store	✓
Stationary Store	✓
Studios - Art, Boxing, Dance, Gymnastics, Martial Arts, Music, Photography, Voice	✓
Swimming Pool/Spa - sales and service	✓
Tackle Shop	✓
Tattoo Shop	U
Taxidermist	✓
Tobacco and Drug Paraphernalia Shop	U
Toy Store	✓
Trophy Shop	✓
Veterinarian/Animal Hospital - Large	U
Veterinarian/Animal Hospital - Small	✓
Video Store	✓
Visitor Accomodations	
Bed and Breakfast Inn	---
Conference Center	U
Hotel	U
Motel	U
Resort	U
Watch and Clock sales and repair	✓
Wholesaling and Distribution facility	U
Winery Sales Facility - tasting room	✓

ORDINANCE NO. 850

THE CITY COUNCIL OF THE CITY OF RIPON DOES ORDAIN AS FOLLOWS:

SECTION 1.

Chapter 16.89 of the Ripon Municipal Code is hereby enacted as set forth below.

Chapter 16.89

COTTAGE FOOD OPERATION PERMIT

Sections:

16.89.010 Purpose
16.89.020 Definitions
16.89.030 Permitting Process
16.89.040 Standards of Operation

16.89.010 Purpose.

It is the purpose of this Chapter to comply with California State Law Assembly Bill 1616 (AB1616) and Assembly Bill 2297 (AB2297) which allows individuals to prepare and/or package certain non-potentially hazardous foods in private home kitchens, referred to as cottage food operations, and sell directly to the public on- and off-site. The intent of this chapter is to provide a permitting process to allow cottage food operations to comply with AB1616 and AB2297, while protecting the integrity and character of existing residential neighborhoods.

16.89.020 Definitions.

For the purposes of this chapter, the following items are defined as follows:

A. "Class A cottage food operation" means a cottage food operation that may engage only in "direct sales" of cottage food products from the cottage food operation or other direct sale venue.

B. "Class B cottage food operation" means a cottage operation that may engage in both "direct sales" and "indirect sales" of cottage food products from the cottage food operation, from direct sales venues, from off-site events, or from a third party retail food facility.

C. "Cottage food employee" means an individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the cottage food operation. An employee does not include an immediate family member or household member of the cottage food operator.

D. "Cottage food operation" means an enterprise that is operated by a cottage food operator in a private home, classified as a Class "A" or "B", and has not more than one full-time employee, not including a family member or household member(s) of the cottage food operator, where cottage food products are prepared or packaged for direct or indirect sale to consumers.

E. "Cottage food operator" means an individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation.

F. "Cottage food products" means non-potentially hazardous foods that are prepared for sale in the kitchen of an approved cottage food operation. Foods containing cream, custard or meat fillings are potentially hazardous and are not allowed.

G. "Direct sales" means a transaction between a cottage food operation operator and a consumer, where the consumer purchases cottage food products made by the cottage food operation. Direct sales include, but are not limited to, transactions at holiday bazaars or other temporary events, such as bake sales of food swaps, certified farmer's markets, and transactions occurring in person at the private home where the cottage food operation conducts business.

H. "Indirect sales" means an interaction between a cottage food operation, a third party retailer, and a consumer, where the

consumer purchases cottage food products made by the cottage food operation from a third party retailer. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be consumed on the premises.

I. "Planning Director" means the Director of Planning and Economic Development or his/her designee.

J. "Private home" means a dwelling, including an apartment or other leased space, where individuals primarily reside.

K. "Registered or permitted area" means the portion of a private home that contains the private home's kitchen used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, and one additional room within the home that is used exclusively for storage.

16.89.030 Permitting Process.

A. All cottage food operations must comply with the requirements of the San Joaquin County Environmental Health Division and the California Department of Public Health. Applicants must first obtain a Cottage Food Operation Class A or Class B Permit from the county prior to submitting an application for a cottage food operation permit under this chapter. A copy of a valid county Class A or Class B permit must be furnished with the application to the Planning Department.

B. An application to operate a cottage food operation shall be submitted on forms provided by the Planning Department. Upon submittal, the Planning Director may require additional information to show full compliance with this chapter and other regulations of the City.

C. When the cottage food operator is not the owner of the residence where the business will be conducted, the property owner's written authorization shall be submitted with the application for a cottage food operation.

D. A fee, as specified by resolution of the City Council is required with the application. The applicant has the right to request a fee verification for any fee paid pursuant to this chapter. (See California Government Code Section 51035).

E. Applications for a Cottage Food Operation shall be acted upon within thirty (30) days of submittal of a complete application. Upon submittal of a completed application, the Planning Director may approve the application, subject to the provisions of this chapter. If the application does not comply with the minimum provisions, the Planning Director may approve in modified form to comply with the provisions of this chapter, or deny the application. Any action of the Planning Director may be appealed to the Planning Commission as outlined in Chapter 16.08.060 of this code.

F. Approvals granted to operate a cottage food operation may be revoked by the City at any time if such use is found to be in non-compliance with provisions of this chapter.

G. Cottage food operation permits shall be valid for a period of two (2) calendar years. Cottage food operation permits shall date from the first day of January, regardless of the date in which the permit is issued.

16.89.040 Standards of Operation

Cottage food operations shall be permitted in all single or multi-family residential zones and shall be subject to the following conditions:

A. No cottage food operation shall be allowed to operate without first securing all required permits and approvals from the San Joaquin County department of public health and the City of Ripon.

B. Permitted cottage food products that may be produced at the residential dwelling as part of the cottage food operation are limited to those cottage food products listed by the California Department of Public Health.

C. Employees. Not more than one full-time employee, paid or voluntary, not including an immediate family member or household member(s) of the cottage food operator, shall be employed by the cottage food operation.

D. Visitation and deliveries incidental to the cottage food operation are limited to no more than sixteen (16) visits per day and the hours of seven (7) a.m. to seven (7) p.m., Monday through Friday, and are not permitted on Saturdays, Sundays or holidays. This subsection applies to deliveries made by commercial vehicles, as defined in Chapter 10.44 of this code, as well as deliveries made by non-commercial vehicles.

E. Cottage food functions including storage, preparation, mixing, assembling, packaging, labeling, or direct sales must occur only within the permitted area.

F. Only cottage food products produced at the cottage food operation may be sold or sampled at the dwelling unit.

G. No sit down dining or meal service other than the brief sampling of the cottage food products produced on the premise is permitted.

H. The establishment of the cottage food operation may not change the principal residential character of use of the dwelling unit involved.

I. No exterior alteration may be made to the dwelling unit for the purposes of use by the cottage food operation that would change the residential character of the dwelling.

J. No signs identifying or advertising the cottage food operation are permitted on the premises, except those required by government agencies.

K. Placement/Spacing of cottage food operations. No cottage food operations may be located within 300 feet of the property line of any single family home where another cottage food operation is located; or no cottage food operation shall be located within the same building of an apartment complex or other multi-family housing development (i.e. condominiums or townhouses) where another cottage food operation exists.

L. The cottage food operation must comply with all applicable inspection requirements.

M. Cottage food operations may not create noise levels in excess of those allowed by this code in the applicable zone in which the dwelling unit is located.

N. Size requirements. Cottage food operations shall occupy no more of a residence then the lesser of: 1) 30 percent of the floor area of the dwelling excluding garage area; or 2) The area permitted by the San Joaquin County department of environmental health food safety division.

O. No outdoor sales shall be allowed at the site of the cottage food operation.

P. Parking requirements for cottage food operations:

1. No vehicles, trailers (including pick-up trucks and vans) or other equipment, except those normally incidental to the residential use, may be kept on the site or in the near vicinity in a manner that obstructs the free flow of traffic.

2. Commercial vehicles, as defined in Chapter 10.44, may not be kept permanently on the site or in the near vicinity to the cottage food operation unless engaged in the delivery of goods or services to the cottage food operation.

3. For single family homes, the cottage food operation shall not occupy any required parking for the private home.

4. For multi-family developments, the cottage food operator's designated space(s) must be available for the actual parking demand created by the use, including parking spaces for the applicant's and applicant's family members' vehicles, and a parking space for an employee if an employee is present. On-site parking in an apartment complex or other multi-family residence requires written consent from the property owner, landlord, homeowners association or property manager.

5. All applicants must demonstrate reasonable on-street parking within a 300 foot radius of the residential dwelling. On-street parking spaces may be used for persons picking-up and/or delivering materials for the operation, third party retailers, and customers if direct sales the property are proposed.

6. Deliveries and customer visitations to the cottage food operation may not unreasonably interfere with the free flow of

traffic in the residential zone.

Q. Cottage food operations are subject to all residential zoning requirements set forth in this code, so long as such zoning requirements are not in conflict with the provisions of this chapter. Cottage food operations may not engage in any activity that would result in a violation of this code or any local, state or federal law or regulation.

R. In addition to a cottage food operation permit, cottage food operations must obtain all applicable permits, licenses, and certificates required for the operation of a business under this code. Cottage food operation permits are non-transferable to another person, location, type of food sales, distribution activity or time period of activity.

S. Cottage food operations must at all times comply with the restrictions on gross annual sales as set forth in California Health and Safety Code Section 113758. Cottage food operators must at all times maintain applicable tax returns or other proof of gross annual sales for the cottage food operation, and must promptly provide such documentation to city officials upon request.

T. There shall be no outdoor storage of goods or materials visible from off-site.

U. Additional conditions relating to concentration, traffic control, parking, noise and odor control may be imposed as deemed necessary by the Planning Director.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted at City Hall and on the City of Ripon website, and a notice shall be published once in *The Manteca Bulletin*, the official newspaper of the City of Ripon, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Ripon held on the _____, by Councilmember _____, who moved its introduction and passage to print, which motion being duly seconded by Councilmember _____, was upon roll call carried and ordered printed and published by the following vote:

AYES:
NOES:
ABSENT:
APPROVED:

_____
JACOB PARKS, Mayor

ATTEST:
By

_____
LISA ROOS, City Clerk

ORDINANCE NO. 851

THE CITY COUNCIL OF THE CITY OF RIPON DOES ORDAIN AS FOLLOWS:

SECTION 1.

Chapter 16.144 of the Ripon Municipal Code is hereby enacted as set forth below.

Chapter 16.144

PARKING AND LOADING

Sections

16.144.010 Purpose.
16.144.020 General Requirements.
16.144.030 Required Parking Spaces.
16.144.035 Required Parking Spaces for Shopping Centers in any District
16.144.040 Location of Required Parking Spaces.
16.144.050 Design of Parking Areas.
16.144.060 Bicycle Parking.
16.144.070 Off Street Loading.
16.144.075 Exceptions.
16.144.080 Disabled Parking.
16.144.090 Timing of Installation.
16.144.100 Modification of Requirements.

Tables

16.144.1 Residential Parking Space.
16.144.2 Public/Semipublic Parking Space.
16.144.3 Parking Space Requirements: Commercial
16.144.4 Parking Space Requirements: Industrial

16.144.010 Purpose.

The purpose of the parking and loading requirements are to lessen traffic congestion and contribute to public safety by providing sufficient on- site areas for the maneuvering and parking of motor vehicles, and to enhance the appearance of parking areas. (Ord. 606, 1999)

16.144.020 General Requirements.

The provisions of this section apply throughout this chapter

A. Applicability of Chapter. The provisions of this Chapter apply whenever:

1. A new building is constructed;

2. An existing building, including a legal nonconforming structure, is enlarged for any purpose; or

3. The use of any building is changed.

B. Computation of Required Parking. Whenever the computation of the number of required off street parking spaces results in a fractional parking space, one (1) additional space will be required for a fractional space of one half (1/2) or more. A fractional space of less than one half (1/2) shall not be counted.

C. Parking Not Required. Floor area devoted exclusively to parking shall have no off street parking requirements.

D. Motorcycle and Bicycle Spaces. For every four (4) motorcycle or six (6) bicycle parking spaces provided, credit for one (1) parking space will be given toward the requirements of this Chapter, but the credit for each shall not exceed one tenth (1/10) of the total number of vehicle spaces required.

E. Front Yard Parking. Parking spaces necessary to meet off street parking requirements are not permitted within the required front yard setback of a residential unit, except as approved by a discretionary permit. (Ord. 606, 1999)

16.144.030 Required Parking Spaces.

A. All site plans for development must include a table showing that off street parking spaces will be provided in quantities:

1. Required by provisions in this Chapter and

also as indicated in Tables 16.144.1, 16.144.2, 16.144.3, and 16.144.4; or

2. In compliance with the ITE Parking Generation Manual, Latest Edition; or

3. Determined by the Planning Director when not defined in either method as identified above.

B. Descriptions of Uses. Uses are described in Chapter 16.12 (Definitions and Use Classification Systems) of this Code.

C. Requirements Cumulative. In the cases of mixed uses in a building or on a lot, the total requirements for off street parking facilities are the sum of the requirements of the various uses computed separately.

C. Spaces Based on Square Footage. The square footage requirements used to calculate parking spaces refer to the total enclosed areas of all buildings or uses on the lot.

D. Spaces Based on Employees. Employee off street requirements used to calculate parking spaces refer to the maximum number of employees who could be working at one time when the facility is operating at full capacity. (Ord. 606, 1999)

16.144.035 Required Parking Spaces for Shopping Centers in any District.

A. For shopping centers classified as Neighborhood Commercial centers as defined in Chapter 16.20, section 16.20.015 of this Title, the parking ratio shall be 4.4 spaces per 1,000 square feet of Gross Leasable Area, rounded up to the next whole parking space.

B. For shopping centers classified as Community Commercial centers as defined in Chapter 16.20, section 16.20.015 of this Title, the parking ratio shall be 5.3 spaces per 1,000 square feet of Gross Leasable Area, rounded up to the next whole parking space.

C. For shopping centers classified as Regional Commercial centers as defined in Chapter 16.20, section 16.20.015 of this Title, the parking ratio shall be 6.1 spaces per 1,000 square feet of Gross Leasable Area, rounded up to the next whole parking space.

D. For shopping centers where multiple uses/businesses are located on multiple parcels within a shopping center, the required off-street parking for the center shall be as follows:

1. Each parcel shall be self parked, meaning that each parcel shall contain the appropriate amount of required off-street parking spaces on their parcel at a ratio as defined herein in this Title (per the ITE Parking Generation manual, Latest Edition) for their particular Shopping Center classification, or

2. Each parcel does not have to be self parked, so long as there is a recorded parking easement for the entire shopping center. The required off-street parking spaces for the center shall be at a ratio as defined herein in this Title (per the ITE Parking Generation manual, Latest Edition) for their particular Shopping Center classification.

16.144.040 Location of Required Parking Spaces.

A. On Same or Adjacent Lot. For dwellings, motels, schools and vehicle oriented uses the required parking spaces must be provided on the same lot as the main building(s) or on an adjoining lot or lots zoned for the main use of the property.

B. Other Uses. For uses not listed in Subsection (A), required parking spaces shall be located within three hundred (300) feet of the lot the main building is located.

C. Not Within Specified Yards. Parking spaces required for dwellings are not to be located within any required front or side yards. The number of vehicles parked within required front yard shall not exceed one and one-half (1.5) the number of spaces required by the use, except where otherwise approved by the City. (Ord. 606, 1999)

16.144.050 Design of Parking Areas.

Design standards are established for the development of off street parking facilities as follows:

A. Parking Lot Design, Including Access. Parking lot design shall be in accordance with the City of Ripon's Standard Specifications and Standard Details and shall comply with the State Building Code.

B. For multiple family projects containing five (5) dwelling units, no more than twenty five (25%) percent of required parking spaces shall be compact stalls; and

C. For nonresidential uses requiring twenty (20) or more spaces, no more than ten (10%) percent of the required spaces shall be compact spaces.

D. Surfacing. All parking spaces, driveways and maneuvering areas shall be surfaced and

permanently maintained with base material and surface material meeting City of Ripon off street parking standards, to provide a durable dust free surface. Concrete bumper guards must be provided when necessary to protect adjacent properties or structures.

E. Circulation. All parking areas shall, to the extent possible, have internal circulation in which no backing movement, except that required to leave a parking space, is permitted. It shall also be possible to maneuver within a parking area without use of street right-of-way. No parking area design shall require an exiting vehicle to back onto a street, except for parking serving single-family houses, duplexes or triplexes.

F. Landscaping and Screening. All parking area landscaping or screening shall be provided and designed in accordance with Chapter 16.148 Landscaping and Irrigation) of this code.

G. Lighting. All off street parking shall have provisions for exterior lighting. (Ord. 606, 1999)

H. Overhang. Where parking stalls are located adjacent to landscaped areas, the required depth of such stalls may be decreased by two (2) feet to provide for a vehicle overhang area. The landscaped area shall not be less than five (5) feet in width. In no instance shall a vehicle overhang area encroach into a sidewalk area such that the sidewalk would be reduced to a width of less than four (4) feet.

16.144.060 Bicycle Parking

In commercial and industrial projects with twenty (20) or more required parking spaces, a rack or other secure device for the purpose of storing and protecting bicycles from theft shall be installed. The devices must be provided with a minimum capacity of one bicycle per twenty (20) required parking spaces and shall be located so as not to interfere with pedestrian or vehicular traffic. (Ord. 606, 1999)

16.144.070 Off Street Loading.

Off-street loading space must be provided and maintained for all commercial and industrial uses that involve the delivery and distribution of goods by commercial vehicles as established in this section.

A. Commercial Uses. One (1) loading space must be provided for every commercial use with three thousand (3,000) square feet of gross floor area or more.

B. Industrial Uses. Spaces must be provided for industrial uses as follows:

1. One (1) loading space shall be required for each use having three thousand (3,000) to twenty thousand (20,000) feet of gross floor area;

2. Two (2) loading spaces shall be required for each use having twenty thousand (20,000) to forty thousand (40,000) square feet of gross floor area; and

3. For each twenty thousand (20,000) square feet of gross floor area, or major faction thereof, over forty thousand (40,000) square feet gross floor area, one loading space shall be required.

C. Design Standards. Design of required loading spaces shall be as follows:

1. Spaces shall be a minimum twenty five (25) feet in width, and shall have a minimum height clearance of fourteen (14) feet;

2. Spaces shall be provided and maintained on the same or adjoining lot as the commercial or industrial use creating the need;

3. Spaces shall not interfere with vehicular circulation or parking, or pedestrian circulation; and

4. On site driveways and maneuvering areas may be used in lieu of one (1) of the off street loading spaces required in this Section, as long as maneuvering areas for delivery areas are provided. (Ord. 606, 1999)

16.144.075 Exceptions.

Exceptions to the determination of the required parking spaces and landscaping area are:

A. No building as it exists on the date of adoption of the ordinance codified in this chapter shall be deemed to be nonconforming solely by reason of the lack of off-street parking spaces; provided, however, any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below the requirements of this chapter.

B. Any part of a parcel used for vehicle sales or rentals, including uses or buildings in existence on or before the date of adoption of the ordinance codified in this chapter, shall conform to the requirements of this chapter, with the exception of subsections 17.61.240(D) and (F), in which case the area of the parcel where vehicles for sale or for rent are parked is exempt from the requirement of tree installation and screening from the public right-of-way.

C. Every building enlarged, reconstructed, remodeled or structurally altered after the date of adoption of the ordinance codified in this chapter shall be provided with parking spaces and

landscaping to compensate for the additional parking demand, if any, created by such enlargement, reconstruction, remodeling, or structural alteration, excluding those located in the C3 (Central Business District) zone. Buildings enlarged, reconstructed, remodeled or structurally altered in the C3 (Central Business District) zone shall provide parking, as determined by the planning commission until such time as special parking provisions are adopted for the C3 (Central Business District) zone.

D. Landscaping shall be provided in proportion to the additional parking spaces and commensurate with the landscaping requirements of Section 16.148.050 of this chapter. (Ord. 606, 1999)

16.144.080 Disabled Parking.

All off street parking lots shall comply with the requirements of the California Administrative Code and with the sign requirements of the California Vehicle Code. (Ord. 606, 1999)

16.144.090 Timing of Installation.

All parking areas and driveways must be completely installed prior to the issuance of a Certificate of Occupancy or initiation of use. (Ord. 606, 1999)

16.144.100 Modification of Requirements.

The requirements of this Chapter may be modified by the Director in cases that, due to the unusual nature of the establishment proposal submitted for it, the requirements set forth may be considered insufficient pr excessive. In making the decision, the Director may consider the existence pf special transit incentives and services, car pooling programs, and significant use of pedestrian an bicycle access. Decisions of the Director of the Section may be appealed using the Staff Review Procedure in Section 16.08.020 and Appeals Section 16.08.060. (Ord. 606, 1999)

Table 16.144.1
PARKING SPACE REQUIREMENTS: RESIDENTIAL

Uses	Spaces Required
Single Family Residential	2 covered spaces per dwelling unit
Two Family Residential	2 covered spaces per dwelling unit
Small multifamily (studio or 1 bedroom	1.5 spaces with one covered per unit, plus 1 space marked "Guest" for every 5 units
Large multifamily (2 or more bedrooms)	2 spaces with one coverd per unit, plus 1 space marked "Guest" for every 5 units
Group Residential	1 space per 2 sleeping rooms
Mobile Home Park	1.5 spaces (nontandem) per unit

Table 16.144.2
PARKING SPACE REQUIREMENTS: PUBLIC AND SEMIPUBLIC

Uses	Required Spaces (Patio)	Loading Spaces
Banquet Facility	1 per 4 fixed seats or 1 per 50 sqft of assembly area	
Child Care Center	1 per employee or 2 drop-off	
Clubs and Lodges	1 per 100 sq ft	2
Convalescent Facilities	1 per 3 patient beds	3
Day Care, General	1 per 3 clients or 1 per employee	
Detention Facilities	As specified by permit	
Funeral and Interment Services	1 per 3 fixed seats or 1 per 40 sqft assembly area	1
Government Offices	1 per 300 sqft	2
Heliports	As specified by permit	
Hospitals	5 per 1,000 sqft of building	
Maintenance and Service Facilities	1 per 500 sqft	1
Park and Recreation Facilities	As specified by permit	
Public Safety Facilities	As specified by permit	
Religious Assembly	1 per 4 fixed seats or 1 per 50 sqft of assembly area	
Residential Care, General	1 per 3 patient beds	3
Schools, Public and Private Elementary and Junior Highs	2 per classroom	1
High School	1 per 4 students	

Table 16.144.3
PARKING SPACE REQUIREMENTS: COMMERCIAL

Uses	Required Spaces (Ratio)	Loading	Storage
Adult Businesses	1 per 250 sqft	1	
Ambulance Service	1 per 500 sqft		2
Animal Boarding, Grooming, Hospitals	1 per 400 sqft	1	
Animals Retail	1 per 250 sqft	1	
Artists Studio	1 per 1,000 sqft		
Building Materials and Services	1 per 1,000 sqft of building and storage area	3	
Catering Services	1 per 400 sqft	1	
Commercial Recreation and Entertainment	1 per 400 sqft of building or outdoor areas	1	
Communication Facilitites	1 per 500 sqft	2	
Eating and Drinking Establishments			
Convenience	6 per 1,000 sqft	1	
Full Service	1 per 100 sqft		
Food and Beverage Sales	1 per 200 sqft	1	
Maintenance and Repair Services	1 per 500 sqft	1	
Medical Marijuana Dispensary	1 per 250 sqft	1	
Mini-warehouse	As specified by permit		
Nursery Sales and Service			
Wholesale	4 per 1,000 sqft		
Retail	5 per 1,000 sqft		
Landscaping Services	1 per employee		
Offices, Business and Professional	1 per 250 sqft		
Pawn Shops	1 per 250 sqft		
Personal Improvements Services	1 per 250 sqft		
Personal Services	1 per 250 sqft		
Retail Sales and Services	1 per 250 sqft	1	
Truck Stops	1 per 3,000 sqft gross site		
Vehicle Sales and Service			
Automotive Rental	1 per 400 sqft		2
Automotive Cleaning	1 per 200 sqft		3 (per wash station)
Service Station	1 per 1,500 sqft of lot area	1	
Vehicle Repair	1 per 600 sqft service and storage area	1	
Vehicle Sales and Rental	1 per 1,000 sqft of lot area		
Vehicles Storage	1 per 500 sqft		
Visitor Accommodations			
Bed and Breakfast Inns	1 per guest room or 1 per 3 employees		
Hotels and Motels	1 per guest room or 1 per 3 employees or 1 per 50 sqft banquet seating area		

Table 16.144.4 PARKING SPACE REQUIREMENTS: INDUSTRIAL	
Uses	**Required Spaces (Ratio)**
Custom Manufacturing	1 per 1,000 sqft
Limited Industrial	2 per 1,000 sqft or 1 per 2 employees
Heavy Industrial	2 per 1,000 sqft or 1 per 2 employees
Truck Sales and Service	2 per 1,000 sqft or 1 per 3 employees
Wholesale and Distribution	1 per 1,000 sqft or 1 per 3 employees

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted at City Hall and on the City of Ripon website, and a notice shall be published once in *The Manteca Bulletin*, the official newspaper of the City of Ripon, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Ripon held on the _____, by Councilmember _____, who moved its introduction and passage to print, which motion being duly seconded by Councilmember _____, was upon roll call carried and ordered printed and published by the following vote:

AYES:
NOES:
ABSENT:
APPROVED:

_____
JACOB PARKS, Mayor

ATTEST:
By

_____
LISA ROOS, City Clerk

MEMO

To: Honorable City Council
From: Lisa Roos
Date: July 25, 2016
Subject: Annual Investment Policy Review

The following report is the City's annual investment report for the period ending June 30, 2016.

Please accept this investment report.

Thank you.

CITY OF RIPON
Investment Policy
Annual Report

July 1, 2015 – June 30, 2016

The City of Ripon's investment policy was adopted by Resolution 96-63 on June 18, 1996 and it has been amended by Resolution 03-68 on August 19, 2003. This policy provides for the legislative body of a local agency to invest all money, belonging to, or in the custody of the local agency in accordance with the provisions of California Government Code Sections 5922, 53601 et seq., and 53635.

This annual review complies with all of the elements required by California Government Code section 53646(b).

Based upon the Treasurer's report, the entire investment of the City of Ripon is in FULL COMPLIANCE with the 2003 City of Ripon Investment Policy and the California Government Code.

For fiscal year ending June 30, 2016, the City received a return on all its investments of 0.85%.

At the end of June 2016, City funds are held in the following investments as listed:

INVESTMENTS

1.	State Treasurer - LAIF - (fair value basis 1.0)			$9,784,052
	(Interest rate 0.55% at 6/30/16)			
2.	CSJVRMA Pool - fair value			19,937,828
	Bank of New York (book value - $19,348,760)		Ratings	
	Investments: Agency	44.5%	AA+	
	US Corporate	21.6%	A+	
	US Treasury	23.2%	AA+	
	Money Market Fund	0.2%	AAA	
	ABS	6.4%	AAA	
	Commercial Paper	2.0%	A-1	
	Supranational	2.1%	AAA	
3.	U S Treasury - (fair value basis 1.0)			
	(Interest rate 0.01% at 6/30/16)			286,169
	Bank of Stockton			
4.	U S Treasury - (fair value basis 1.0)			
	(Interest rate .25% at 6/30/16)			
	Union Bank			
	Water revenue bonds - 2006			839,828
	Water revenue bonds – 2012			4

5.	U S Treasury - (fair value basis 1.0) (Interest rate .10% at 6/30/16) U S Bank	
	Redevelopment agency 2003 tax allocation bonds	16,395
	Redevelopment agency 2005 tax allocation bonds	347,442
	Redevelopment agency 2007 tax allocation bonds	1,231,491
6.	Government Investment Contract (Ixis Funding Corporation - yielding 3.31%)	
	Redevelopment Agency 2003 tax allocation bonds	371,738
	Total Investments	$32,814,947

This report certifies that all investment actions executed prior to this report have been made in full compliance with the City of Ripon Investment Policy. This report also certifies that the City of Ripon will meet its expenditure obligations for the next six months as required by California Government Code Section 53646(b)(2) and (3).

Respectfully Submitted,

Lisa Roos

Lisa Roos
City Clerk/Finance Director

MEASURE K RENEWAL
COOPERATIVE AGREEMENT (C-17-005)
FOR THE CITY OF RIPON TRANSIT
OPERATIONS PROJECT

This Cooperative Agreement ("Agreement") is made and entered into this 1st day of July, 2016, by and between the City of Ripon ("Sponsor") and the SAN JOAQUIN COUNCIL OF GOVERNMENTS acting as the Local Transportation Authority ("Authority").

RECITALS

WHEREAS, Authority and Sponsor desire to enter into a Cooperative Agreement for funding of transportation improvements in San Joaquin County pursuant to the authority provided by San Joaquin County Local Transportation Improvement Plan and Ordinance ("LTIP"), which was approved by the voters of San Joaquin County on November 7, 2006; and

WHEREAS, Sponsor desires to receive funding from the Authority for the particular transportation improvement project specified herein ("Project"); and

WHEREAS, the Project is eligible for funds (as specified in the Measure K Renewal Strategic Plan) from the **PASSENGER RAIL, BUS AND BICYCLE/PEDESTRIAN** funding category of the LTIP; and

WHEREAS, the Authority is authorized under the LTIP to issue Measure K Renewal funds to Sponsor for $50,000 over a one year period starting July 1, 2016 for the Project as estimated by the Sponsor in Exhibit "A"; and

WHEREAS, the Sponsor estimates the total Project budget is $51,500 over a one year period starting July 1, 2016 of which the Measure K Renewal portion is $50,000 (97% of budget) during this time period as specified in Exhibit "A"; and

WHEREAS, Authority expects that the Sponsor will supplement Measure K Renewal funds with available revenues. The Use of Funds is for operating costs only and not approved for capital; and

WHEREAS, Authority shall issue reimbursement payments as provided in Section 2.1 to Sponsor over the course of the Project and such funds shall be released to Sponsor pursuant to a request for reimbursement submitted by the Sponsor; however, the Sponsor understands that in no event shall reimbursement payments, when aggregated with previously approved reimbursement requests, exceed the Measure K Renewal commitment set forth in the Project Cooperative Agreement of $50,000; and

WHEREAS, Sponsor agrees to abide by the terms and conditions of the Authority as set forth herein for the receipt of Measure K Renewal funds; and

WHEREAS, Authority agrees to provide funding for the transportation improvements of the Sponsor's Project according to the terms and conditions set forth herein.

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NOW, THEREFORE, in consideration of the mutual promises and undertakings herein made and the mutual benefits to be derived therefrom, the parties hereto represent, covenant and agree as follows:

AGREEMENT

SECTION I
Covenants of
Sponsor

1.1. Project Application. The Project description, scope of work, delivery schedule, corridor-specific cost by activity, anticipated amount and type of funds that will supplement Measure K Renewal funds, and the anticipated timing for release of Measure K Renewal funds and the Measure K Renewal "not to exceed" amount are specified in Exhibit "A," and incorporated herein by this reference.

1.2. Change In Project Scope. A change in the Project scope as described in Exhibit "A" may not be implemented until it has been approved by the Authority.

1.3. Major Change in Operating Project. Any change, as described below, to the Operating Project shall be considered a major change to the Project and may not be implemented without prior written notification to the Authority. Such notification shall be made within 30 days of the implementation of such major changes. "Major changes" to an Operating Project are defined as any of the following:

(i) Any permanent change that increases fares;

(ii) Any permanent change that results in a 25 percent or more reduction of the number of daily transit revenue vehicle miles of a route for the day(s) of the week for which the change is made; or

(iii) Any permanent changes that result in a 25 percent or more reduction of the number of transit route miles of a route.

1.4 Minor Changes in Operating Project(s). A minor change in fare or service of an operating project does not require that the Authority be notified. Examples of minor changes would be: temporarily reduced or promotional fares, minor reroutes or minor schedule changes. Experimental or emergency service or fare changes expected to exist fewer than 180 days and standard seasonal in service are also exempt from notification requirement, unless these changes actually continue more than 180 days.

1.5. Eligible Reimbursement Costs. Eligible reimbursement costs shall be those costs as defined by the statues, rules and regulations of the Federal Transit Administration and State of California, for Projects as specified and approved in the Project Cooperative Agreement or as may be approved from time to time by the Authority pursuant to Section 1.2. In no event shall expenses incurred prior July 1, 2016 be considered eligible reimbursement costs.

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1.6. Measure K Renewal Percentage Share Defined. For this Project, the estimated Measure K Renewal percentage share of eligible reimbursements shall not exceed the project total cost of $50,000 or 97%, whichever is the lower of the actual costs.

1.7. Invoices and Progress Reports. Starting one month after the execution of this contract, Sponsor shall provide progress reports and may provide invoices as often as monthly for activities conducted over the prior unbilled month(s). These documents shall include the following specified information:

1.7.a. Operating Expenses. Sponsor may include in operating expense invoices both direct and indirect costs relating to the Project, and shall include in such invoices expense classifications such as Salaries and Wages, Fringe Benefits, Services, Materials and Supplies, Utilities, Insurance, Taxes, Purchased Transportation, Miscellaneous Expense and Local Depreciation.

1.7.b. Bimonthly Progress Reports. The progress reports shall include a brief description of the status of the Project and the work completed to date. The progress report shall include year-to-date Passengers, Revenue Miles, Revenue Hours, Passengers per Revenue Hour, Farebox Recovery Ratio and On-Time Performance Data summarized by service type. This progress report will be included with invoices submitted to the Authority.

1.7.c. Biannual Reports for Bus Operating Project. Every six month, a Progress Report for Bus Operating Projects shall be prepared and shall include:

(i) Accumulated Data. In addition to the data specified in 1.7.c., the biannual report shall include accumulated data for the six month period for each data category outlined in 1.7.b. and shall provide a comparison to the corresponding six month period from the prior year.

1.8. Use of Funds. Sponsor shall use Measure K Renewal funds consistent with the Project scope of work, as described in Exhibit "A" or approved by the Authority pursuant to Section 1.2.

1.9. Submittal of Bid Documents. All consultant contracts entered into pursuant to this operations funding agreement shall follow a competitive bidding process or give justification for using a sole source in a manner substantially similar to that described in the *San Joaquin Council of Governments Financial Management & Accounting Processing Manual.* When the contract is awarded, Sponsor shall provide to the Authority one (1) copy of the bid tabulation, and the bid schedule of the successful bidder, complete with unit prices and total award amount. All awarded contracts shall include performance bonds, labor and material bonds, a provision for liquidated damages, and may include any other penalty clauses for nonperformance of the contract. Sponsor shall provide copies to the Authority of all other executed contracts which relate to the Project scope, as described in Exhibit "A" or approved by the Authority pursuant to Section 1.2. Sponsor shall retain records pertaining to the Project for a four (4) year period following completion of the Project.

1.10. Completion of Project. Sponsor shall be responsible for the timely completion of the Project and to provide management of consultant and contractor activities, including responsibility for schedule, budget and oversight of the services, consistent with the scope of

work. The Co-operative agreement end date is June 30, 2017. Within 30 days of its adoption, Sponsor shall copy and forward to the Authority the resolution certifying that the Project has been accepted as complete.

1.11. Provision of Signs. Sponsor shall install signs approved by the Authority consistent with the specifications set forth in Exhibit "B" of this Agreement, attached hereto and incorporated herein by this reference. A sign which is at least 8.5" by 11" shall be posted in the interior of at least the number of busses for which Measure K Renewal operating funds have been provided, as indicated in the corresponding Project Cooperative Agreement. Such signs will remain posted for the duration of time Measure K Renewal is funding operations.

SECTION II
Covenants of Authority

2.1. Reimbursement Payments. The Authority shall make reimbursement payments to Sponsor for all eligible Project costs. To receive monthly reimbursement payments for work completed on the Project, Sponsor shall comply with the following reimbursement procedures:

2.1.a. Deadline to Submit Reimbursement Requests. All invoices and progress reports shall be submitted to Authority on or before 5:00 p.m. on the tenth (10th) calendar day of the month in which the Sponsor requests reimbursement payments. Authority shall issue reimbursement payments to Sponsor on or before the last day of the month for all timely submittals.

2.1.b. Late Submittals. If Sponsor fails to submit documents to Authority as set forth in Section 2.1.a, above, then Authority shall provide reimbursement payments for late submittals in the following calendar month.

2.1.c. Ineligible Costs. The Authority reserves the right to 'adjust current or future reimbursement payments to Sponsor if an invoice includes ineligible costs.

2.1.d. Reimbursement Amount. The amount of reimbursement payments to Sponsor shall be equivalent to the Measure K Renewal percentage share for each invoice submitted to the Authority. The reimbursement percentage share for this Project shall not exceed 97% of the total project costs and available Measure K Renewal funds per fiscal year as specified in Exhibit "A".

2.1.e. Suspension of Reimbursement. Reimbursement payments for the item(s) in question shall be suspended when a dispute arises as to whether or not the cost item(s) is eligible for reimbursement.

2.1.e.(l) Meeting. Once a dispute has occurred, the Authority shall arrange a meeting between the Authority and the Sponsor's staff to discuss and attempt to resolve the dispute. If the invoice was received on or before 5:00 p.m. on the 10th day of the month, the meeting shall be held no later than the 20th day of the same month. If the invoice was received after this date and time, then the meeting shall be held no later than the 20th day of the following month.

2.1.e.(2) Technical Advisory Committee. If an agreement cannot be reached at the meeting, then the Sponsor or the Authority shall have the option to take the dispute to the Authority's Technical Advisory Committee, with the understanding that by doing so the reimbursement for the disputed cost item(s) will be delayed until a resolution of the matter is reached.

2.1.e.(3) Board Decision. If the Sponsor or the Authority disagrees with the resolution by the Technical Advisory Committee then the dispute shall be submitted to the San Joaquin Council of Governments Board for resolution. If the Board determines that the disputed cost item(s) is ineligible, the Authority shall not provide reimbursement payment to the Sponsor for the disputed item(s). If the Board determines that the disputed cost item(s) is eligible, then the Authority shall provide reimbursement payment to the Sponsor for the disputed cost.

2.1.e.(4) Reservation of Rights. By utilizing the above procedures, the Sponsor does not surrender any rights to pursue available legal remedies if the Sponsor disagrees with the Board decision.

2.1.f. Acceptance of Work Does Not Result In Waiver. Reimbursement payments do not result in a waiver of the right of the Authority to require fulfillment of all terms of this Agreement.

2.2. Right to Conduct Audit. The Authority shall have the right to conduct an audit of all Sponsor's records pertaining to the Project at any time during the four (4) year period after completion of the Project.

SECTION III
Mutual Covenants

3.1. Term. This Agreement shall remain in effect until discharged or terminated as provided in Section 3.2 or Section 3.14.

3.2 Discharge. This Agreement shall be subject to discharge as follows

3.2.a. Breach of Obligation. If a party believes that the other is in breach of this agreement, that party shall provide written notice to the breaching party and the written notice shall identify the nature of the breach. The breaching party shall have thirty (30) days from the date of notice to initiate steps to cure any breach that is reasonably capable of being cured. If the breaching party diligently pursues cure, such party shall be allowed a reasonable time to cure, not to exceed sixty (60) days from the date of the initial notice, unless a further extension is granted by the non-breaching party. If the non-breaching party is not satisfied that there has been a cure by the end of the time for cure, the non-breaching party may seek available legal remedies.

3.2.b. Termination by Mutual Consent. This Agreement may be terminated at any time by mutual consent of the parties.

3.2.c. Discharge Upon Completion of Project. Except as to any rights or obligations which survive discharge as specified in Section 3.13, this Agreement shall be discharged, and the parties shall have no further obligation to each other, upon completion of the Project as certified by the Authority.

3.3. Indemnity. It is mutually understood and agreed, relative to the reciprocal indemnification of Authority and Sponsor:

3.3.a. That neither Authority, nor any officer or employee thereof, shall be responsible for, and Sponsor shall fully defend, indemnify and hold harmless Authority against any damage or liability occurring by reason of anything done or omitted to be done by Sponsor under the Agreement. It is also fully understood and agreed that, pursuant to Government Code Section 895.4, Sponsor shall fully defend, indemnify and hold the Authority harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Sponsor under this Agreement or in connection with any work, authority, or jurisdiction delegated to Sponsor under this Agreement.

3.3.b. That neither Sponsor nor any officer or employee thereof, shall be responsible for, and Authority shall fully defend, indemnify and hold harmless Sponsor against, any damage or liability occurring by reason of anything done or omitted to be done by Authority under or in connection with any work, authority or jurisdiction delegated to Authority under the Agreement. It is also understood and agreed that, pursuant to Government Code Section 895.4, Authority shall fully defend, indemnify and hold the Sponsor harmless from any liability imposed for injury as defined by Government Code Section 810.8 occurring by reason of anything done or omitted to be done by Authority under this Agreement or in connection with any work, authority, or jurisdiction delegated to Authority under this Agreement.

3.4. Notices. Any notice which may be required under this Agreement shall be in writing and shall be given by personal service, or by certified or registered mail, return receipt requested, to the addresses set forth below:

TO AUTHORITY:

Andrew T. Chesley
Executive Director
San Joaquin County
Transportation Authority
555 E. Weber Avenue
Stockton, CA 95202

TO SPONSOR:

Kevin M. Werner
City Administrator
City of Ripon
259 N. Wilma Avenue
Ripon, CA 95366

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Either party may change its address by giving notice of such change to the other party in the manner provided in this Section 3.4. All notices and other communications shall be deemed communicated as of actual receipt or after the second business day after deposit in the United States mail.

3.5. Additional Acts and Documents. Each party agrees to do all such things and take all such actions, and to make, execute and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent and purpose of the Agreement.

3.6. Integration. This Agreement represents the entire Agreement of the parties with respect to the subject matter hereof. No representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in other contemporaneous written agreements.

3.7. Amendment. This Agreement may not be changed, modified or rescinded except in writing, signed by all parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect.

3.8. Independent Agency. Sponsor renders its services under this Agreement as an independent agency and the Authority is also an independent agency under the Agreement. None of the Sponsor's agents or employees shall be agents or employees of the Authority and none of the Authorities' agents or employees shall be agents or employees of Sponsor.

3.9. Assignment. The Agreement may not be assigned, transferred, hypothecated, or pledged by any party without the express written consent of the other party.

3.10. Binding on Successors. This Agreement shall be binding upon the successor(s), assignee(s) or transferee(s) of the Authority or as the case may be. This provision shall not be construed as an authorization to assign, transfer, hypothecate or pledge this Agreement other than as provided above.

3.11. Severability. Should any part of this Agreement be determined to be unenforceable, invalid, or beyond the authority of either party to enter into or carry out, such determination shall not affect the validity of the remainder of this Agreement which shall continue in full force and effect; provided that, the remainder of this Agreement can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the parties.

3.12. Counterparts. This Agreement may be executed in one or more counterparts and shall become effective when one or more counterparts have been signed by all of the parties; each counterpart shall be deemed an original but all counterparts shall constitute a single document.

3.13. Survival. The following provisions in this Agreement shall survive discharge:

3.13.a. Sponsor. As to Sponsor, the following sections shall survive discharge: Section 1.6 (obligation to apply funds to Project), Section 1.7 (obligation to provide copies and retain records), Section 1.8 (obligation to continue to manage Project).

3.13.b. Authority. As to Authority, the following section shall survive discharge: Section 2.2 (right to conduct audit).

3.13.c. Both Parties. As to both parties, the following sections shall survive discharge: Section 3.2.a. (obligation which survives termination), and Section 3.3 (mutual indemnities).

3.14. Limitation. All obligations of Authority under the terms of this Agreement are expressly contingent upon the Authority's continued authorization to collect and expend the sales tax proceeds provided by Measure K Renewal. If for any reason the Authority's right or ability
to collect or expend such sales tax proceeds is terminated or suspended in whole or part so that it materially affects the Authority's ability to fund the project, the Authority shall promptly notify Sponsor, and the parties shall consult on a course of action. If, after twenty-five (25) working days, a course of action is not agreed upon by the parties, this Agreement shall be deemed terminated by mutual or joint consent. Any future obligation to fund this project or any other project or projects of Sponsor, not already specifically covered by separate Agreement, shall arise only upon execution of a new Agreement.

3.15. Attorneys' Fees. Should any litigation commence between the parties concerning the rights and duties of any party pursuant to, related to, or arising from, this Agreement, the prevailing party in such litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for its attorneys' fees and costs of such litigation, or in a separate action brought for that purpose.

3.16. Time. Time is and shall be of the essence of this Agreement and each and all of its provisions in which performance is a factor.

3.17. Remedies Cumulative. No remedy or election of remedies provided for in this Agreement shall be deemed exclusive, but shall be cumulative with all other remedies at law or in equity. Each remedy shall be construed to give the fullest effect allowed by law.

3.18. Applicable Law. This Agreement shall be governed by, and construed and enforced in accordance with the laws of the State of California.

DRAFT

3.19. Captions. The captions in this Agreement are for convenience only and are not a part of this Agreement. The captions do not in any way limit or amplify the provisions of this Agreement and shall not affect the Project or interpretation of any of its provisions.

3.20. No Continuing Waiver. The waiver by any party of any breach of any of the provisions of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of the same, or of any other provision of this Agreement.

3.21. No Rights in Third Parties. Nothing in this Agreement, express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any third party, nor is anything in this Agreement intended to relieve or discharge the obligation or liability of any third party to any party to this Agreement, nor shall any provision of this Agreement give any third party any right of subrogation or action over or against any party to this Agreement.

3.22. Signator's Warranty. Each party warrants to each other that he or she is fully authorized and competent to enter into this Agreement in the capacity indicated by his or her signature and agrees to be bound by this Agreement as of the day and year first mentioned above
upon the execution of this Agreement by each other party.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the day and year first written above.

CITY OF RIPON

By:_____
JACOB PARKS
Mayor

ATTEST:

By:_____
LISA ROOS
City Clerk

APPROVED AS TO FORM:

By:_____
TOM TERPSTRA
City Attorney

SAN JOAQUIN COUNTY
TRANSPORTATION AUTHORITY

By:_____
STEVE DeBRUM
Chair

By:_____
ANDREW T. CHESLEY
Executive Director

By:_____
STEVE DIAL
Deputy Executive Director/CFO

DRAFT

EXHIBIT A

City of Ripon Transit Service

1. Project Names, Locations: City of Ripon Transit Service to Modesto

2. Project Sponsor, Contact Person, Phone Number:

   City of Ripon
   Kevin Werner
   City Administrator
   209-599-2035
   kwemer@cityofripon.org

3. Project Scope of Work:

   Measure K Renewal funds will be utilized to increase service frequency and expand service hours on City of Ripon Transit Service Route 1 that travels between various locations in Ripon and Modesto. Route 1 is a deviated fixed route connecting Ripon residents to Vintage Fair Mall Tuesday and Thursdays from 9:00 am to 1:00 pm, for two - three daily trips. The City of Ripon Transit Service is expected to serve approximately 1,500 passengers in a 12-month period. The City of Ripon transit services provide approximately 400 revenue service hours annually. The project funds will cover the equivalent of approximately 360 revenue hours annually.

4. Expected Time of Delivery of Overall Project (indicate if task is already completed, and phasing of the project):

	Start Date	Completion Date
City of Ripon Transit Operations	July 2016	June 2017

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5. Estimated Project Cost (as applicable for each of the phases described above):

Ripon Transit Operations	FY 16/17
	$51,500

6. Measure K Renewal Percentage Share and Measure K Renewal Not to Exceed Amount:

	FY 16/17
Percent of Operations	97%
Measure K Renewal Not to Exceed Amount	$50,000

7. Source(s) and Amount(s) of Matching Funds:

	FY 16/17
Fares	$1,500
Total	**$1,500**

8. Funding Summary

	FY 16/17
Measure K	$50,000
Matching Funds	$1,500
Total	**$51,500**

DRAFT

RIPON CITY COUNCIL
AGENDA ITEM REQUEST FORM

- Agenda Items including attachments are due 8 working days before the scheduled meeting.
- Attach any backup information, including PowerPoint slides, pictures, etc…

Request From: The Ripon Chamber Foundation	Date: 7-26-16 Event Date: September 2-4, 2016
Requested Meeting Date: August 9, 2016	
Deadlines Associated With This Agenda Item: July 28, 2016	
Description of Agenda Item (need detailed information): The Ripon Chamber Foundation will be putting on Soaring Over Ripon, previously known as Color the Skies hot air balloon and kite festival.	
Recommended Motion (i.e. action you want Council to take or are you just presenting info, etc.): We hope that you consider waiving the fee for Mistlin Sports Park for our Soaring Over Ripon event. The fee to use the facility is $3,500.00.	
Notes/Questions: Thank you for your time and consideration, we look forward to hearing from you shortly.	
Please Submit to: Kevin Werner City Administrator 259 N. Wilma Avenue Ripon, CA 95366 kwerner@cityofripon.org Fax (209 599-2685	

MEMO

To: Honorable City Council
From: Lisa Roos
Date: August 2, 2016
Subject: Donation of Bench from MacDonald Family Trust

Staff has reviewed the attached request from the MacDonald Family to place a bench on Fourth Street on the south side of the Senior Center, facing south.
They have submitted a Donation Proposal along with a sketch of the proposed plaque and pictures and rationale behind their donation of the bench.
Please read the attached materials. Staff has no additional comments to what is presented in the attachments.

COUNCIL ACTION:
Consider approving the donation proposal from the MacDonald Family.

DONATION PROPOSAL

Name of Donor: MacDonald Family Trust

Address: 2701 Konygnenburg City: Modesto State: CA Zip: 95356

Description of donation: 6' bench, metal Victor-Stanley RB-28 Plaque, concrete pad

Is donation restricted? X yes ___ no If yes, what are the restrictions on the use of the donation?
Placed on location at Senior Center, North side of 4th street.

Donor estimate of current value: $2,300

How was estimated value considered?
Quotes and estimates from suppliers

Potential immediate or initial acquisition or installation cost?
$2,300 inclusive, Our family is purchasing the bench, plaque and installing and maintaining, keeping with City standards.

Any on-going maintenance or replacement cost? X yes ___ no If yes, who is responsible for the costs?
Painting of bench every 3-5 years, MacDonald family

Preferred donor acknowledgement (e.g., letter of recognition, certificate of acknowledgement, donor plaque, etc):
Plaque of stainless steel embedded in concrete pad

Additional information:
See attachment "Request for Bench donation"
See attachment "Plaque Drawing" 18"x12" square

Attachments: X yes ___ no (e.g., site plans, pictures, drawings, etc).

The above is a complete listing of the donation to be made to the City of Ripon.

7/25/16
Date

Signature of Donor

Robin MacDonald
Name and Contact Information
rmacdca@gmail.com
589-8885

Family Request to Donate a Bench to the City of Ripon

Spud MacDonald

She Walked into Her 90s

1924-2016

Background

- Spud lived in Ripon since 1964
- She would walk most everyday
- Her walks brought her good health and joy, which she shared with others
- Riponites would greet her along her route (N on Palm, W on Main, S on Roberts, E on Fourth)
- We thought a bench for other walkers to enjoy along that route would be a fitting **thank you from the MacDonald family** to the residents of Ripon

Spud MacDonald and Joan Azevedo

First idea

- Granite memorial bench with etching and ceramic photo
- $3K estimate

Second idea

- Standard Victor-Stanley RB-28 metal bench
- Red (for Ripon Indians)
- Stainless steel sign in concrete support pad:

Spud MacDonald

She Walked into Her 90s

1924-2016

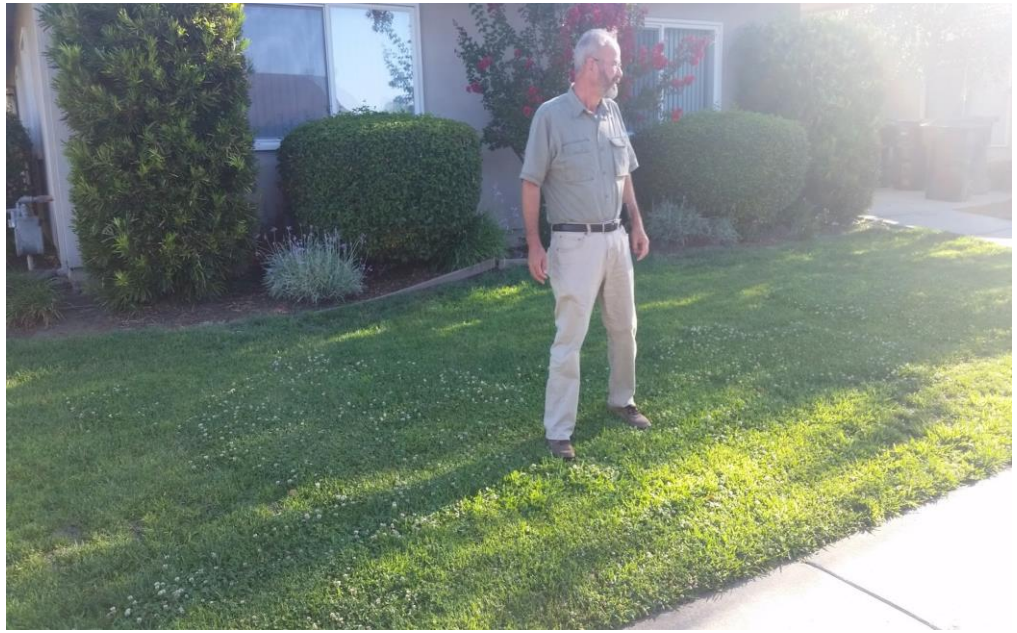
- A portrait to be etched into sign

Location

- Along her normal daily walk route
- **Fourth Street** on the south side of the **Senior Center**, facing south
- 4” thick 6’ x 2’ concrete support **pad** to be added adjacent to the existing sidewalk
- Sign to be inset into the concrete pad (ground level)
- Bench to be mounted to the pad

Costs

- All costs to be covered by the MacDonald Family Trust
- Total estimate of ~$2,300
  - Pad estimate $300
  - Bench list price is $1,096 (plus freight and tax) MJD Associates is dealer.
  - 18" x 12" x 1/8" thick etched stainless steel sign
    - Brushed finish background
    - Recessed letters, paint filled **red**
    - Halftone image Photo Etched on face
    - Blind stud mounts for installation
    - Sign price = $670



Thanks to you all for the opportunity to donate a bench…

- Council Members
- Kevin
- Leo
- Ted
- Tricia

<u>Contact</u>

MacDonald Family Trust

589-8885

rmacdca@gmail.com

Proposal for 12" x 18" Etched Plaque

DATE:	7/27/16
FILE NAME:	Spud_EtchedPlaque
IN FOLDER:	Current
DRAWING BY:	Katie
CUSTOMER:	Robin Macdonald
ADDRESS:	
CITY:	
PAGE: 1	☐ XC-540 ☐ XR-640 — DESIGNER APPROVAL

4K

CITY Signs
SIGNS FOR SUCCESS
1101 Doker Drive, Suite D
Modesto, CA 95351
Info@CitySignsModesto.com
Office: 209.549.2412
Fax: 209.549.2419

* 1/8" thick etched stainless steel plaque
* Brushed finish background
* Recessed letters, paint filled red
* Halftone image Photo Etched on face of sign
* Blind stud mounts for installation onto concrete (ground level)
* Art as below
* Size: 12" x 18"
* QTY: 1

CUSTOMER APPROVAL

BY SIGNING, YOU AGREE THAT EVERYTHING SHOWN IN THIS PROOF IS CORRECT AND READY FOR PRODUCTION

BE SURE TO CHECK SPELLING, QUANTITY, COLORS, AND SIZE.

SIGNATURE: _____

DATE: _____

18"

12"

Separate 20 amp sign circuit (600-5NEC) Provided by *SEPARATE ELECTRICIAN OR GENERAL CONTRACTOR* within 6' of the electrical connection to sign where applicable.

CONTRACTOR'S LICENSE #7699000

MEMO

To: Honorable City Council
From: Lisa Roos
Date: July 21, 2016
Subject: Claim to City – Preferred Employers Insurance Company
RE: Matter of Vadachira

BACKGROUND:

Preferred Employers Insurance Company submitted a claim to the City of Ripon on May 23, 2016 for an incident that occurred on July 13, 2015 at the intersection of Jack Tone Road and Louise Avenue. They have also submitted an Application to Present a Late Claim because their claim was not submitted within 6 months of the date of incident.

Terpstra Henderson has contacted the attorney to ask them to formally withdraw their claim and effort since this incident did not occur within the City of Ripon city limits. Their attorney has stated that they cannot dismiss the case.

Our claims adjuster, Robert Smoke, has recommended that we reject the Application to Present a Late Claim and note on the rejection that the location of this incident is outside of the city limits of the City of Ripon.

COUNCIL ACTION:

It is Robert Smoke's recommendation that the Application to Present a Late Claim be rejected.

MEMO

Engineering Department

TO: Honorable City Council

FROM: James Pease

SUBJECT: Terracon Consultants, Inc Services Agreement
CNG Expansion & Bus Shelter Project

DATE: July 27, 2016

BACKGROUND
The Compressed Natural Gas (CNG) Expansion and Bus Shelter Project is moving forward and will be under construction soon. The project will expand onto the existing CNG Station to allow for slow fill capability and provide a shelter for the City Bus as well as other large City vehicles. This project is funded through two separate Proposition 1B grants; the Public Transportation Modernization, Improvement, and Service Enhancement Account and the Transit System Safety, Security & Disaster Response Account.

INSPECTION SERVICES AND FISCAL IMPACT
Staff has requested proposals for providing quality control field testing services for the CNG Expansion and Bus Shelter Project. These services include geotechnical field testing and reporting that the City does not have the equipment or expertise to perform. A time and material proposal for inspection services has been provided from Terracon Consultants, Inc; the services agreement has a not-to-exceed amount of $5,000.

RECOMMENDATION
Attached is the City's standard General Services Agreement with Terracon Consultants, Inc. I am requesting Council approve the Agreement and authorize the Mayor to sign and for staff to proceed. The inspection services will be paid through the Prop 1B Transit System Safety, Security & Disaster Response Account allocated for this project.

Attachments:
General Services Agreement between the City and Terracon Consultants, Inc.

GENERAL SERVICES AGREEMENT BETWEEN THE CITY OF RIPON AND TERRACON CONSULTANTS, INC. (CNG EXPANSION AND BUS SHELTER PROJECT TESTING SERVICES)

This Agreement for General Services ("Agreement") is entered into on August ___, 2016, (the "Effective Date") between the City of Ripon ("City") and Terracon Consultants, Inc., a California Corporation ("Consultant"), (together sometimes referred to as the "Parties").

Section 1. **SERVICES**. In accordance with the terms and conditions set forth in this Agreement, Consultant agrees to perform all services described in the Consultant's Scope of Services attached hereto as Exhibit "A". In the event of a conflict in or inconsistency between the terms of this Agreement and said scope of services, this Agreement shall prevail.

1.1 **Term of Services.** This Agreement shall begin upon signature by all Parties and shall end when Consultant completes the work described in said scope of work,, or no later than two (2) years from the date this Agreement was signed by City, which ever is longer, unless the term of the Agreement is otherwise terminated or modified, as provided for herein.

1.2 **Standard of Performance.** Consultant shall diligently perform all services required in connection with this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Consultant is engaged in the geographical area in which Consultant practices its profession.

1.3 **Assignment of Personnel.** Consultant shall assign only competent personnel to perform services in connection with this Agreement.

1.4 **Termination.** City may cancel this Agreement at any time and without cause upon written notification to Consultant. In the event of termination, Consultant shall be entitled to compensation for services satisfactorily completed as of the date that written notice of termination is received by consultant; City, however, may condition payment of such compensation upon Consultant delivering to City documents and records identified in Section 8.1 of this Agreement.

Section 2. **COMPENSATION.** City hereby agrees to pay Consultant an amount **NOT TO EXCEED** FIVE THOUSAND Dollars ($ 5,000.00) for all work described in the "Task and Hourly Schedule" within the Cost Proposal set forth in Exhibit "A" and made a part of this Agreement.

2.1 **Invoices.** Consultant shall submit invoices once a month during the term of this Agreement, based on the cost for services performed and reimbursable costs incurred prior to the invoice date.

2.2 **Payment.** City shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred.

2.3 **Payment of Taxes.** Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

Section 3. **INSURANCE REQUIREMENTS.** Before beginning any work under this Agreement, Consultant, at its own cost and expense, shall procure the types and amounts of insurance listed below for the period covered by the Agreement.

3.1 **Workers' Compensation.** If Consultant employs any person, Consultant shall maintain Statutory Workers' Compensation Insurance and Employer's Liability Insurance for any and all persons employed directly or indirectly by Consultant with limits of not less than ONE MILLION DOLLARS ($1,000,000.00) per accident.

3.2 **Commercial General and Automobile Liability Insurance.** Consultant shall maintain commercial general and automobile liability insurance for the term of this Agreement in an amount not less than ONE MILLION DOLLARS ($1,000,000.00) per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting there from, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles. At the sole option of the City, the City shall be named as an additional insured and insurance shall provide primary coverage with respect to the City.

3.3 **All Policies Requirements.**

3.3.1 **Verification of Coverage.** Prior to beginning any work under this Agreement, Consultant shall, at the sole option of the City, provide City with (1) certified Certification of Insurance that demonstrates compliance with all applicable insurance provisions contained herein; (2) certified policy endorsements to the general liability policy adding the City of Ripon as an Additional Insured and declaring such insurance primary in regard to work performed pursuant to this Agreement; or (3) upon request by the City, complete certified copies of all policies and/or complete certified copies of all endorsements that demonstrate compliance with this Section 4

3.3.2 **Notice of Reduction in or Cancellation of Coverage.** A copy of the cancellation provisions must be attached to all insurance obtained in accordance with this Agreement.

Section 4. **INDEMNIFICATION AND CONSULTANT'S RESPONSIBILITIES.**

4.1 Consultant shall to the fullest extent allowed by law, with respect to all services performed in connection with this Agreement, indemnify, defend and hold harmless the City and its officials, officers, employees, agents and volunteers from and against any and all claims that arise out of, pertain to or relate to the negligence, recklessness or willful misconduct of the Consultant. Consultant will bear all losses, costs, damages, expense and liability of every kind, nature and description that arise out of, pertain to, or relate to such Claims, whether directly or indirectly ("Liabilities"). Such obligations to defend, hold harmless and indemnity the City shall not apply to the extent that such Liabilities are caused by the sole negligence, recklessness, , or willful misconduct of the City.

Section 5. STATUS OF CONSULTANT.

5.1 **Independent Consultant.** At all times during the term of this Agreement, Consultant shall be an independent Consultant and shall not be an employee of City. Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent.

Section 6. LEGAL REQUIREMENTS.

6.1 **Governing Law.** The laws of the State of California shall govern this Agreement.

6.2 **Compliance with Applicable Laws.** Consultant and any subConsultants shall comply with all laws applicable to the performance of the work in connection with this Agreement.

6.3 **Licenses and Permits.** Consultant represents and warrants to City that Consultant and its employees, agents, and any subConsultants have all licenses, permits, qualifications, and approvals of whatsoever nature, that are legally required to practice their respective professions.

6.4 **Nondiscrimination and Equal Opportunity.** In compliance with federal, state and local laws, Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subConsultant, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement.

6.5 **Work Requiring Payment of Prevailing Wages.** In accordance with California Labor Code Section 1771, not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which these services are to be performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in the California Labor Code shall be paid to all workers engaged in performing the services under this Agreement.

Section 7. MODIFICATION.

7.1 **Amendments.** The Parties may amend this Agreement only by a writing signed by all the Parties.

7.2 **Assignment and Subcontracting.** Consultant may not assign this Agreement or any interest therein without the prior written approval of the City. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other than to the subConsultants noted in the proposal, without prior written approval of the City.

7.3 **Survival.** All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Consultant shall survive the termination of this Agreement.

7.4 **Options upon Breach by Consultant.** If Consultant materially breaches any of the terms of this Agreement, City's remedies shall include, but not be limited to, the following:

7.4.1 Immediately terminate the Agreement;

7.4.2 Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant in accordance with this Agreement;

7.4.3 Retain a different Consultant to complete the work described in said scope of work not finished by Consultant; or

7.4.4 Charge Consultant for City's excess cost of completion of the unfinished work described in Exhibit "A", if any. City's excess costs shall be reimbursed by Consultant where City's reasonable cost of completion paid to another qualified new consultant exceeds the amount City would have paid to Consultant pursuant to Section 2 absent the material breach; provided, however that any such excess cost reimbursement shall not exceed 25% of Consultant's quoted price for any unfinished task. Thus, by way of example, if following a material breach by Consultant a specific task which is budgeted at $10,000 has not commenced or adequately completed, and City must retain another new qualified consultant to complete that specific task Consultant would be responsible to reimburse City in the amount of up to $2,500 (25% of the Consultant's $10,000 quoted price for the subject task). By way of further example, if the Consultant's cost of completion of that specific task is $14,000, Consultant would be responsible to reimburse City in the amount of up to $3,500 (25% of the Consultant's $14,000 quoted price for the subject task).

Section 8. KEEPING AND STATUS OF RECORDS.

8.1 **Records Created as Part of Consultant's Performance.** All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains in accordance with this Agreement and that relate to the matters covered under the terms of this Agreement shall be the property of the City.

8.2 **Consultant's Books and Records.** Consultant shall maintain any and all records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.

8.3 **Confidential Information and Disclosure.** During the term of this Agreement, either party (the "Disclosing Party") may disclose confidential, proprietary or trade secret information (the "Information"), to the other party (the "Receiving Party"). The Receiving Party shall hold the Disclosing Party's Information in confidence and shall take all reasonable steps to prevent any unauthorized possession, use, copying, transfer or disclosure of such Information. Consultant understands that the City is a public entity and is subject to the laws that may compel it to disclose information about Consultant's business.

Section 9 MISCELLANEOUS PROVISIONS.

9.1 **Attorneys' Fees.** If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

9.2 **Venue.** In the event that either party brings any action against the other under this Agreement, the Parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of San Joaquin or in the United States District Court for the Eastern District of California.

9.3 **Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect.

9.4 **No Implied Waiver of Breach**. The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

9.5 **Contract Administration.** This Agreement shall be administered by James Pease, who shall act as the City's representative. All correspondence shall be directed to or through the representative.

9.6 **Notices.** Any written notice to Consultant shall be sent to:

Troy M. Schiess
Terracon Consultants, Inc.
902 Industrial Way
Lodi, CA 95240

Any written notice to the City shall be sent to:

James Pease
Engineering Supervisor
259 N. Wilma Avenue
Ripon, CA. 95366

9.7 **Integration; Incorporation.** This Agreement, including all the exhibits attached hereto, represents the entire and integrated agreement between City and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral. All Exhibits attached hereto are incorporated by reference herein.

9.8 **Alternative Dispute Resolution.** If any dispute arises between the Parties that cannot be settled after engaging in good faith negotiations, City and Consultant agree to resolve the dispute in accordance with the following:

Each party will designate a senior management or executive level representative to negotiate the dispute. Through good faith negotiations, the representatives will attempt to resolve the dispute by any means within their authority. If dispute remains unresolved after fifteen (15) days of good faith negotiations, the Parties shall attempt to resolve the disagreement by mediation through a disinterested third person as mediator selected by both Parties. Mediation will begin within thirty (30) days of the selection of this disinterested third party, and will end fifteen (15) days after commencement. The Parties shall equally bear the costs of any third party in any alternative dispute resolution process.

The alternative dispute resolution process is a material condition to this Agreement and must be exhausted as an administrative remedy prior to either party initiating legal action. This alternative dispute resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code Section 900, *et. seq.*

9.9 **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

The Parties have executed this Agreement as of the date signed by the City.

CITY OF RIPON

_____
Jacob Parks, Mayor

Attest:

_____
Lisa Roos, City Clerk

Approved as to Form:

_____
Thomas Terpstra, City Attorney

CONSULTANT

_____
Terracon Consultants, Inc.

<u>EXHIBIT A:</u> **Proposed Scope and Fee for Services - attached**

Reference Number: PNA150474

AUTHORIZATION TO PROCEED

CONSTRUCTION MATERIALS ENGINEERING AND TESTING SERVICES

This AUTHORIZATION TO PROCEED ("Authorization") is between City of Ripon CA ("Client") and Terracon Consultants, Inc. ("Consultant") for Services to be provided by Consultant for Client on the CNG Expansion and Bus Shelter Project Project.

Scope of Services. The scope of Consultant's services is set forth below ("Services"). If frequency of testing is not specified below, it shall be as-requested by Client; Scheduling will be done by Client or contractor if Client so designates. Consultant will not be responsible for tests not performed due to a failure to schedule Consultant's services or any resulting effect on construction.

On-call Materials Testing and Inspection services

Compensation. Unless different rates are specified below, all charges will be billed on a time and materials basis pursuant to Consultant's Standard Fee Schedule. The construction schedule, weather conditions, construction workmanship, etc. will determine the actual cost of Consultant's Services. If the actual quantities exceed any estimated quantities at the request of the Client or its designated contractor, additional fees will be billed in accordance with the fee schedule below.

Standard Prevailing Wage Fee Schedule Rate NOT TO EXCEED $5,000

TERMS AND CONDITIONS

1. Testing and Observations. Client understands that testing, inspection, and observation are discrete sampling procedures, and that such procedures indicate conditions only at the depths, locations, and times the procedures were performed. Consultant will provide test results and opinions based on tests and field observations only for the work tested. Client understands that testing and observation are not continuous or exhaustive, and are conducted to reduce - not eliminate - project risk. Client agrees to the level or amount of testing performed and the associated risk. Client is responsible (even if delegated to contractor) for notifying and scheduling Consultant so Consultant can perform these Services. Consultant shall not be responsible for the quality and completeness of Client's contractor's work or their adherence to the project documents, and Consultant's performance of testing, inspection, and observation services shall not relieve Client's contractor in any way from its responsibility for defects discovered in its work, or create a warranty or guarantee. Consultant will not supervise or direct the work performed by Client's contractor or its subcontractors and is not responsible for their means and methods.
2. Warranty. Consultant will perform the Services in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions in the same locale. **EXCEPT FOR THE STANDARD OF CARE PREVIOUSLY STATED, CONSULTANT MAKES NO WARRANTIES OR GUARANTEES, EXPRESS OR IMPLIED, RELATING TO CONSULTANT'S SERVICES AND CONSULTANT DISCLAIMS ANY IMPLIED WARRANTIES OR WARRANTIES IMPOSED BY LAW, INCLUDING WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.**

By signing this Authorization or ordering the commencement of Services you are affirming that you are authorized to bind Client to the Terms and Conditions of this Authorization and have read and accepted the Terms and Conditions, including restrictions and limitations, as set forth on this page and the subsequent page of Additional Terms and Conditions.

Consultant:	Terracon Consultants, Inc.	Client:	City of Ripon CA
By:	Date: 7/27/2016	By:	Date:
Name/Title:	Troy Michael Schiess / Department Manager II	Name/Title:	James Pease
Address:	902 Industrial Way	Address:	259 North Wilma Ave
	Lodi, CA 95240-3106		Ripon, CA 95366
Phone:	(209) 367-3701 Fax: (209) 333-8303	Phone:	(209) 599-2108 Fax:
Email:	tmschiess@terracon.com	Email:	jpease@cityofripon.org

Reference Number: PNA150474

ADDITIONAL TERMS AND CONDITIONS

3. LIMITATION OF LIABILITY. **CLIENT AND CONSULTANT HAVE EVALUATED THE RISKS AND REWARDS ASSOCIATED WITH THIS PROJECT, INCLUDING CONSULTANT'S FEE RELATIVE TO THE RISKS ASSUMED, AND AGREE TO ALLOCATE CERTAIN OF THE ASSOCIATED RISKS. TO THE FULLEST EXTENT PERMITTED BY LAW, THE TOTAL AGGREGATE LIABILITY OF CONSULTANT (AND ITS RELATED CORPORATIONS AND EMPLOYEES) TO CLIENT AND THIRD PARTIES GRANTED RELIANCE IS LIMITED TO $10,000, FOR ANY AND ALL INJURIES, DAMAGES, CLAIMS, LOSSES, OR EXPENSES (INCLUDING ATTORNEY AND EXPERT FEES) ARISING OUT OF CONSULTANT'S SERVICES OR THIS AGREEMENT. PRIOR TO ACCEPTANCE OF THIS AGREEMENT AND UPON WRITTEN REQUEST FROM CLIENT, CONSULTANT MAY NEGOTIATE A HIGHER LIMITATION FOR ADDITIONAL CONSIDERATION. THIS LIMITATION SHALL APPLY REGARDLESS OF AVAILABLE PROFESSIONAL LIABILITY INSURANCE COVERAGE, CAUSE(S) OR THE THEORY OF LIABILITY, INCLUDING NEGLIGENCE, INDEMNITY, OR OTHER RECOVERY. THIS LIMITATION SHALL NOT APPLY TO THE EXTENT THE DAMAGE IS PAID UNDER CONSULTANT'S COMMERCIAL GENERAL LIABILITY POLICY.**

4. CONSEQUENTIAL DAMAGES. **NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR LOSS OF PROFITS OR REVENUE; LOSS OF USE OR OPPORTUNITY; LOSS OF GOOD WILL; COST OF SUBSTITUTE FACILITIES, GOODS, OR SERVICES; COST OF CAPITAL; OR FOR ANY SPECIAL, CONSEQUENTIAL, INDIRECT, PUNITIVE, OR EXEMPLARY DAMAGES.**

5. Change Orders. Client may request changes to the scope of Services by altering or adding to the Services to be performed. If Client so requests, Consultant will return to Client a statement (or supplemental proposal) of the change setting forth an adjustment to the Services and fees for the requested changes. Following Client's review, Client shall provide written acceptance. If Client does not follow these procedures, but instead directs, authorizes, or permits Consultant to perform changed or additional work, the Services are changed accordingly and Consultant will be paid for this work according to the fees stated or its current fee schedule. If project conditions change materially from those observed at the site or described to Consultant at the time of Authorization, Consultant is entitled to a change order equitably adjusting its Services and fee.

6. Compensation and Terms of Payment. Client shall pay compensation for the Services performed at the fees stated in the Compensation section of the Proposal unless fees are otherwise stated in Exhibit C to this Agreement (which section or Exhibit is incorporated into this Agreement). If not stated in either, fees will be according to Consultant's current fee schedule. Fee schedules are valid for the calendar year in which they are issued. Fees do not include sales tax. Client will pay applicable sales tax as required by law. Consultant may invoice Client at least monthly and payment is due upon receipt of invoice. Client shall notify Consultant in writing, at the address below, within 15 days of the date of the invoice if Client objects to any portion of the charges on the invoice, and shall promptly pay the undisputed portion. Client shall pay a finance fee of 1.5% per month, but not exceeding the maximum rate allowed by law, for all unpaid amounts 30 days or older. Client agrees to pay all collection-related costs that Consultant incurs, including attorney fees. Consultant may suspend Services for lack of timely payment. It is the responsibility of Client to determine whether federal, state, or local prevailing wage requirements apply and to notify Consultant if prevailing wages apply. If it is later determined that prevailing wages apply, and Consultant was not previously notified by Client, Client agrees to pay the prevailing wage from that point forward, as well as a retroactive payment adjustment to bring previously paid amounts in line with prevailing wages. Client also agrees to defend, indemnify, and hold harmless Consultant from any alleged violations made by any governmental agency regulating prevailing wage activity for failing to pay prevailing wages, including the payment of any fines or penalties.

7. Third Party Reliance. This Authorization and the Services provided are for Consultant and Client's sole benefit and exclusive use with no third party beneficiaries intended. Reliance upon the Services and any work product is limited to Client, and is not intended for third parties. For a limited time period not to exceed three months from the date of the report, Consultant will issue additional reports to others agreed upon with Client, however Client understands that such reliance will not be granted until those parties sign and return Consultant's reliance agreement and Consultant receives the agreed-upon reliance fee.

8. Indemnity/Statute of Limitations. Consultant and Client shall indemnify and hold harmless the other and their respective employees from and against legal liability for claims, losses, damages, and expenses to the extent such claims, losses, damages, or expenses are legally determined to be caused by their negligent acts, errors, or omissions. In the event such claims, losses, damages, or expenses are legally determined to be caused by the joint or concurrent negligence of Consultant and Client, they shall be borne by each party in proportion to its own negligence under comparative fault principles. Neither party shall have a duty to defend the other party, and no duty to defend is hereby created by this indemnity provision and such duty is explicitly waived under this Agreement. Causes of action arising out of Consultant's services or this Agreement regardless of cause(s) or the theory of liability, including negligence, indemnity or other recovery shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the date of Consultant's substantial completion of services on the project.

9. Choice of Law. This Authorization shall be governed by and construed according to Kansas law.

10. Subsurface Explorations. Consultant will take reasonable precautions to reduce damage to the site when performing Services; however, Client accepts that invasive services such as drilling or sampling may damage or alter the site. Site restoration is not provided unless specifically included in the Services.

11. Sample Disposition, Affected Materials, and Indemnity. Samples are consumed in testing or disposed of upon completion of tests (unless stated otherwise in the Services).

12. Utilities. Consultant shall utilize a utility locating service for public utilities. Client shall provide the location and/or arrange for the marking of private utilities and subterranean structures. Consultant shall take reasonable precautions to avoid damage or injury to subterranean structures or utilities. Consultant shall not be responsible for damage to subterranean structures or utilities that are not called to Consultant's attention, are not correctly marked, including by a utility locate service, or are incorrectly shown on the plans furnished to Consultant.

13. Site Access and Safety. Client shall secure all necessary site related approvals, permits, licenses, and consents necessary to commence and complete the Services and will execute any necessary site access agreement. Consultant will be responsible for supervision and site safety measures for its own employees, but shall not be responsible for the supervision or health and safety precautions for any other parties, including Client, Client's contractors, subcontractors, or other parties present at the site.

14. Termination. Either party may terminate this Authorization or the Services upon written notice to the other. In such case, Consultant shall be paid costs incurred and fees earned to the date of termination plus reasonable costs of closing the project.

15. Insurance. Consultant represents that it now carries, and will continue to carry: (i) workers' compensation insurance in accordance state, and employer's liability ($1,000,000); (ii) commercial general liability ($1,000,000 occ/ $2,000,000 agg); (iii) automobile liability ($1,000,000 B.I. and P.D. combined single limit); excess liability ($5,000,000 occ/ agg); and (iv) professional liability ($1,000,000 claim / agg). Client and Consultant shall waive subrogation against the other party on general liability. Client is additional insured with respect to general and auto liability.

Schedule of Services and Fees
Environmental, Geotechnical, Structural, Pool Engineering, Aquatic Design, and Materials Services

TERMS OF PAYMENT AND CHARGES

TERMS OF PAYMENT

Payment of invoices is due upon receipt. Invoices will be subject to a late payment charge of 1.5% per month after 30 days. After 60 days, past-due accounts may be submitted to a collection agency with incurred fees assessed to your account.

MISCELLANEOUS CHARGES

All testing is to be scheduled a minimum of 24 hours in advance and cancellation is to be by 4:00 pm the day prior to the scheduled testing or a trip fee will be charged (minimum 2 hours). These minimums are customary for our industry. Any inspection which is requested to be performed on the same day will be charged an additional $10.00 per hour to expedite.

HOURLY CHARGES

Time shall be charged in 2 hour increments for ACI certified field inspections and observation. ICC, structural steel, masonry, and welding inspections shall be charged in 4 hour increments. Weekends and holidays will be charged in 4 and 8 hour increments. All time shall be billed from portal to portal.

OVERTIME

Time worked in excess of 8 hours per day and Saturdays will be charged at one and one half times the hourly rate. Two times the hourly rate will be charged for Holidays, Sundays and for Saturdays after 8 hours.
**Overtime and Double time rates will be applied per the California labor law.*

PREMIUM TIME

An additional rate of $10.00 per hour will be charged for work performed before 6am or after 5pm.

PREVAILING WAGE

In accordance with California Prevailing Wage Law and Federal Davis Bacon Law, a surcharge of $35.00 may be applied per hour for publicly funded projects. A wage differential of $45.00 per hour may be charged for hours worked before 4 am and after 2 pm. These rates may vary depending on where and what type of work will be performed.

INSURANCE

Terracon carries coverage in excess of all insurance required by law. Additional costs for extra insurance certificates, co-insurance endorsements, or additional insurance or bonds will be charged to the client at cost plus 20%.

New clients may be subject to payment prior to receipt of report. All clients may be subject to a prepayment before initializing our work.

This fee schedule may be changed without notice.

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Schedule of Services and Fees (Continued)

ENGINEERING SERVICES

Senior Principal Engineer	250.00/hr
Principal Engineer/Geologist	225.00/hr
Associate Engineer/Geologist	195.00/hr
Senior Engineer / Geologist / Scientist	175.00/hr
Project Engineer / Geologist/ Scientist	165.00/hr
Staff Engineer / Geologist / Scientist	135.00/hr
Expert Consulting	275.00/hr
Expert Testimony	495.00/hr
Asphalt Concrete Consulting	145.00/hr
ACI Technician (Epoxy and Sampling only)	86.00/hr
ICC Inspector (Reinforcing Steel, Masonry, Concrete, Structural Steel, Post Tension, Fireproofing)	92.00/hr
AC/Soils Inspector	89.00/hr
Certified Field/Shop Welding Inspector (AWS/CWI)	105.00/hr
DSA Masonry Inspector	105.00/hr
CAD Designer	100.00/hr
CAD Drafter	88.00/hr
Accountant	95.00/hr
Administrative Assistant	65.00/hr

HOT MIX ASPHALT (HMA) SERVICES

HMA Placement Inspector	92.00/hr
HMA Density Process Control	92.00/hr
HMA Density Cores	110.00/hr
HMA Data Cores	110.00/hr
HMA Production Inspector	92.00/hr
HMA Design Review	200.00/ea
Lead Project Inspector	Request Quote
Building/Construction Project Inspector	Request Quote
Caltrans Certified Laboratory Technician	92.00/hr
CTM125 Sample Hwy Material	92.00/hr
Quality Control Manager	150.00/hr
Quality Control Plan	500.00/ea

EXPLORATION

GEOPHYSICAL

Seismic Refraction 1D-3D, Seismic Source DAQlink III, 24 Channel Acquisition System, 2 man crew	280.00/hr
Multi-Channel Analysis of Surface Waves 1D-3D, Seismic Source DAQlink III, 24 Channel Acquisition System, 2 man crew	280.00/hr
Ground Penetrating Radar, special antennas may warrant additional charge	225.00/hr
In-situ Soil Resistivity Testing, Mini-res tester	185.00/hr
Post Processing and Analysis	165.00/hr

DRILLING

Drilling/Sampling (Track mounted rigs, 2-person crew)	275.00/hr
Drilling/Sampling (Simco 2400 and Mobile B24 truck mounted, Minute Man, 2 person crew)	225.00/hr
Drilling/Sampling (CME75 Auger)	285.00/hr
Drilling/Sampling (CME75 Mud Rotary w/desander)	325.00/hr
Drilling and Sampling (CME75 Rock Coring)	Request Quote
Borehole Grouting	285.00/hr

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Schedule of Services and Fees (Continued)

Hand-Auger Soil Sample (1-person Crew)	135.00/hr
Coring 1 Man Crew w/o Trailer (Quote will be given upon request for second operator)	145.00/hr
Coring 1 Man Crew w/Trailer (Quote will be given upon request for second operator)	165.00/hr
Bit Charges per 6" max core length, 4" max core diameter	34.00/ea
Support Truck not including mileage (500 gallon water tank)	250.00/day
2"x6" Stainless-Steel Tubes and Caps, recycled	10.00/each
Permitting Fees	Cost + 20%
Bailers (disposable)	10.00/ea
Sampling Supplies (gloves, water, rope, etc.)	25.00/day
Photo-ionization Detector (PID)	125.00/day
Water Level Indicator	30.00/day
ph/Conductivity/Temp Meter	50.00/day
Dissolved Oxygen Meter	50.00/day
Steam Cleaner	100.00/day
Cement Pump and Mixer	100.00/day
Drums	75.00/ea
Drilling Supplies	Cost + 25%
Laboratory Analysis	Cost + 30%

GEOTECHNICAL SOILS AND AGGREGATES

Direct Shear Test:	
Unconsolidated – Undrained	140.00/point
Consolidated – Undrained	165.00/point
Consolidated – Drained	185.00/point
Triaxial Compression Test	
Unconsolidated Undrained Triax D2850	185.00/point
Consolidated Undrained Triax D4767	Request Quote
Consolidated – Drained	Request Quote
Consolidated – Undrained with Pore Pressure Measurements	Request Quote
Consolidation Test:	
Swell Only	200.00/ea
Consolidation without Time Rate	340.00/ea
Consolidation with Time Rate, per load increment (additional charge)	120.00/ea

LABORATORY

HOT MIX ASPHALT (HMA)

Job Mix Formula (Reduced Rate for Multiple JMF's)	Request Quote
CTM 202 Sieve Course Agg	60.00/ea
CTM 202 Sieve Fine Agg	75.00/ea
CTM 202 Sieve Ignition Sample	140.00/ea
CTM 202 Batch Plant Gradation Report	50.00/ea
CTM 204 Plasticity Index	125.00/ea
CTM 205 Determining % Crushed Particles	185.00/ea
CTM 206 Bulk SpG & Absor Coarse Agg	70.00/ea
CTM 207 Bulk SpG (SDD) Fine Agg	90.00/ea
CTM 211 LA Rattler	Request Quote
CTM 214 Sodium Sulfate Soundness (per Sieve)	150.00/ea
CTM 217 Sand Equivalent	140.00/ea
CTM 226 Moisture Content of Aggregates by oven drying	40.00/ea

Terracon

Schedule of Services and Fees (Continued)

CTM 227 Cleanness Coarse Agg	165.00/ea
CTM 229 Durability Index	200.00/ea
CTM 234 - AASHTO T304 Fine Angularity	200.00/ea
CTM 235 - ASTM D4791 Flat and Elongated Particles	200.00/ea
CTM 304 AC Sample Preparation	50.00/ea
CTM 308 Bulk Spec Grav Bit Mix (Cores and Briquettes)	30.00/ea
CTM 309 Theo Spec Gav Bit Mix	165.00/ea
CTM 366 Stabilometer Value (Set of 3)	300.00/ea
CTM 370 Moisture Content of Bit. Mix by Microwave	50.00/ea
CTM 371 Tensile Strength Ratio Field Mix	850.00/ea
CTM 382 Ignition Furnace Asphalt Content	160.00/ea
CTM 382 Ignition Furnace Calibration (1 per new source)	400.00/ea
CTM 382 Ignition Furnace Calibration with lime	500.00/ea
LP-1 Theo Max SpG Mix with Dif AC Cont	150.00/ea
LP-2, 3, & 4 - HMA Volumetrics (VMA, VFA, DP) Calculations Report	75.00/ea
LP-10 Sampling and Testing CRM	200.00/ea
ASTM D2974 Organic Matter	80.00/ea
ASTM D5334 Thermal Resistivity	600.00/ea
MARSHALL MIX DESIGN	
Marshall Mix Design	Request Quote
ASTM D1559 Stability & Flow	110.00/ea
ASTM D1075 Immersion & Compression Retained Strength	110.00/ea
ASTM D2726 Unit Weight	30.00/ea
ASTM D2172 Extraction	300.00/ea
ASTM D2172 Extraction with Gradation	440.00/ea
ASTM D2041, D2172 Max. Specific Gravity of Bituminous Mix.	150.00/ea
AGGREGATES	
ASTM C88 Sodium or Magnesium Sulphate Soundness (per sieve size)	135.00/ea
ASTM C40 Injurious Impurity Matter	75.00/ea
ASTM C29 Unit Weight (aggregate)	80.00/ea
CTM 212 Unit Weight (aggregates)	80.00/ea
CTM 217 Sand Equivalent Test	120.00/ea
C128 Specific Gravity, Fine	70.00/ea
C127 Specific Gravity, Coarse	90.00/ea
C535 Los Angeles Rattler Test (500 revolutions)	300.00/ea
CTM 227 Cleanness Value, Coarse Aggregate	165.00/ea
CTM 229 Durability Index: *Fine & Coarse Aggregate*	200.00/ea
C142 Percent Friable Particles	165.00/ea
Cal Trans Class II Aggregate Base Conformance Test (R-Value, Gradation, SE, Durability)	695.00/ea
SOILS	
Atterberg Limit D4318	125.00/ea
Permeability Falling Head	280.00/ea
Specific Gravity Determination ASTM D854	90.00/ea
C136 Sieve Analysis Fine	115.00/ea
C136 Sieve Analysis Course	
Wash 200 D1140	80.00/ea
Hydrometer ASTM D422	230.00/ea

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Schedule of Services and Fees (Continued)

Laboratory Maximum Dry Density/Optimum Moisture Content Determination	
4" mold AASHTO T99, ASTM D698	235.00/ea
6" mold AASHTO T99, ASTM D698	245.00/ea
4" mold AASHTO T180, ASTM D1557	235.00/ea
6" mold AASHTO T180, ASTM D1557	245.00/ea
CTM 216 Relative Compaction, Untreated and Treated Soils	220.00/ea
CTM 301 R-Value Untreated Samples	325.00/ea
CTM 301 R-Value Treated Samples	325.00/ea
pH Test	60.00/ea
pH-Lime Determination Test	175.00/ea
Resistivity and pH Test CTM 643	200.00/ea
Swell Test (Expansion Index) ASTM D4829	215.00/ea
CTM 373 Unconfined Compressive Lime treated Specimen	300.00/ea
Compressive Strength Cement	300.00/ea
Compressive Strength Lime	300.00/ea
Percent Lime/Cement Design, based on compressive strength (includes R-value, pH Lime Determination and Unconfined Compressive Strength)	1600.00/ea
Unconfined Compression Test ASTM D2166	120.00/ea
MASONRY BRICK/BLOCK/TILE	
Compression Tests on Core Specimens (includes prep) ASTM C42	75.00/ea
Shear Tests Masonry Core	145.00/ea
Compression Tests: (Same price for untested "hold" specimens)	
Compression Test Grout Molds	28.00/ea
Compression Test Mortar Cylinder	28.00/ea
Compression 2”x4” Cylinder Molds	15.00/ea
Compression Masonry Prism (2-block, mortared & grouted)	185.00/ea
Concrete Masonry Unit: (Same price for untested "hold" specimens)	
Compression Test Masonry Unit 8”x8”x16”	185.00/ea
Masonry Absorption Tests ASTM C140	105.00/ea
Masonry Shrinkage (Volume Change)	185.00/ea
Masonry Lineal Shrinkage with Absorption	260.00/ea
Masonry Shrinkage with Absorption and Compression	420.00/ea
CONCRETE	
Concrete Mix Design Review	200.00/ea
Additional Concrete Mix Design (using same materials)	150.00/ea
Concrete Mix Design with Trial Batch & Concrete Cylinder Compression Tests	Request Quote
Floor Flatness Testing	135.00/hr
Floor Flatness Report	450.00/ea
Unit Weight Fireproofing	50.00/ea
Compression Test Concrete Cylinders *(same price for untested "hold" specimens)*	28.00/ea
Flexural Strength, Concrete Beams, 6”x6”x24 ASTM C78	125.00/ea
Cylinder Molds (6”x12”)	7.00/ea
Cement Content of Hardened Portland Cement Concrete ASTM C85	Request Quote
Shrink Bar Testing (3 bars per set) ASTM C157	420.00/set
Compression Tests on Core Specimens (includes prep) ASTM C42	75.00/ea
Calcium Chloride Moisture Test Kit (includes calculations)	80.00/ea

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Schedule of Services and Fees (Continued)

STEEL AWS/ASTM/ASME/ANSI/API

Structural Steel

Tensile & Bend Tests:	
Reinforcement Steel Tensile & Bend <5	135.00/ea
Reinforcement Steel Tensile & Bend 6 to 9	165.00/ea
Reinforcement Steel No. 10 and larger	205.00/ea, plus machining cost +20%
High-strength Bolt, Nut & Washer Testing	350.00/set
Rockwell Hardness Test	70.00/ea
HSB Torque Wrench/Impact Wrench Calibration, Skidmore-Wilhelm	320.00/ea
HSB Assembly Torque Determination, Skidmore-Wilhelm	320.00/set
Welder Qualification and Weld Procedure Qualifications:	
Weld Procedure Qualifications	750.00/ea
Welder Qualification Plate Groove Weld- 1G, 2G, 3G, 4G	130.00/ea
Welder Qualification Pipe Groove Weld – 1G, 2G, 5G, 6G, 6GR	225.00/ea
Welder Qualification Plate Fillet Weld – 1F, 2F, 3F, 4F	75.00/ea
Welder Qualification Pipe Fillet Weld – 1F, 2F, 4F, 5F	95.00/ea
WPS Test Plate (set)	65.00/ea
WPS Test Pipe (set)	85.00/ea

NON-DESTRUCTIVE TESTING

High Strength Bolt (HSB) Testing	125.00/hr
Bolt Pull/Load Testing	115.00/hr
Rebar Pull Testing	115.00/hr
Ceiling Wire Pull Testing	140.00/hr
NDT GPR (for reinforcement locating only, other uses refer to Geophysical services)	165.00/hr
Pachometer	140.00/hr

STANDARD POOL ENGINEERING SERVICES

The fees quoted include response to plan check.

Remodel Plan [Engineer site visit may be required]	800.00/min
Remodel Pool Plan (typical in-ground) [Engineer excavation inspection required]	800.00/min
Residential Pool Plan (drilled piers) [Geotechnical investigation report required]	Request Quote 3,100.00/min
Commercial Pool Plan (typical in-ground) [Geotechnical investigation report required]	Request Quote 1,500.00/min
Commercial Pool Plan (drilled pier) [Geotechnical investigation report required]	Request Quote 3,500.00/min
Commercial/Vault Pool Plan	Request Quote 2,000.00/min
On-Site Steel and/or Excavation Observation	400.00/min
Custom Swimming Pool Detail	500.00/min
Custom Retaining Wall Design (1 height)	500.00/min
Additional Heights	200.00/ea
Structural Design Computation copies	20.00/ea
Additional Plan Sheets	15.00/ea
Consulting Letter	185.00/min
Patio Corner/Trellis Design	Request Quote 900.00/min
Forensic Site Visit	Request Quote 600.00/min
Full Service Aquatic Design	Request Quote
Epoxy Injection	1,800/min first 10', 60.00/ft. after

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Schedule of Services and Fees (Continued)

MISCELLANEOUS

Automobile Mileage	0.90/mile
Subsistence and Lodging	cost + 20%
Equipment Rental	cost + 20%
PM/PE Review/Admin Support (per report)	90.00/each
Pad Certification Report	150.00/each
Final Letter (Testing/Inspections)	200.00/each
Additional Copy of Report (wet-signed)	50.00/each
Miscellaneous Item Charge	Cost +20%/each
Air & Ground Transportation	Cost +20%/each
CAD – Prints	10.00/sheet

City Council Staff Report

City Council Meeting August 9, 2016

Project Title: ***Awarding of Bid for Affordable Housing Project Site at 439 S. Acacia Avenue***

Request: ***A request that the City Council approve and award the bid for the construction of the affordable home located at 439 S. Acacia Avenue.***

Location: ***439 S. Acacia Avenue***

Planner: ***Ken Zuidervaart, Director of Planning***

Discussion:

The City Council some time ago approved the construction of an affordable single family housing unit located on a vacant parcel on the corner of Acacia Avenue and Fourth Street. Staff worked with a local designer to have the house plans prepared for the home and contractors have now submitted bids on the home for construction. As you recall the proposed homes will be constructed as a craftsman style home in order to blend with the existing older surrounding neighborhood. City Staff will be bringing forward a proposal to have a consultant oversee the actual construction of the home. City Staff has completed the bid process for the home and has received three (3) bids from builders to construct the home. Following is a synopsis of the bids received:

- Contractor A – Total Bid Price $260,733.35
- Contractor B – Total Bid Price $311,100.00
- Contractor C – Total Bid Price $376,744.00

Fiscal Impact

The fiscal impact for the construction of the home will be approximately $261,000 from the City of Ripon Affordable Housing Fund, which currently has a balance of $325,935.63. When the home is complete and sold to a qualified buyer the City anticipates getting back approximately $225,000 from the sale of the home.

Recommended Action:

Should the City Council agree with staff's recommendation, the following motion would be appropriate:

> "The City Council awards the bid to Contractor A for the construction of the affordable house located at 439 S. Acacia Avenue, and directs staff to process the appropriate documents to execute the contract."

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City of Ripon
259 N. Wilma Avenue
Ripon, California 95366
ATTN: Tricia Raymond, Deputy City Clerk

ASSIGNMENT AND
ASSUMPTION OF DEVELOPMENT AGREEMENT

This Assignment and Assumption of Development Agreement (the "Assignment") is made and entered into this ___ day of _____, 2016, by Rod Lowe, AS SUCCESSOR OF THE R & K LOWE 1997 REVOCABLE TRUST ("Developer" or "Assignor"), and BMCH California, LLC, a California limited liability company ("Assignee") with reference to the following facts:

A. On or about May 10, 2016, the City of Ripon ("City"), and Developer (along with HELEN LANDRETH, AS SUCCESSOR TRUSTEE OF THE JACOBINA DEN DULK 1998 TRUST) entered into a Development Agreement for the development of real property (the "Subject Property") more particularly described in Exhibit "A", and which was recorded on June 10, 2016, as Instrument No. 2016-067391, Official Records of San Joaquin County, California, referred to as the "Development Agreement";

B. On or about _____, 2016, Assignee and Assignor entered into an Agreement to Transfer and Convey all of Assignor's interest in the Subject Property and Development Agreement to Assignee;

C. Section 10 of the Development Agreement provides for the assignment by Assignor of all or any portion of Assignor's interests, rights, or obligations in the Development Agreement to third parties upon approval by the City, such approval not to be unreasonably withheld;

D. In accordance with the terms of the Development Agreement, Developer has provided to City a written request for consent to assignment, a copy of which is attached hereto as Exhibit "B", and the City Council has received such testimony and other information as it deems appropriate and as is deemed appropriate by the City Attorney for the purpose of determining that Assignee is a qualified applicant for purposes of the foregoing terms of the Development Agreement. This Agreement is intended to meet the requirements of the Development Agreement as an Assignment and Assumption Agreement, and is executed with the consent of the City as contemplated in the Development Agreement.

NOW, THEREFORE, in consideration of the usual covenants and agreements of the parties and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are true and are incorporated herein by this reference as though set forth in full.

2. Assignment. Developer hereby assigns and delegates to Assignee all of its interest in all rights, obligations and duties of Developer under the terms of the Development Agreement with respect to the development of the Property as described in the Development Agreement, including all exhibits thereto, and specifically including all agreements therein with respect to affordable housing. The term "Assignee" shall include related entities of Assignee.

3. Assumption. Assignee hereby accepts the foregoing assignment and delegation and agrees to perform the obligations of Developer under the Development Agreement, as defined herein, to the extent not sooner performed by Developer.

4. Effective Date. The foregoing assignment and delegation and assumption, and the City's consent hereto, shall take effect and be binding upon Assignee upon the approval by the City Council of this Agreement.

5. Condition. Assignee represents and warrants that it has reviewed and is familiar with the terms and conditions of the Development Agreement, and for the benefit and reliance of City, that it acknowledges that the obligations, rights and duties are as set forth in the Development Agreement, and that the duties of the Developer thereunder and the duties of Assignee hereunder, as between Assignee and the City, shall be without reference to any underlying agreements or understandings that may exist between Assignee, Developer or any Owner or other party with respect to the subject matter hereof, and that the City is not party to such other agreements.

6. Payment of Costs. As a condition of, and prior to approval of this Assignment by the Ripon City Council, Assignee shall reimburse City's reasonable costs, including staff time and attorneys' fees in connection with the preparation of this Assignment in the agreed amount of ONE THOUSAND Dollars ($1,000.00). Assignee shall also pay all recording costs of the City in connection with the recording of this Assignment.

IN WITNESS WHEREOF, the undersigned have executed this Assignment the date and year first above set forth.

DEVELOPER:
R & K LOWE 1997 REVOCABLE TRUST

By: _____
Rod Lowe

ASSIGNEE:
BMCH California, LLC

By: _____

ACKNOWLEDGMENT AND ACCEPTANCE BY CITY

The City of Ripon, California, hereby executes this acknowledgment and acceptance certificate, not as a party to the Assignment and Assumption Agreement, but for the purpose of acknowledging the terms thereof, and confirming that the City Council of City has consented to the assignments set forth herein and that the City Attorney of City has approved the Assignment as to form in accordance with the Development Agreement referred to above. It is further understood and agreed that the term "Assignee" includes related entities of Assignee, including partnerships, corporations, LLC's and other entities in which Assignee retains a majority ownership of the subject property.

CITYOF RIPON, a California
Municipal Corporation

By: _____
JAKE PARKS, Mayor

Dated: _____, 2016

ATTEST:

CLERK OF THE CITY COUNCIL

By: _____
LISA ROOS

Dated: _____, 2016

APPROVED AS TO FORM:

CITY ATTORNEY

By: _____
THOMAS H. TERPSTRA

Dated: _____, 2016

Exhibit "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A Portion of the Southwest Quarter of Section 18, Township 2 South, Range 8 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Commencing at the Northeast corner of said Southwest Quarter of Section 18 and run thence North 89° 35' West along North line of said Southwest Quarter a distance of 50.0 feet to the TRUE POINT OF BEGINNING; thence South 0° 55' East parallel to an 50.0 feet West of the East line of said Southwest Quarter a distance of 904.0 feet; thence North 89° 45'50'' West 1269.22 feet; thence North 0° 55' West parallel to East line of said Southwest Quarter a distance of 908.0 feet to a point in the North line of said Southwest Quarter bearing North 89° 35' West 1320.0 feet from the Northeast corner of said Southwest Quarter; thence 89° 35' East along North line of said Southwest Quarter a distance of 1270.0 feet to the point of beginning.

EXCEPTING THEREFROM the interest of The City of Ripon, a municipal corporation by Grant Deed recorded January 28, 2002, Instrument No. 2002-014743, San Joaquin County Records

APN: 245-340-16

Ken Zuidervaart

From: Rod Lowe <lowerod@comcast.net>
Sent: Wednesday, July 27, 2016 1:24 PM
To: Ken Zuidervaart
Subject: Assignment

Ken I talked with Tom Terpstra and he said that I would need to send a request over to you in regards to an Assigment of the map and DA on the River Rd property. We are within a day of me closing escrow on the property myself and also within a day of Benchmark going hard to purchase it. Part of the conditions to close with Benchmark is an assignment of the map and DA. In order to meet the deadlines of their closing with me I really need to hit the August council meeting. So I'm making the formal request to make the assignment. If you need anything else from me please let me know tomorrow. I did give Tom the name and address of the assignee.
Thanks,

Rod Lowe
1700 Standiford Ave. Ste. 130
Modesto, CA 95350
C 209.531.3438
lowerod@comcast.net

PUBLIC HEARINGS

City Council Staff Report

City Council Meeting August 9, 2016

Project Title: ***Senate Bill 5 General Plan Amendment (G16-02) and Zoning Text Amendment (Z16-02) for the City of Ripon***

Request: ***A public hearing to consider a General Plan Amendment to the Community Health and Safety Element and an Ordinance to amend Title 8 and Title 16, of the Ripon Municipal Code to address the requirements of California Senate Bill 5 (2007) and associated legislation related to provision of 200-year flood protection***

Location: ***City-wide***

Planner: ***Ken Zuidervaart, Director of Planning***

Discussion:

The State of California approved Senate Bill 5 (2007) and several related bills that require 200-year flood protection for urban areas. These bills are referred to collectively herein as "the SB 5 Bills." The SB 5 Bills require that urban and urbanizing areas have 200-year flood protection no later than 2025. Until that time, and after July 2, 2016, certain development is prohibited in areas subject to 200-year flooding (deeper than three (3) feet) unless the City certifies that 1) 200-year flood protection is already provided, or 2) a Finding of "Adequate Progress" has been made toward meeting the 200-year flood protection requirement by 2025.

As part of this effort to provide 200-year flood protection, the City of Ripon City Council approved a contract with consultants Peterson Brustad Inc. (PBI) on March 8, 2016 to provide the *200-year Floodplain Map*. This analysis produced 1) 200-year water surface profiles in the Stanislaus River and 2) mapping of the 200-year floodplain area (and depth) for all areas within the City of Ripon, Sphere of Influence and General Plan Area. The 200-year floodplain map is included in this Staff Report as Attachment A. As shown in the 200-year Floodplain Map, most of the areas subject to 200-year flooding (greater than 3-feet flood depth) are along the non-urban areas along the Stanislaus River. The *200-Year Floodplain Map* is included in this Staff Report as Attachment A.

The SB 5 Bills require the City to incorporate SB 5 requirements into the City's General Plan and zoning. Further discussion regarding the proposed General Plan Amendment and Zoning Text Amendment are below:

General Plan Amendment

The SB 5 Bills contained many provisions related to the requirements for incorporating flood risk considerations into land use planning and management. In summary, the SB 5 Bills requires that Cities and Counties within the Sacramento-San Joaquin Valley amend their General Plans to include:

- The locations of State Plan of Flood Control Facilities (SPFC) and areas protected by the facilities; and
- Location of Flood Hazard Zones; and
- Goals, policies, objectives, and feasible mitigation measures based on the data and analysis contained in the Central Valley Flood Protection Plan (CVFPP) for the protection of lives and property to reduce the risk of flood damage.

The proposed General Plan Amendment includes new Policies related to the SB 5 Bills and additional information in Section 4.3: Seismic, Geological, and Flood Hazards of the Community Health and Safety Element related to Senate Bill 5, locations of SPFC facilities, Flood Hazard Areas, Central Valley Flood Protection Board Designated Floodway Maps, Levee Protection Zones and Awareness Floodplain Mapping. The proposed General Plan Amendment is attached to this Staff Report as Attachment B.

Zoning Text Amendment

The project involves amendments to the City of Ripon Municipal Code. The proposed Ordinance will amend Chapter 8.01, Chapter 16.96, Chapter 16.100, and introduce a new chapter: Chapter 16.10 to address the requirements of California Senate Bill 5 (2007) and associated legislation related to the provision of 200-year flood protection. Specifically, the proposed Ordinance amends:

- Chapter 8.01: Flood Damage Prevention to include the definition of "Flood Hazard Zone" and adds Section 8.01.063: Development in Flood Hazard Zone to the Chapter. (Attachment C)
- Chapter 16.96: Major Subdivisions to add Section 16.96.080: Subdivisions in Flood Hazard Zones – Required Findings to the Chapter. (Attachment D)
- Chapter 16.100: Minor Subdivisions to add Section 16.96.070: Subdivisions in Flood Hazard Zones – Required Findings to the Chapter. (Attachment E)
- New Chapter 16.10: 200-Year Flood Protection to Title 16: Development Code to be consistent with the SB 5 Bills and State Law. (Attachment F)

Analysis

As discussed above, the proposed amendments to the Ripon Municipal Code add a new Chapter titled "200-Year Flood Protection." This Chapter implements the State-mandated requirements related to development in urban or urbanizing areas within the 200-year floodplain. The 200-year floodplain is characterized as any area that is deeper than 3-feet in the event of a flooding event.

Chapters 8.01, 16.96 and 16.100

For internal consistency and appropriate cross-referencing within the Municipal Code, the amendment also adds clarifying language to Chapter 8.01, Flood Damage Prevention, and adds new sections to Chapter 16.96, Major Subdivisions and Chapter 16.100, Minor Subdivisions.

Findings:

Pursuant to Section 65855 of the California Government Code, the proposed Amendments to the Ripon Municipal Code are consistent with the City of Ripon General Plan as follows:

1. The proposed amendments to the Ripon Municipal Code implement the goals and policies of the Community Health and Safety Element in regards to Flood Protection.
2. The proposed amendments to the Ripon Municipal Code are consistent with State law and the SB 5 Bills.

Environmental Analysis:

The proposed General Plan Amendment (G16-02) and Zoning Text Amendment (Z16-02) is exempt from analysis under the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). The General Plan Amendment and Zoning Text Amendment proposes additional policies and required findings to commit the City to undergo future planning, design and zoning determinations, to ensure that the City continues to comply with State law. All future requests for discretionary approvals relating to a project would be required to comply with the General Plan, as amended, the Municipal Code, if applicable, and will be subject to CEQA compliance.

Planning Commission Action

On July 18, 2016, the Planning Commission held a public hearing to consider the proposed amendment to the General Plan Community Health and Safety Element and Title 8 and 16 of the Ripon Municipal Code as it relates to SB5 and 200-year Flood Protection.

Five (5) Planning Commissioners were present at this meeting: Commissioners Bill Long, Brinton McCusker, Debra Van Essen, Gary Barton, David Collins and George Saljian. During their deliberation, the Planning Commissioners raised questions regarding State compliance with SB5, the 200-year Floodplain map prepared by PBI, flood depth level and the State-mandated findings related to development within a Flood Hazard Zone.

Commissioner Van Essen made a motion and Long seconded and with a 4-0 vote, the Planning Commission adopted Resolution No. 16-04 (Commissioner McCusker absent and Commissioner Barton abstained himself from voting due to a conflict of interest), recommending that the City Council adopt the attached Resolution No. 16- (Attachment G) and attached Ordinance (Attachment H) amending the General Plan Community Health and Safety Element and Title 8 and Title 16 of the Ripon Municipal Code.

Planning Commission Resolution No. 16-04 is attached to this Staff Report as Attachment I and the Planning Commission Minutes of the July 18, 2016 meeting are attached to this Staff Report as Attachment J.

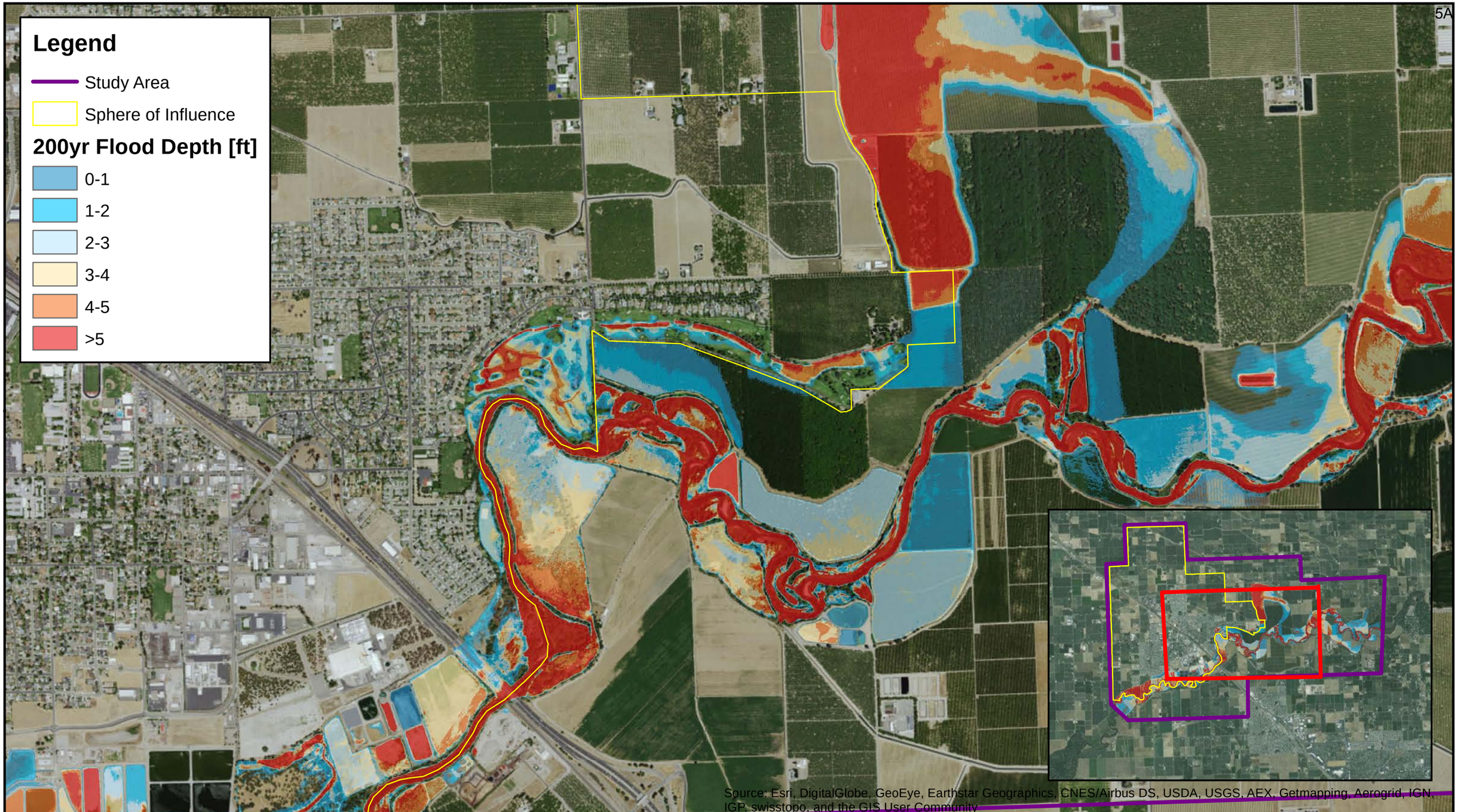
Recommended Action:

The Planning Commission and Planning Staff Recommends that the City Council:

- Adopt the proposed City Council Resolution, approving the proposed General Plan Amendment to the City's Community Health and Safety Element; and
- Waive the first reading and introduce the City Council Ordinance, amending Title 8 and 16 of the Ripon Municipal Code.

Attachments:

A. 200-Year Floodplain Map, dated April 28, 2016
B. Proposed General Plan Amendment to the Community Health and Safety Element
C. Chapter 8.01: Flood Damage Prevention Mark-Up
D. Chapter 16.96: Major Subdivisions Mark-Up
E. Chapter 16.100: Minor Subdivisions Mark-Up
F. Chapter 16.10: 200-Year Flood Protection
G. Draft City Council Resolution
H. Draft City Council Ordinance
I. Planning Commission Resolution 16-04
J. Draft Planning Commission Minutes of July 18, 2016
K. Notice of Public Hearing



PETERSON . BRUSTAD . INC
ENGINEERING . CONSULTING
1180 Iron Point Rd., Suite 260
Folsom, CA 95630
Phone: (916) 608-2212
Fax: (916) 608-2232

N

0 0.25 Miles

1" = 0.25 mi.

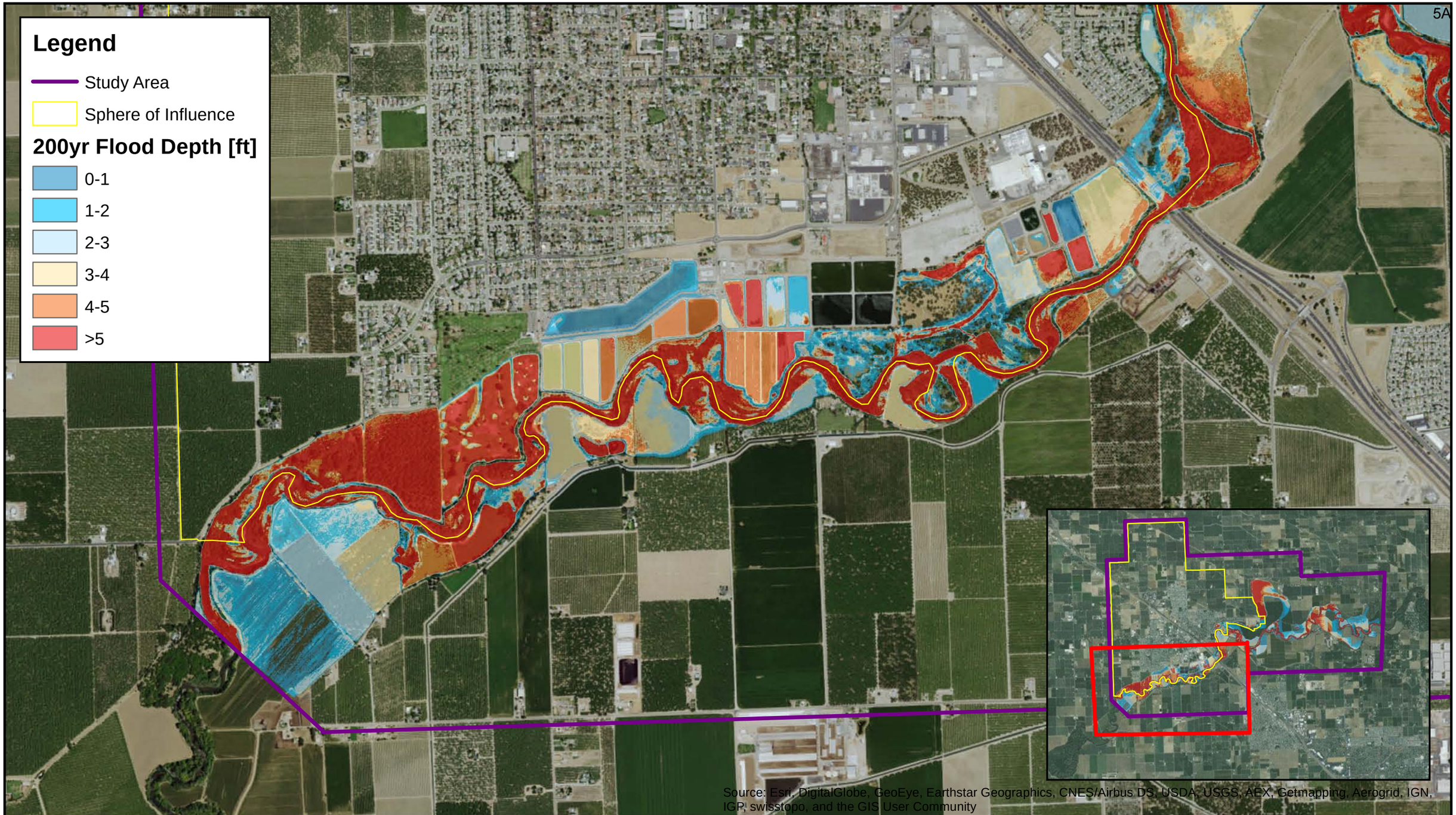
APRIL 28, 2016

CITY OF RIPON

200 Year Floodplain

FIGURE

B-2



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0 0.25 Miles
1" = 0.25 mi.
APRIL 28, 2016

CITY OF RIPON

200 Year Floodplain

FIGURE
B-2

EXHIBIT A 5A

Proposed Modifications to the Community Health and Safety Element

4.2 GOALS AND POLICES

GOAL A: PREVENT LOSS OF LIVES, AND PROPERTY DAMAGE DUE TO GEOLOGICAL HAZARDS.

Policy A1. Require preparation of geological reports or engineering reports for development located in areas of suspected significant geological hazards.

Policy A2. In cooperation with state and local emergency service agencies, the City of Ripon will prepare and maintain a Community Emergency Preparedness Plan.

Policy A3. The Department of Public Works shall maintain maps and records which delineate areas known to be affected by site-specific geologic hazards.

Policy A4. The Ripon General Plan shall be amended to incorporate data and/or analysis provided by the State Mining and Geology Board pursuant to the Seismic Hazard Mapping Act.

GOAL B: PREVENT LOSS OF LIFE, AND PROPERTY DAMAGE DUE TO THE COLLAPSE OF BUILDINGS AND CRITICAL FACILITIES, AND THE DISRUPTION OF ESSENTIAL SERVICE IN THE EVENT OF AN EARTHQUAKE.

Policy B1. The City will not approve any change in use to higher occupancy or more intensive use in unreinforced masonry structures constructed before 1940 until an engineering evaluation of the structure has been conducted and all structural deficiencies are corrected.

Policy B2. Enforce building codes and City ordinances regarding earthquake protection.

Policy B3. Encourage the Ripon Consolidated Fire District's efforts to provide adequate resources (facilities, apparatus, equipment and personnel) needed to service development. Specifics such as numbers and locations of stations, staffing levels of apparatus and stations, service levels and response times are as defined in the Ripon Consolidated Fire District Strategic Plan, originally developed by 9-1-1 Consulting. This plan will be periodically updated by the District to ensure its appropriateness.

GOAL C: PREVENT LOSS OF LIVES, INJURY, AND PROPERTY DAMAGE DUE TO FLOODING.

Policy C1. Continue to participate in the National Flood Insurance Program. To this end, the City will enforce local regulations according to standards adopted by the Federal Emergency Management Agency.

Policy C2. Prohibit the construction of buildings within the 100-year and 200-year flood hazard zones~~plain~~.

Policy C3. Construction in the vicinity of existing levees should be coordinated with the responsible maintenance agency to ensure that structures, ponds, or water applications do not result in weakening of the flood control structures. Such areas will be designated 'special study' districts, and must comply with the provisions of that district.

Policy C4. The City will keep updated data on the 200-year floodplain. This information will be made available and referenced during the development review process for development areas within the base 200-year flood zones, as shown at such time it is available.

Proposed Modifications to the Community Health and Safety Element

Policy C5. Work with local, regional, State, and federal agencies to maintain an adequate flood management information base, prepare risk assessments, and identify strategies to mitigate flood impacts.

Policy C6. Adopt, implement and periodically update the Ripon Community Health and Safety Element containing goals and policies in order to maintain compliance with applicable federal and State requirements.

Policy C7. The City shall locate, and encourage other agencies to locate, new essential government service facilities and essential health care facilities outside of 100-year and 200-year flood hazard zones, except where such locations would compromise facility functioning.

Policy C8. The City shall re-locate or harden existing essential government service facilities and essential health care facilities that are currently located inside the 100-year and 200-year flood hazard zones.

Policy C9. Encourage multi-purpose flood management projects that incorporate recreation, resource conservation, preservation of natural riparian habitat, and scenic values along the Stanislaus River.

Policy C10. Continue active participation in the National Flood Insurance Program (NFIP), where feasible.

Policy C11. The City will update the Zoning Code to require flood protection findings in areas within the 200-year floodplain. Findings shall be consistent with current Central Valley Flood Protection Plan (CVFPP) standards for an urban level of flood protection.

GOAL D: PREVENT LOSS OF LIFE, INJURY, AND PROPERTY DAMAGE DUE TO WILD LAND AND URBAN FIRES.

Policy D1. All new non-residential development will be equipped with automatic interior sprinkler systems to meet the Uniform Building Code.

Policy D2. Encourage the Ripon Consolidated Fire District to maintain a regular program of fire inspection for existing commercial and industrial buildings. Involve the District at the planning stage of new development to ensure appropriate life safety and fire issues are addressed.

Policy D3. Require that the construction of new roads and streets be adequate as to width and turning radius to simplify access by firefighting apparatus. Plans for new streets will be submitted for review and comment to the Ripon Consolidated Fire District.

Policy D4. All development will be required to meet the minimum fire flow rates specified by the City's Fire Code.

Policy D5. Enforce building and fire codes and City ordinances regarding fire protection.

Policy D6. Support the Ripon Consolidated Fire District in the establishment and adjustments of fees and/or funds collected from new development for capital facilities, apparatus, and equipment required to mitigate the impact of new growth.

Proposed Modifications to the Community Health and Safety Element

GOAL E: TO PREVENT CRIME AND PROMOTE THE PERSONAL SECURITY OF RIPON RESIDENTS.

Policy E1. The Ripon Police Department will continue to promote neighborhood security programs and provide crime prevention training for neighborhood groups and associations.

Policy E2. The City will promote personal security when reviewing the design of development.

Policy E3. Encourage the participation of local citizens in the Volunteers in Police Service (VIPS) Program, Police Reserves, and the Technical Reserves.

GOAL F. TO PROVIDE SATISFACTORY LEVEL OF POLICE SERVICE.

Policy F1. The City will try, through adequate staffing and equipping, to maintain the minimum feasible police response times for police calls for service. Depending on available revenue and demographics, the City should use 1.5 sworn officers per one thousand population as its 'target' ratio.

Policy F2. The City will continuously monitor response times.

GOAL G: TO PROTECT CITY RESIDENTS FROM THE EFFECTS OF HAZARDOUS MATERIALS.

Policy G1. City approvals of all development will consider the potential for the production, use, storage, and transport of hazardous materials, and its associated impacts upon any and all Hazardous Material Teams.

Policy G2. Within its authority, the City will regulate the production, use, storage, and transport of hazardous materials to protect the health of Ripon residents.

Policy G3. The City shall conduct audits of its own hazardous materials use and storage to ensure that City-owned materials are properly stored and marked, and that, City employees responsible for the storage, use and transport of Hazardous materials are properly trained and certified.

GOAL H: TO PROVIDE CITY EMERGENCY PROCEDURES THAT ARE ADEQUATE IN CASE OF POTENTIAL NATURAL OR MAN MADE DISASTERS.

Policy H1. The Police Department will maintain and periodically update the City's Emergency Response Plan. As part of the periodic update, the City will review County and State emergency response procedures that must be coordinated with City procedures.

Policy H2. The City will conduct periodic emergency response exercises to test the effectiveness of City emergency response procedures.

Policy H3. Cooperate with San Joaquin County OES, Stanislaus Consolidated Fire Protection District, Ripon Police Department, and other agencies with responsibility for emergency management in emergency response planning, training and provision of logistical support.

Proposed Modifications to the Community Health and Safety Element

GOAL I: SUPPORT AND RECOGNIZE THE REQUIREMENTS OF THE SEISMIC, GEOLOGICAL AND FLOOD HAZARDS COMPONENTS OF THE SAN JOAQUIN COUNTY GENERAL PLAN PUBLIC HEALTH AND SAFETY ELEMENT.

Policy I1. The Seismic, Geological and Flood Hazard Components of the San Joaquin County General Plan Public Health and Safety Element are incorporated by reference to this Chapter of the General Plan and can be found in Volume III (Technical Appendices) accompanying this document.

GOAL J: PROTECT RESIDENTS FROM HEALTH HAZARDS AND ANNOYANCE ASSOCIATED WITH EXCESSIVE NOISE LEVELS.

Policy J1. To require noise buffering, barriers, and/or setbacks as construction techniques in developments in the proximity to the highway, railroad, or major streets as required to maintain City noise standards.

Policy J2. To control noise sources in residential neighborhoods by restricting through truck traffic to designated truck routes.

Policy J3. To require analysis of potential noise from developments and require mitigating measures to reduce noise impacts to adopted City noise standards.

Policy J4. To examine any source of noise projected at or above 70 dB at 50 feet for compatibility with existing or projected planned neighborhood land use before granting a rezoning or conditional use permit.

Policy J5. Develop a community noise ordinance.

Policy J6. The Land Use Compatibility Standards set forth in General Plan ***Table 4.1*** are the adopted noise standards of the City of Ripon.

Policy J7. To minimize the duration of heavy equipment operations in the vicinity of residential uses or other sensitive noise receptors, especially during evening and early morning hours.

Policy J8. Coordinate with and encourage Caltrans to install sound barrier walls along sections of State Route 99 affecting residential uses.

4.3 SEISMIC, GEOLOGICAL, AND FLOOD HAZARDS

Seismic and Geological Hazards

No known seismic or geological faults are found in the Ripon Planning Area. The nearest faults are the Tracy- Stockton Fault and a small buried fault that extend south from Banta to Stanislaus County. These faults have no surface trace and have not had any movement over the last three million years. *Figure 4.1*

Proposed Modifications to the Community Health and Safety Element

is a map compiled for the San Joaquin County General Plan (adopted July 1992) which shows that such hazards do not exist in the Ripon Planning Area.

Active or potentially active faults such as the Calaveras Fault, Hayward Fault, Green Valley-Concord Fault, the Midland Fault and the San Andreas Fault are also shown on the Map.

Like any other place in the Valley, the area could be affected by earthquakes along faults in other parts of the region and elsewhere in California. Recorded earthquakes from outside the Ripon Planning area have produced ground shaking in and around the City.

A maximum intensity earthquake could cause considerable damage in ordinary structures. Most injuries, loss of life and property damage during earthquakes result from structural failures due to ground shaking. Damage from ground shaking is a combined function of the structural integrity of the buildings before the earthquake, and the quality of soils or bedrock underlying the buildings.

Older structures generally were not built to withstand the lateral stress imposed by the ground shaking of a major earthquake. Generally, the older the structure, the less likely it is to resist an earthquake. This applies particularly to buildings having walls of reinforced brick held together by sand lime mortar, and usually to all multi storied buildings that do not have steel reinforcements.

Flooding Hazards

Flooding is one of the costliest natural hazards in California. In the Ripon area the problem of flooding, defined as breaching of the banks of a natural water course, is limited to property along the Stanislaus River. Completion of the New Melones Dam has significantly reduced the chance of damage along the flood plain of the River. The older parts of the City have never been known to flood. ***(Exhibit 4.1 shows the Flood Insurance Rate Map (FIRM) mapping of the 100 Year Flood Plain area ~~in the Planning Area~~.)***

Programs for reducing flood losses include structural and non-structural approaches, some directed at preventing floods, and others controlling that which cannot be prevented. New Melones Dam on the Stanislaus River is a method of prevention. Channel maintenance and development is an additional means of flood prevention. Nonstructural measures include flood forecasting, zoning, exclusions from designated floodway and building code requirements.

In conformity with Federal Emergency Management Agency (FEMA) standards, no building within the flood plain, except by special permit, is permitted within the city.

New Melones and Tullock dams have been identified as having the potential of inundating Ripon in case of dam failure. Inundation areas for each dam are found in the San Joaquin County General Plan Public Health and Safety Element's. Despite the presence of these dams, the risk of flooding is considered very low, because the likelihood of dam failure is low. A dam failure can occur as the result of an earthquake, as an isolated incident due to structural instability, or during heavy rains that exceeds design capacity.

The San Joaquin County Public Health and Safety Element, dated October 2014 ~~adopted July 1992~~ contains additional data on the Ripon Planning Area for seismic, geological, and flooding hazards.

Proposed Modifications to the Community Health and Safety Element

Senate Bill 5

In 2007, the State of California approved Senate Bill 5 (2007) and a series of related Senate and Assembly bills intended to set new flood protection standards for urban areas. This group of bills is referred to collectively as "the SB 5 Bills." The SB 5 Bills establish the State standard for flood protection in urban areas as protection from the 200-year frequency flood. Under the SB 5 Bills, urban and urbanizing areas must be provided with 200-year flood protection no later than 2025. After July 2, 2016, new development in areas potentially exposed to 200-year flooding more than three feet deep will be prohibited unless the local land use agency certifies that 200-year flood protection has been provided, or that "adequate progress" has been made toward provision of 200-year flood protection by 2025. These requirements are to be instituted in local general plans and zoning.

The State's overall long-term program for improving flood protection includes expanded availability of flood risk and planning information, establishment of flood protection and facility design standards, technical assistance to flood protection and land use agencies, and an enforcement system for the new requirements. A key feature of the State program is the *Central Valley Flood Protection Plan* (the "CVFPP"), adopted by the Central Valley Flood Protection Board in 2012; the CVFPP, to be updated on a 5-year cycle, provides an overall understanding of flooding risk and exposure in the Central Valley, the general nature and adequacy of existing flood protection systems, and a statewide strategy for the allocation of available funding for flood protection improvements; the financing strategy is known as the Statewide System Investment Approach (SSIA). The CVFPP is primarily concerned with State Plan Flood Control (SPFC) facilities, which are shared federal/state facilities the State is obligated to cooperate in maintaining and improving. (*Exhibit 4.2 shows the locations of SPFC facilities)*

Another key requirement of the SB 5 Bills is that "urban and urbanizing" areas must be provided with an Urban Level of Flood Protection (ULOP).

An urban area is defined as: "a developed area in which there are 10,000 residents or more."

An urbanizing area is defined as "a developed area or an area outside of a developed area that is planned or anticipated to have 10,000 residents or more within the next ten (10) years."

Flood Hazard Areas

GC §65302(g) requires that the Safety Element include a range of information related to flooding, including "flood hazard zones," FEMA National Flood Insurance Program maps, "flood hazard information available from the USACE," CVFPB floodway maps, damn failure inundation maps, Awareness Floodplain Mapping, 200-year floodplain maps available from DWR, Levee Protection Flood Zone maps, and maps of areas potentially subject to flooding in the event of a failure of levees or floodwalls. There are information overlaps between serval of the listed items, and in some cases the required information has been superseded by more recent and/or accurate information.

Proposed Modifications to the Community Health and Safety Element

A "flood hazard zone" is defined in SB 5 as:

> "An area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency."

As discussed above, Flood Insurance Rate Maps (FIRMs) for the City of Ripon have been issued by the FEMA. Exhibit 4.1 shows the areas in Ripon that are subject to flood risk in the various FEMA classifications.

According to the FIRMS, the Stanislaus River is located in Zone AE, 100-year floodplain areas where Base Flood Elevations have been determined. These are classified as Special Flood Hazard Areas (SFHAs). A portion of the City's Wastewater Treatment Plant (WWTP) is located in Zone A, the 100-year floodplain areas where the Base Flood Elevations have not been determined.

As shown on the FIRMs, a portion of the City of Ripon and General Plan area, north of the Stanislaus River, is located in Zone X. Zone X areas are protected from the 100-year flood by FEMA-accredited levees; these are also areas that would be exposed to flooding in the event of levee failure and that would be subject to potential 500-year flooding hazards.

Detailed 200-Year Floodplain Mapping

The City of Ripon funded a contract with Person Brustad Inc. (PBI) to produce the *200-year Floodplain Map* within the City of Ripon (includes Sphere of Influence and General Plan Area). This analysis produced 1) 200-year water surface profiles of the Stanislaus River, and 2) mapping of the 200-year floodplain area (and depth) for all areas of the City. Mapping results are shown in Figure 4.3. As shown in the map, the areas subject to 200-year flooding (3 feet or greater in depth) are non-urban areas along the Stanislaus River.

Essential Facilities

The City of Ripon contains numerous essential and key facilities that are potentially subject to 200-year flooding. These facilities include:

State Route 99
Existing Potable Wells
City of Ripon Wastewater Treatment Facility
Burlington Northern Santa Fe Railroad

CVFPB Designated Floodway Maps

Designated floodways are the primary non-structural flood management program employed by the State through the CVFPB (CVFMPP, 2010). Land use in designated floodways is managed to maintain flood passage capacity. Exhibit 4.4 shows the Designated Floodway along the Stanislaus River. In general, the Designated Floodway follows the Stanislaus River channel between the Local Interest Project Levees.

Proposed Modifications to the Community Health and Safety Element

Levee Flood Protection Zones

Levee Flood Protection Zones (LFPZs) are theoretical areas that could be flooded in the event of levee failure in levee-protected areas. The City of Ripon is outside of the LPFZ inundation area, as shown on the Geographical Information Systems (GIS) website at http://lfpz.water.ca.gov/lfpz/. As noted by DWR, the LPFZ maps are not regulatory tools and may not describe all potential flooding hazards.

Awareness Floodplain Mapping Program

DWR established the Awareness Floodplain Mapping project to identify flood hazard areas that may not otherwise be mapped, e.g. under the FEMA National Flood Insurance Program (NFIP), and to provide communities with an additional tool for understanding potential flood hazards. The DWR Awareness Floodplain Maps (DWR, 2015) do not show any areas in or near the City of Ripon that are potentially subject to flooding and that are not already shown on the FEMA FIRMs or other federal or state floodplain maps.

possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

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Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures in this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) Zone 10N. The **horizontal datum** was NAD83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

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NGS Information Services
NOAA, N/NGS12
National Geodetic Survey, SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713-3242**, or visit their website at http://www.ngs.noaa.gov/.

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This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

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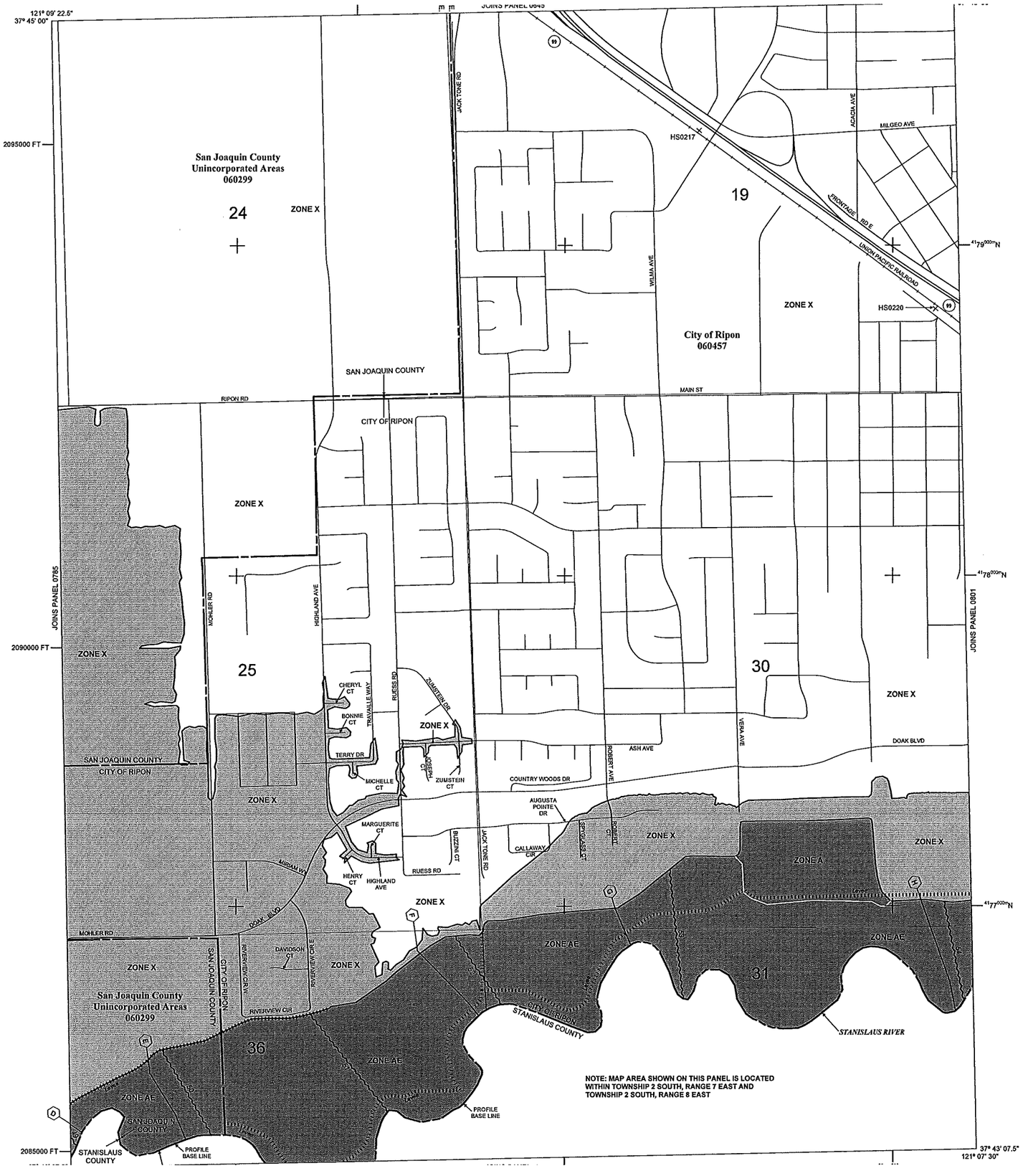
Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and their website at http://www.msc.fema.gov/.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call **1- 877- FEMA MAP (1-877-336-2627)** or visit the FEMA website at http://www.fema.gov/.

EXHIBIT 4.1



that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

5A

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
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ZONE AR	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X	Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D	Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

	Floodplain boundary
	Floodway boundary
	Zone D Boundary
	CBRS and OPA Boundary
	Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
513	Base Flood Elevation line and value; elevation in feet*
(EL 987)	Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

A — A	Cross section line
23 - - - - 23	Transect line
97° 07' 30", 32° 22' 30"	Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
$^{4}76^{000m}$E	1000-meter Universal Transverse Mercator grid values, zone 10
600000 FT	5000-foot grid ticks: California State Plane coordinate system, zone III (FIPSZONE 0403), Lambert Conformal Conic Projection
DX5510 ×	Bench mark (see explanation in Notes to Users section of this FIRM panel)
• M1.5	River Mile

MAP REPOSITORIES
Refer to Map Repositories list on Map Index.

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP PANEL
October 16, 2009

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET

150 0 150 300 METERS

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0782F

FIRM

FLOOD INSURANCE RATE MAP

SAN JOAQUIN COUNTY, CALIFORNIA

AND INCORPORATED AREAS

PANEL 782 OF 950

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
RIPON, CITY OF	060457	0782	F
SAN JOAQUIN COUNTY	060299	0782	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
06077C0782F

EFFECTIVE DATE
OCTOBER 16, 2009

possible updated or additional flood hazard information.

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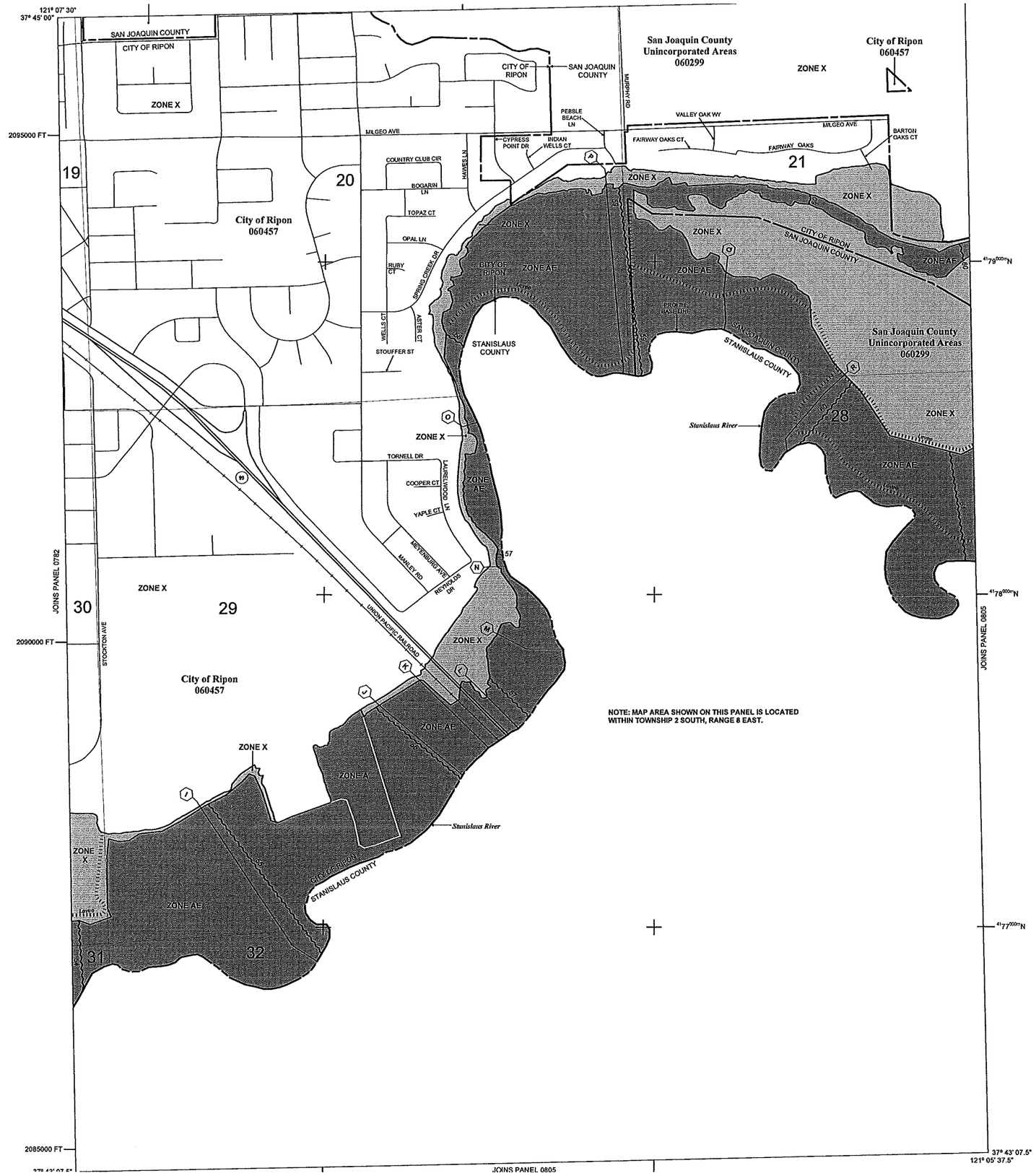

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• M1.5	River Mile

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EFFECTIVE DATE OF COUNTYWIDE FLOOD
INSURANCE RATE MAP PANEL
October 16, 2009

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

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NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0801F

FIRM

FLOOD INSURANCE RATE MAP

SAN JOAQUIN COUNTY, CALIFORNIA

AND INCORPORATED AREAS

PANEL 801 OF 950

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
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SAN JOAQUIN COUNTY	060299	0801	F

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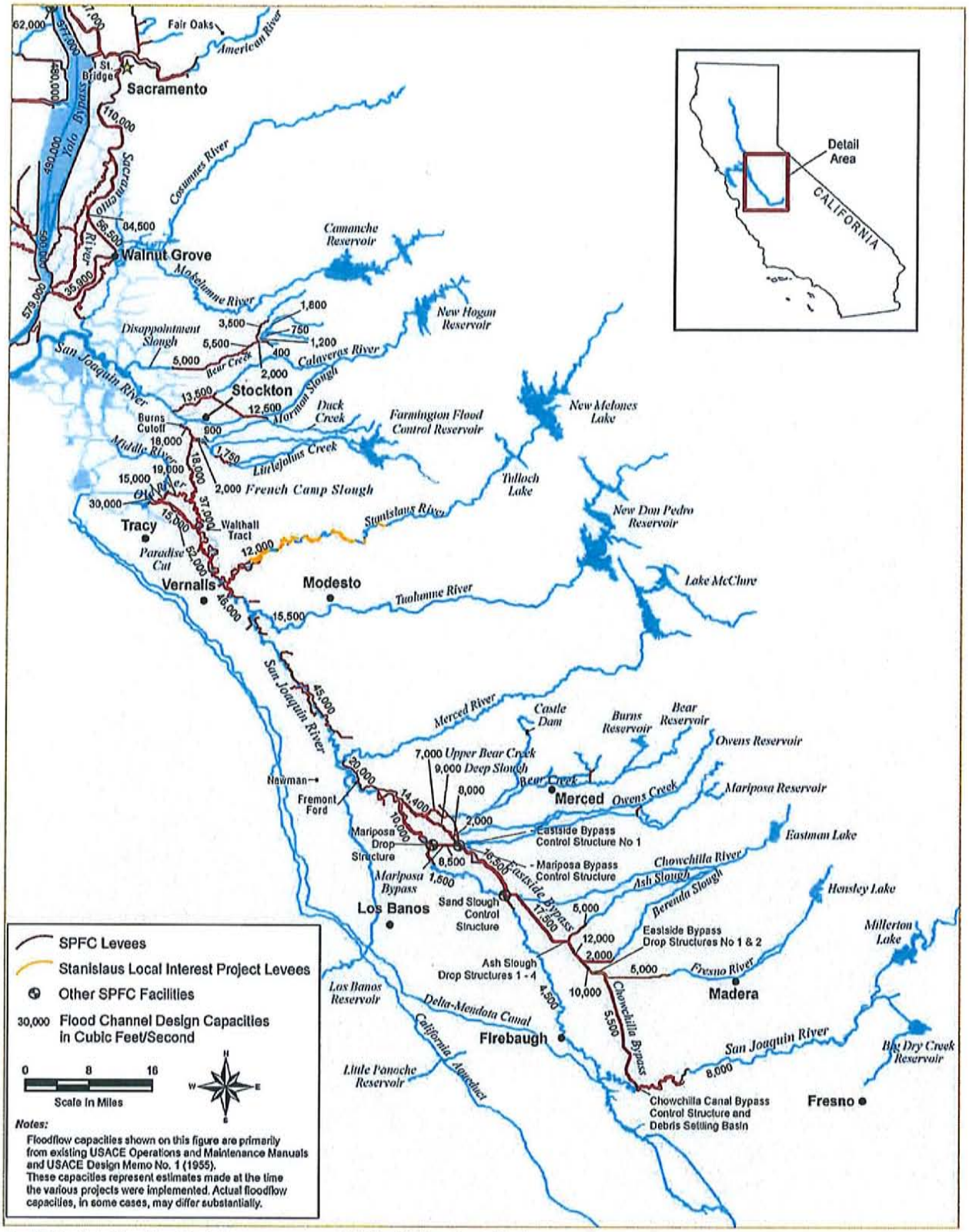
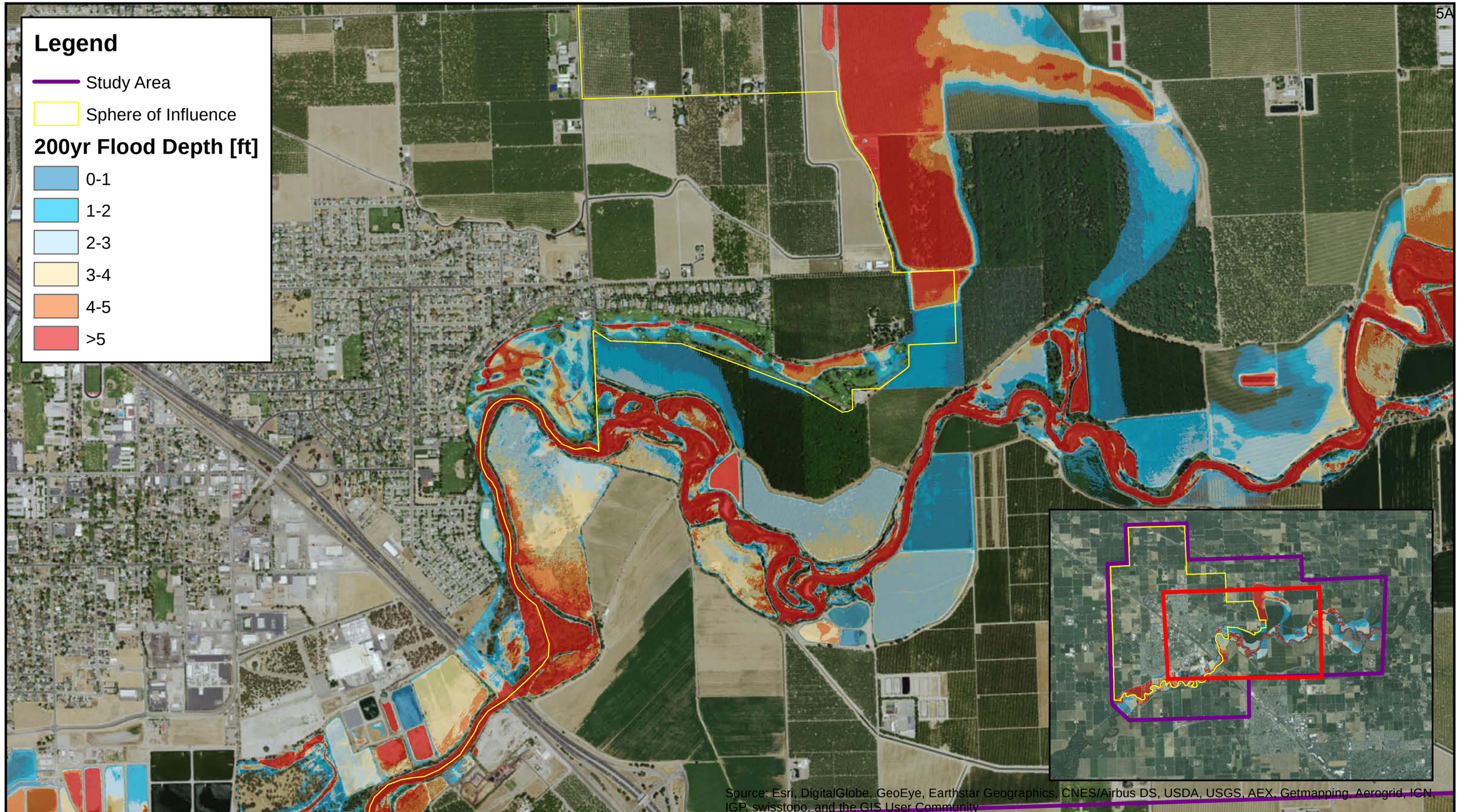
06077C0801F

EFFECTIVE DATE
OCTOBER 16, 2009



Key: SPFC = State Plan of Flood Control USACE = U.S. Army Corps of Engineers

Figure 1-5. State Plan of Flood Control Facilities, San Joaquin River Basin



PETERSON . BRUSTAD . INC
ENGINEERING . CONSULTING
1180 Iron Point Rd., Suite 260
Folsom, CA 95630
Phone: (916) 608-2212
Fax: (916) 608-2232

EXHIBIT 4.3

N

0 0.25 Miles

1" = 0.25 mi.

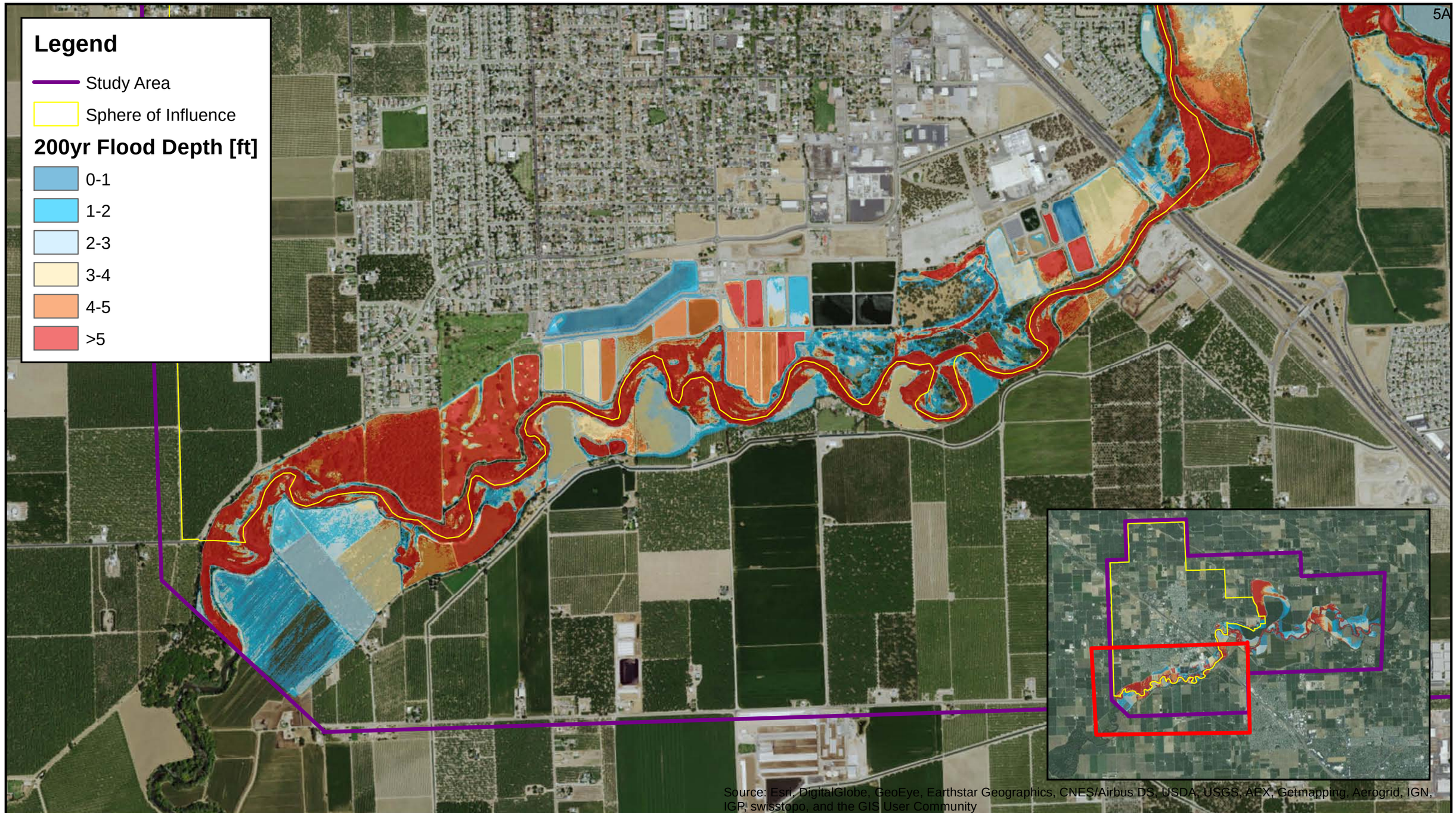
APRIL 28, 2016

CITY OF RIPON

200 Year Floodplain

FIGURE

B-2



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APRIL 28, 2016

CITY OF RIPON

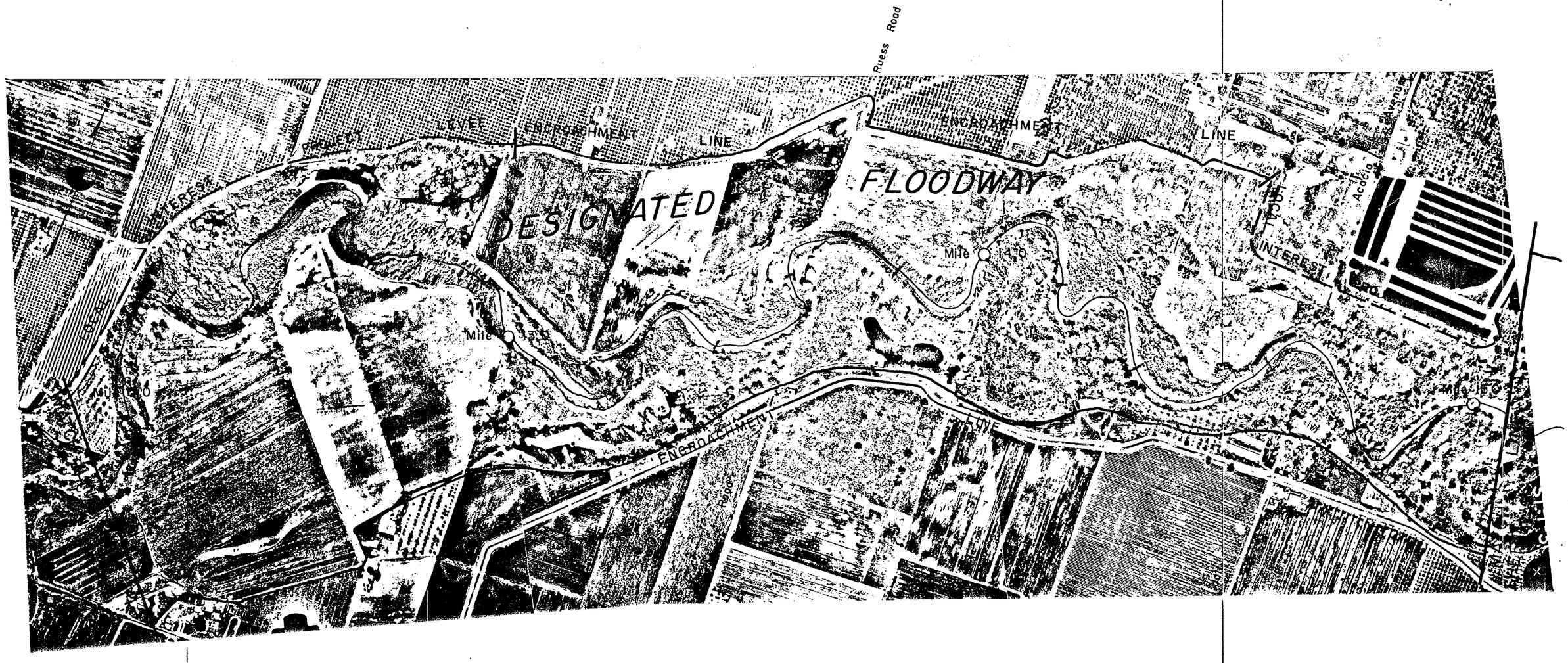
200 Year Floodplain

FIGURE

B-2

EXHIBIT 4.4

5A



Encroachment on local interest project levees, or project levees must be approved by The Reclamation Board before they will be permitted.

Application forms for encroachment permits can be obtained from The Reclamation Board in Sacramento, California.

Encroachments on the remainder of the designated floodway and the project floodway will require approval in writing by the District Engineer, U.S. Army District Sacramento in accordance with the Corps of Engineers easements.

THE ENCROACHMENT LINES AS SHOWN, OR LOCAL INTEREST PROJECT LEVEES, DELINEATE THE BOUNDARY OF THE DESIGNATED FLOODWAY.

AREAS OUTSIDE THIS FLOODWAY MAY ALSO FLOOD.

SCALE APPROX. 1" = 500'

FLOODWAY DESIGN AND MAP PREPARATION

J. E. BAUGHER, CE 13029
RECOMMENDED

J. ANGEL, CE 9322
CHIEF, DWR FLOODWAY MANAGEMENT SECTION

APPROVED

G. DONALD MEIXNER, CE 9589
CHIEF, DWR FLOODWAY PROTECTION BRANCH

THIS PHOTOMOSAIC MAP IS FROM U. S. ARMY CORPS OF ENGINEERS' FILE

ST-1-20-301

Photographed on 4-10-74

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

STANISLAUS RIVER DESIGNATED FLOODWAY AND PROJECT FLOODWAY

SHEET D5 OF 216

New Text is show in underline; deleted text is shown in ~~strikethrough~~

Section 16.01.063 is added to the Ripon Municipal Code to read as follows:

Chapter 8.01

FLOOD DAMAGE PREVENTION

Sections:

8.01.010 Statutory authorization.
8.01.011 Findings of fact.
8.01.012 Statement of purpose.
8.01.013 Methods of reducing flood losses.
8.01.020 Definitions.
8.01.030 Lands to which this ordinance applies.
8.01.031 Basis for establishing the areas of special flood hazard.
8.01.032 Compliance.
8.01.033 Abrogation and greater restrictions.
8.01.034 Interpretation.
8.01.035 Warning and disclaimer of liability.
8.01.036 Severability.
8.01.040 Designation of the floodplain administrator
8.01.041 Duties and responsibilities of the floodplain administrator
8.01.042 Development Permit
8.01.043 Appeals.
8.01.050 Standards of construction.
8.01.051 Standards for utilities.
8.01.052 Standards for subdivisions and other proposed development.
8.01.053 Standards for manufactured homes.
8.01.054 Standards for recreational vehicles.
8.01.055 Floodways.
8.01.060 Nature of variances.
8.01.061 Conditions of variances.
8.01.062 Appeal board.
8.01.063 Development in flood hazard zone

8.01.010 Statutory authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Ripon does hereby adopt the following floodplain management regulations. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

08.01.011 Findings of fact.

A. The flood hazard areas of Ripon are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, flood proofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.012 Statement of purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by

providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.013 Methods of reducing flood losses.

In order to accomplish its purposes, this ordinance includes regulations to:

A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Control filling, grading, dredging, and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.020 Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

"A zone" - see "Special flood hazard area".

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than 2 cars; or

2. A small, low cost shed for limited storage, less than 150 square feet and $1,500 in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and

"Area of special flood hazard" See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100 year flood"). Base flood is the term used throughout this ordinance.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

"Building" see "Structure".

"Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

2. The condition resulting from flood related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official Flood Insurance Rate Map issued by the Federal Emergency Management Agency. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flooding."

"Floodplain Administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-08, TB 2-08, TB 3-93, and TB 7-93.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway".

"Floodway fringe" is that area of the floodplain on

either side of the "Regulatory Floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Section 6.0 of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Ripon City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e. county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to Section 6 of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The Ripon City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

a. The wet floodproofing standard in section

8.01.050.C.3;

b. The anchoring standards in section 8.01.050.A;

c. The construction materials and methods standards in section 8.01.050.B; and

d. The standards for utilities in section 8.01.051.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle". "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

1. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.

2. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-hundred year flood" or "100 year flood" - see "Base flood".

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance" as related to Section 6 of this ordinance, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;

2. Four-hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living

quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet flow area" see "Area of shallow flooding".

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, and AE.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means:

1. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred; or

2. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. This is also known as "repetitive loss."

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

"Violation" means the failure of a structure or

other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.030 Lands to which this ordinance applies.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Ripon. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.031 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for the City of Ripon dated December 16, 2005, with accompanying Flood Insurance Rate Maps (FIRMs), and Flood Boundary and Floodway Maps (FBFM's), dated October 16, 2009, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Ripon City Council by the Floodplain Administrator. The study, FIRM's and FBFM's are on file at Ripon City Hall, 259 N. Wilma Avenue, Ripon, CA 95366. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.032 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the Ripon City Council from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.033 Abrogation and greater restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.034 Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.035 Warning and disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Ripon City Council, any officer or employee

thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder. (Ord. 726 §1, 2005)

8.01.036 Severability.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.040 Designation of the floodplain administrator.

The Director of Planning and Economic Development is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.041 Duties and responsibilities of the floodplain administrator.

A. Permit Review. Review all development permits to determine:

1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

2. All other required state and federal permits have been obtained;

3. The site is reasonably safe from flooding;

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Ripon; and

5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."

2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

C. Review, Use and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 8.01.031, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer these provisions.

NOTE: A base flood elevation shall be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:

a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

b. Submit evidence of such notification to the Federal Emergency Management Agency; and

c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:

a. Within 6 months of information becoming

available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

b. All LOMR's for flood control projects are approved prior t the issuance of building permits. Building Permits must no be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 08.01.050.C.1 and 8.01.053 (lowest floor elevations);

2. Certification required by Section 8.01.050.C.2 (elevation or floodproofing of nonresidential structures);

3. Certification required by Sections 8.01.050.C.3 (wet floodproofing standard);

4. Certification of elevation required by Section 8.01.052.B (subdivision and other proposed development standards);

5. Certification required by Section 8.01.055.A (floodway encroachments); and

6. Maintain a record of all variance actions of the Ripon City Council, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determinations.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in these provisions.

G. Remedial Action.

Take action to remedy violations of this ordinance as specified in Section 8.01.032.

H. Biennial Report.

Complete and submit Biennial Report to FEMA.

I. Planning.

Assure community's General Plan is consistent with floodplain management objectives herein.

J. Non-conversion of enclosed areas below the lowest floor.

To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the Floodplain Administrator shall:

1. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are 5 feet or higher;

2. Enter into a "NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS" or equivalent with the City of Ripon. The agreement shall be recorded with the Office of the San Joaquin County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and

3. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.

(Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.042 Development Permit.

A development permit shall be obtained before any construction or other development, including

manufactured homes, within any area of special flood hazard established in Section 8.01.031. Application for a development permit shall be made on forms furnished by the City of Ripon. The applicant shall provide the following minimum information.

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;

2. Proposed locations of water supply, sanitary sewer, and other utilities;

3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

4. Location of the regulatory floodway when applicable;

5. Base flood elevation information as specified in Section 8.01.031 or Section 8.01.041.C;

6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and

7. Proposed elevation in relation to mean see level to which any nonresidential structure will be floodproofed, as required in Section 8.01.050.C.2 of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 8.01.050.C.2.

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 8.01.050.C.3 of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 8.01.041.E of this ordinance. (Ord. 779 §1, 2010)

8.01.043 Appeals.

In addition to acting upon applications for variances, as set forth in this Chapter, the City Council of the City of Ripon shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.050 Standards of Construction

In all areas of special flood hazards the following standards are required:

A. Anchoring.

All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction materials and methods.

All new construction and substantial improvement of structures, including manufactured homes, shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential construction.

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

a. In AE, AH, A1-30 Zones, elevated 2 feet above the base flood elevation.

b. In an AO zone, elevated above the highest adjacent grade to a height 2 feet above the depth

number specified in feet on the FIRM, or elevated at least 4 feet above the highest adjacent grade in no depth number is specified.

c. In an A zone, without BFE's specified in the FIRM [unnumbered A zone], elevated 2 feet above the base flood elevation; as determined under Section 8.01.041.C.

d. In a shaded X zone, elevated 2 feet above the base flood elevation.

Upon the completion of the structure , the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction

All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 8.01.050.C.1 or:

a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 8.01.050.C.1, so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered civil engineer or architect that the standards of section 8.01.050.C.2 are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. Flood openings.

All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

a. For non-engineered openings:

1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade;

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

b. Be certified by a registered civil engineer or architect.

4. Manufactured homes.

a. See Section 8.01.053

5. Garages and low cost accessory structures.

a. Attached garages.

1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 8.01.050.C.3. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 8.01.050.B.

2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

b. Detached garages and accessory structures.

1. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 8.01.020, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

a. Use of the accessory structure must be limited to parking or limited storage;

b. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

c. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

d. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

e. The accessory structure must comply with floodplain encroachment provisions in Section 8.01.055; and

f. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 8.01.050.C.3.

2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 8.01.050.

6. Crawlspace Construction.

This sub-section applies to buildings with crawl spaces up to 2 feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.

a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;

b. The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-08;

c. Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;

d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and

e. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

f. Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:

1. The interior grade of a crawl space below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01;

2. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed 4 feet (shown as L in figure 3 of Technical Bulletin 11-01) at any point.

3. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and

4. The velocity of floodwaters at the site should not exceed 5 feet per second for any crawl space. For velocities in excess of 5 feet per second, other foundation types should be used. (Ord. 779 §1, 2010)

8.01.051 Standards for Utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and

2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

C. In Zone AE, Zone A, or a shaded Zone X, all direct opening into the sanitary sewer system, such as manholes, shall be elevated 1 foot above the base flood elevation. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.052 Standards for Subdivisions and other proposed development.

A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:

1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).

2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:

a. Lowest floor elevation.

b. Pad elevation.

c. Lowest adjacent grade.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.053 Standards for Manufactured Homes.

A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. With Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 8.01.053.A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at least 2 feet above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.054 Standards for Recreational Vehicles.

A. All recreational vehicles placed in Zones A1-30, AH, and AE will either:

1. Be on the site for fewer than 180 consecutive days; or

2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the permit requirements of Section 8.01.042 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 8.01.053.A. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.055 Floodways.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential,

the following provisions apply:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development will not increase the water surface elevation of the base flood ore than 1 foot at any point within the City of Ripon.

B. Within an adopted regulatory floodway, the City of Ripon shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

C. If Sections 8.01.055.A & B are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this ordinance. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.060 Nature of Variances

The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Ripon City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.061 Conditions for Variances.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures in this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 8.01.020 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination by the Ripon City Council that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the Ripon

City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Ripon City Council believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the San Joaquin County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.(Ord. 779 §1, 2010)

8.01.062 Additional Variance Procedures and Criteria.

A. In passing upon requests for variances, the Ripon City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger of life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Variances shall only be issued by the City Council upon a:

1. Showing of good and sufficient cause;

2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and

3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 8.01.062.A through 8.01.062.D are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

D. Upon consideration of the factors of Section 8.01.062.A and the purposes of this ordinance, the Ripon City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. (Ord. 726 §1, 2005; Ord. 779 §1, 2010)

8.01.063 Development in Flood Hazard Zone

A. Development of land, including but not

limited to development agreement, tentative subdivision maps, parcel maps, discretionary approvals and ministerial approvals for residential units, shall not be approved ntil any applicable findings required in Chapter 16.10: 200-year flood protection have been made.

New Text is show in underline; deleted text is shown in ~~strikethrough~~

Section 16.96.080 is added to the Ripon Municipal Code to read as follows:

CHAPTER 16.96

MAJOR SUBDIVISIONS

Sections:

16.96.010 Purpose.
16.96.020 Requirements for Application.
16.96.030 Review Procedures.
16.96.040 Findings.
16.96.050 Expiration Date.
16.96.060 Written Statement.
16.96.070 Vested Rights.
16.96.080 Subdivisions in Flood Hazard Zones – Required Findings

16.96.010 Purpose.

It is the purpose of this Chapter to provide a method for reviewing major subdivision applications. (Ord. 606, 1999)

16.96.020 Requirements for Application.

A. A major subdivision application may be initiated by the property owner(s) or the property owner-s authorized agent. Applications shall be filed with the Planning Department. The application must include a tentative map or, at the option of the applicant, a vesting tentative map and other maps or documents required by the City.

B. Required information on the tentative subdivision map site plan diagram (twenty [20] copies) at 18" x 24" folded to approximately 8 2" x 11" and an 8 2@ x 11" reduction shall include the following information:

1. A key or location map that shows the general area, including adjacent property, subdivisions and roads;

2. The tract name or number, date, north point, scale and sufficient description to define location and boundaries of the proposed tract;

3. Name and address of recorded owner or owners;

4. Name and address of the subdivider;

5. Name and business address of the person who prepared the map;

tenth of an acre;

7. Sufficient elevations or contours to determine the general slope of the land and the high and low point of the site, which includes verification that any portion of the project used for habitable

6. Acreage of the proposed tract to the nearestructures, is not in the 100 year flood plain;

8. The locations names, widths, and grades of all roads, street, highways, and ways in the proposed subdivision or to be offered for dedication;

9. The locations, names and existing widths of all adjoining and contiguous highways, streets, and ways;

10. The widths, locations and purpose of all existing easements;

11. Lot layout, dimensions of each lot and lot numbers;

12. City limit lines occurring within the general vicinity of the subdivision;

13. Bearings and distances to quarter section bounds within the general vicinity of the subdivision;

14. Boundaries of any units within the subdivision if the subdivision is to be recorded in stages;

15. Names and owners of land immediately adjacent to the subdivision;

16. The Outline of any existing buildings to remain in place and their location in relation to existing or proposed street and lot lines;

17. Location of all trees proposed to remain in place, standing within the boundaries of proposed public right-of-way;

18. Location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all watercourses.

C. Additional information and documents required as follows:

1. Vicinity map (8 1/2" x 11")

2. Legal description

3. Executed Development Agreement (at discretion of the Director)

4. Preliminary title report, dated within ten (10) days of filing the application.

D. A fee, as specified by resolution of the City Council is required with the application.

E. Before application, the applicant should request a preapplication conference with the Planning Department. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.96.030 Review Procedures.

Major subdivision applications shall be reviewed using the public hearing review procedure specified in Section 16.08.030 with the following modifications:

A. Planning Commission. At the conclusion of the public hearing, the Planning Commission shall recommend approval/denial of the application by the City Council.

B. City Council. The City Council shall hold a public hearing to review the Planning recommendation and take final action.

C. Action With No EIR. If an Environmental Impact Report is not required, the final action on the application must be rendered within fifty (50) calendar days after it accepted as complete.

D. Action With EIR. If an Environmental Impact Report is required, the final action on the application must be rendered within forty-five (45) calendar days after certification of the environmental impact report.

E. Notice of Hearing. Notification of any public hearing must include publication in the newspaper of general circulation in the City at least ten (10) days before the hearing.

F. Notice of Phased Final Maps. If the applicant intends to file phased maps, the applicant must inform the Planning Department of such intention at the time of filing the application. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.96.040 Findings.

Before approving an application for a major subdivision, the planning commission shall find that all of the following are true:

A. Plan Consistency. The proposed subdivision is consistent the goals, policies, standards, and maps of the General Plan and any other applicable plan or agreement adopted by the City;

B. Design and Improvements. The design and improvement of the proposed subdivision is consistent with the General Plan and any applicable specific plan, special purpose plan, or any agreement;

C. Type of Development. The site is physically suitable to the type of development proposed, which includes verification that any portion of the project used for habitable structures, is not in the 100 year flood plain;

D. Density of Development. The site is physically suitable for the proposed density of development;

E. Fish and Wildlife. Neither the design of the subdivision nor the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

F. Public Health. The design of the subdivision or type of improvement is not likely to cause significant public health problems;

G. Access. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision;

H. Dedications. Any land or improvements to be dedicated to the City is consistent with the General Plan, and applicable specific plan and special purpose plan, and any other applicable plan or agreement adopted by the City;

I. Energy. The design of the subdivision provides, to the extent feasible, for future passive of natural heating or cooling opportunities in the subdivision. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.96.050 Expiration Date.

A tentative subdivision map, that has been approved, shall expire either thirty-six (36) months

after the date of its approval, unless a final map has been filed with the County Recorder, or on the expiration date of an associated development agreement. Upon application of the subdivider, filed before the expiration of the approved tentative map, the time at which the map expires may be extended by the City Council for a period or periods as provided in the State Subdivision Map Act. (Ord. 606, 1999)

16.96.060 Written Statement.

A written statement shall be presented by the subdivider with the tentative map when it is presented. The statement must contain information on improvements, public utilities, drainage, sewerage, water supply, street lighting and justification for any exceptions to the provisions of this Title. A copy of any restrictive covenants must be attached to the statement. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.96.070 Vested Rights.

An approved major subdivision application that includes a vesting tentative map shall confer rights as set forth in this section.

A. Vested Rights. The approval of the major subdivision application shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66498.1 of the Government Code.

B. Exceptions. Notwithstanding Subsection (a), a permit, approval, extension, or entitlement may be conditioned or denied if either of the following is determined:

1. Failure to do so would place the residents of the subdivision, the immediate community, or both in a condition dangerous to the their health, safety, or both; or

2. Conditions of denial is required in order to comply with state or federal law.

C. Time Periods. The vested rights referred to in Subsection (a) shall expire if a final map is not approved before the expiration of the approved major subdivision application. If the final map is approved, vested rights shall continue as follows:

1. Vested rights shall remain in effect for an initial time period of one (1) year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this one (1) year initial time period shall begin for each phase when the final map for that phase is recorded. All of said final maps must be recorded within the time period set forth in Section 16.96.050, or the vested rights expire for those parcels for which final maps are not timely recorded.

2. This one (1) year initial time period set forth in Subsection C (1) shall be automatically extended by any time used for processing a complete application for a grading permit, if one is required, or for any required design or architectural review, if such processing exceeds thirty (30) days from the date a complete application is filed.

3. If the subdivider submits a complete application for a building permit during the periods of time specified in Subsections 16.96.070.C.1 and 16.96.070.C.2 above or during any approved time extensions of the initial one (1) year time limit period specified in Subsection 16.96.070.C.1 above, the vested rights referred in this section shall continue until expiration of that building permit, or extension of that building permit.

D. Development Agreement. Vesting tentative maps will not be allowed to be submitted with a development agreement.

E. Subsequent Conditioning. Consistent with Subsection 16.96.070.A, an approved or conditionally approved vesting tentative map shall not limit the Planning Commission or City Council from imposing reasonable conditions on subsequent approvals or permits necessary for the development. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.96.080 Subdivisions in Flood Hazard Zones – Required Findings

Subdivisions located in Flood Hazard Zones as

defined in Chapter 8.01 shall not be approved until the applicable findings required in Chapter 16.10 have been made.

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Section 16.100.070 is added to the Ripon Municipal Code to read as follows:

Chapter 16.100

MINOR SUBDIVISION

Sections:

16.100.010	**Purpose.**
16.100.020	**Requirements for Application.**
16.100.030	**Review Procedures.**
16.100.040	**Findings.**
16.100.050	**Expiration Date.**
16.100.060	**Vested Rights.**
16.100.070	**Subdivisions in Flood Hazard Zones – Required Findings**

16.100.010 Purpose.

It is the purpose of this Chapter to provide a method for reviewing minor subdivision (parcel map)applications. (Ord. 606, 1999)

16.100.020 Requirements for Application.

A. A minor subdivision application may be initiated by the property owner(s) or the property owner's authorized agent. Applications are filed with the Planning Department. The application must include a tentative map or, at the option of the applicant, a vesting tentative map and other maps or documents required by the City.

B. Required information on the tentative subdivision map site plan diagram (twenty [20]copies) at 18" x 24" folded to approximately 8 2" x 11" and an 82"x11" reduction shall include the following information:

1. A key or location map that shows the general area, including adjacent property, subdivisions and roads;

2. The tract name or number, date, north point, scale and sufficient description to define location and boundaries of the proposed tract;

3. Name and address of recorded owner or owners;

4. Name and address of the subdivider;

5. Name and business address of the person who prepared the map;

6. Acreage of the proposed tract to the nearest tenth of an acre;

7. Sufficient elevations or contours to determine the general slope of the land and the high and low point of the site, which includes verification that any portion of the project used for habitable structures, is not in the 100 year flood plain;

8. The locations names, widths, and grades of all roads, street, highways, and ways in the proposed subdivision or to be offered for dedication;

9. The locations, names and existing widths of all adjoining and contiguous highways, streets, and ways;

10. The widths, locations and purpose of all existing easements;

11. Lot layout, dimensions of each lot and lot numbers;

12. City limit lines occurring within the general vicinity of the subdivision;

13. Bearings and distances to quarter section bounds within the general vicinity of the subdivision;

14. Boundaries of any units within the subdivision if the subdivision is to be recorded in stages;

15. Names and owners of land immediately adjacent to the subdivision.

16. The Outline of any existing buildings to remain in place and their location in relation to existing or proposed street and lot lines;

17. Location of all trees proposed to remain in place, standing within the boundaries of proposed public right-of-way;

18. Location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all watercourses.

C. Additional information and documents required as follows:

1. Vicinity map (8 2" x 11")

2. Legal description

3. Executed Development Agreement (at discretion of the Director).

4. Preliminary title report, dated within ten

(10) days of filing the application.

D. A fee, as specified by resolution of the City Council is required with the application

E. Before application, the applicant should request a preapplication conference with the Planning Department. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.100.030 Review Procedures.

Minor subdivision applications shall be reviewed by the Planning Commission using the public hearing review procedure specified in Section 16.08.040 with the following modifications:

A. Action with Negative Declaration or Notice of Exemption. If a Negative Declaration or Notice of Exemption is certified in connection with the project, the final action on the application must be rendered within sixty (60) calendar days after it is accepted as complete.

B. Action with EIR. If an Environmental Impact Report is required, the final action on the application must be rendered within one hundred eighty (180) calendar days after certification of the Environmental Impact Report.

C. Appeals. Appeals of any Planning Commission decision must be heard by the City Council within thirty (30) calendar days, or an authorized extension thereof, after the conclusion of the hearing before the City Council.

D. Notice of Hearing. Notification of any public hearing must include publication in the newspaper of general circulation in the City at least ten days (10) days before the hearing. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.100.040 Findings.

Before approving an application for a minor subdivision, the Planning Commission shall find that all of the following are true:

A. Plan Consistency. The proposed subdivision is consistent with the goals, policies, standards, and maps of the General Plan and any other applicable plan or agreement adopted by the City;

B. Design and Improvements. The design and improvement of the proposed subdivision is consistent with the General Plan and any applicable specific plan, special purpose plan, or any agreement;

C. Type of Development. The site is physically suitable to the type of development proposed, which includes verification that any portion of the project used for habitable structures, is not in the 100 year flood plain;

D. Density of Development. The site is physically suitable for the proposed density of development;

E. Fish and Wildlife. Neither the design of the subdivision nor the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

F. Public Health. The design of the subdivision or type of improvement is not likely to cause significant public health problems;

G. Access. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision;

H. Dedications. Any land or improvements to be dedicated to the City is consistent with the General Plan, and applicable specific plan and special purpose plan, and any other applicable plan or agreement adopted by the City;

I. Energy. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.100.050 Expiration Date.

A minor subdivision application that has been approved shall expire twenty-four (24) months after the date of its approval, unless a parcel map has been filed with the County Recorder or on the expiration date of an associated Development Agreement, whichever is later Upon application of the subdivider, filed before the expiration of the

approved tentative map, the time at which the map expires may be extended by the Planning Commission or City Council for a period or periods as provided in the State Subdivision Map Act. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.100.060 Vested Rights.

An approved minor subdivision application that includes a vesting tentative map shall confer rights as set forth in this section.

A. Vested Rights. The approval of the minor subdivision application shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Section 66498.1 of the Government Code.

B. Exceptions. Notwithstanding Subsection (a), a permit, approval, extension, or entitlement may be conditioned or denied if either of the following is determined:

1. Failure to do so would place the residents of the subdivision, the immediate community, or both in a condition dangerous to their health, safety, or both; or

2. Condition or denial is required in order to comply with state or federal law.

C. Time Periods. The vested rights referred to in Subsection (a) shall expire if a final map is not approved before the expiration of the approved minor subdivision application. If the final map is approved, vested rights shall continue as follows:

1. Vested rights shall remain in effect for an initial time period of one (1) year. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this one (1) year initial time period shall begin for each phase when the final map for that phase is recorded. All of said final maps must be recorded within the time period set forth in Section 16.96.050, or the vested rights expire for those parcels for which final maps are not timely recorded.

2. This one (1) year initial time period set forth in Subsection (c) (1) shall be automatically extended by any time used for processing a complete application for a grading permit, if one is required, or for any required design or architectural review, if such processing exceeds thirty (30) days from the date a complete application is filed.

3. If the subdivider submits a complete application for a building permit during the periods of time specified in Subsections 16.100.060.C.1 and 16.100.060.C.2 above or during any approved time extensions of the initial one (1) year time limit period specified in Subsection 16.100.060.C.1 above, the vested rights referred in this section shall continue until expiration of that building permit, or extension of that building permit. In the event of amendments to the Subdivision Map Act which expressly modify the time frames set forth herein, the provisions of the Subdivision Map Act shall prevail.

D. Development Agreement. Vesting Tentative Maps will not be allowed to be submitted with a Development Agreement.

E. Subsequent Conditioning. Consistent with Subsection (a), an approved or conditionally approved vesting tentative map shall not limit the Planning Commission or City Council from imposing reasonable conditions on subsequent approvals or permits necessary for the development. (Ord. 606, 1999; Ord. 758 §2 (part), 2007)

16.100.070 Subdivisions in Flood Hazard Zones – Required Findings

Subdivisions located in Flood Hazard Zones as defined in Chapter 8.01 shall not be approved until the applicable findings required in Chapter 16.10 have been made.

Chapter 16.10

200-YEAR FLOOD PROTECTION

Sections

16.10.010 Intent
16.10.020 Definitions
16.10.030 200-Year Flood Protection Requirements for New Development

16.10.010 Intent

This section implements the requirements of Senate Bill 5 (2007) and related legislation that prohibits approval of urban development in urban and urbanizing areas that are exposed to 200-year flooding risk unless certain findings are made. These requirements are established in the California Government Code Sections 65865.5, 65962 and 66474.5, as amended.

16.10.020 Definitions

"200-year frequency flooding" means the level of flooding that has a 1-in-200 chance of occurring in any given year using criteria with, or developed by, the California Department of Water Resources.

"200-year floodplain map" means a map approved by the City Engineer for urban and urbanizing areas that depicts geographic areas that may be exposed to 200-year frequency flooding, and, if available, the depth of flooding during a 200-year flooding event.

"Adequate progress" is defined in California Government Code Section 65007.

"New development" is defined as:

1. A development agreement, or
2. A tentative subdivision map, or a parcel map for which a tentative map was not required, or
3. A discretionary permit or other discretionary entitlement that would result in the construction of a new building or construction that would result in an increase in allowed occupancy for an existing building, or
4. A ministerial permit that would result in the construction of a new residence.

"Flood hazard zone" means an area subject to flooding as delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA), as also defined in Chapter 8.01.

"Urban areas and urbanizing areas" an urban area is a developed area in which there are 10,000 residents or more (California Government Code Section 65007(l)). An urbanizing area is a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years (California Government Code Section 65007(m)).

"Urban level of flood protection (ULOP)" means the level of protection that is necessary to withstand 200-year frequency flooding. ULOP shall not mean shallow flooding or flooding from local drainage that meets the criteria for the national Federal Emergency Management Agency standard of flood protection (Government Code Section 65007).

16.10.030 200-Year Flood Protection Requirements for New Development

After July 2, 2016, unless that date is amended by the State Legislature, new development shall not be approved where 200-year flooding, as shown on a 200-year map, will exceed 3 feet in depth, or in a flood hazard zones where 200-year floodplain maps have not been approved by the City Engineer, unless the approval authority determines based on substantial evidence in the record that:

A. The facilities of the State Plan of Flood Control or other flood management facilities protect the new development site to the Urban Level of Flood Protection in urban an urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in non-urbanizing areas; or

B. Conditions imposed on the new development will protect the property to the Urban Level of Flood Protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard

of flood protection in non-urbanizing areas; or

C. The local flood management agency has made adequate progress on the construction of a flood protection system that will result in flood protection equal to or greater than the Urban Level of Flood Protection in urban and urbanizing areas, or the national Federal Emergency Management Agency standard of flood protection in non-urbanizing areas.

D. The new development site located in an undetermined risk area has met the Urban Level of Flood Protection based on substantial evidence in the record.

RESOLUTION NO. 16-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON APPROVING THE GENERAL PLAN AMENDMENT COMMUNITY HEALTH AND SAFETY ELEMENT PURSUANT TO THE REQUIREMENTS OF CALIFORNIA SENATE BILL 5 AND ASSOCIATED LEGISLATION RELATED TO PROVISION OF 200-YEAR FLOOD PROTECTION FOR CALIFORNIA URBAN AREAS

WHEREAS, in 2008 the California Legislature enacted, and the Governor signed, the Central Valley Protection Act ("Act"), which directed the Department of Water Resources ("DWR") to prepare and the Central Valley Flood Protection Board ("CVFPB") to adopt the Central Valley Flood Protection Plan ("CVFPP") by July 1, 2012; and

WHEREAS, on June 29, 2012, the CVFPB adopted a CVFPP that established a vision and process for reducing flood risk in the Sacramento and San Joaquin River basins; and

WHEREAS, the Act requires the City to revise its General Plan and Municipal Code to provide additional information and planning with regards to potential flooding; and

WHEREAS, to comply with the Act's requirements, City staff prepared an amendment to the general plan and municipal code, which provides additional flood planning, flood data and State-mandated findings related to 200-year flood protection; and

WHEREAS, notice of the proposed General Plan Amendment was delivered by first class mail to the Native American Heritage Commission on June 15, 2016 for a ninety (90) day review and consultation period; and

WHEREAS, the Government Code Section 65353 requires the Planning Commission to hold at least one noticed, public hearing on any proposed general plan amendment; and

WHEREAS, the Government Code further requires that the City Council receive input from the Planning Commission on any proposed general plan amendment and code text amendment; and

WHEREAS, the Planning Commission has reviewed the proposed general plan amendment and code text amendment and conducted a public hearing on July 18, 2016 and with a 4-0 vote, approved Planning Commission Resolution No. 16-04, recommending to the City Council approve the General Plan Amendment and Zoning Text Amendment; and

WHEREAS, notice of the public hearing on the proposed Resolution was published in the *Manteca Bulletin*, a newspaper of general circulation, on July 21, 2016; and

WHEREAS, all other legal perquisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ripon, after all proceedings have been duly held as required by law, as follows:

1. Approve the Amendments to the General Plan Community Health and Safety Element attached hereto as Exhibit A and incorporated herein by this reference, based on the following findings:

    1. General Plan Amendment Findings. That pursuant to California Government Code section 65358, the Planning Commission finds as follows:

        a. It is in the public interest to adopt the proposed General Plan Amendment.
        b. The City has provided opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups pursuant to Government Code 65351.
        c. That the proposed amendments have been processed in accordance with the California Government Code, the Ripon Municipal Code and the California Environmental Quality Act.

    2. That, based on the findings set forth in this Resolution, the evidence in the City Staff Report, and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby approves the General Plan Amendment as included as Exhibit A to this Resolution.

    3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of the City of Ripon hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), clause(s), phrase(s), or word(s) be declared invalid.

    4. The City has completed the environmental review on the General Plan Amendment to the Community Health and Safety Element and has determined that the proposed General Plan Amendment exempt from analysis under the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). The General Plan Amendment implements State-mandated requirements

related to 200-year flood protection. All future requests for discretionary approvals relating to a Project would be required to comply with the City's General Plan, Codes and Regulations and will be subject to CEQA compliance.

PASSED AND ADOPTED at a regular meeting of the City of Ripon City Council this 9th day of August, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

THE CITY OF RIPON,
A Municipal Corporation

By: _____
Jacob Parks, Mayor

ATTEST:

_____
Lisa Roos, City Clerk

Attachments:
Exhibit A: General Plan Amendment

Proposed Modifications to the Community Health and Safety Element

4.2 GOALS AND POLICES

GOAL A: PREVENT LOSS OF LIVES, AND PROPERTY DAMAGE DUE TO GEOLOGICAL HAZARDS.

Policy A1. Require preparation of geological reports or engineering reports for development located in areas of suspected significant geological hazards.

Policy A2. In cooperation with state and local emergency service agencies, the City of Ripon will prepare and maintain a Community Emergency Preparedness Plan.

Policy A3. The Department of Public Works shall maintain maps and records which delineate areas known to be affected by site-specific geologic hazards.

Policy A4. The Ripon General Plan shall be amended to incorporate data and/or analysis provided by the State Mining and Geology Board pursuant to the Seismic Hazard Mapping Act.

GOAL B: PREVENT LOSS OF LIFE, AND PROPERTY DAMAGE DUE TO THE COLLAPSE OF BUILDINGS AND CRITICAL FACILITIES, AND THE DISRUPTION OF ESSENTIAL SERVICE IN THE EVENT OF AN EARTHQUAKE.

Policy B1. The City will not approve any change in use to higher occupancy or more intensive use in unreinforced masonry structures constructed before 1940 until an engineering evaluation of the structure has been conducted and all structural deficiencies are corrected.

Policy B2. Enforce building codes and City ordinances regarding earthquake protection.

Policy B3. Encourage the Ripon Consolidated Fire District's efforts to provide adequate resources (facilities, apparatus, equipment and personnel) needed to service development. Specifics such as numbers and locations of stations, staffing levels of apparatus and stations, service levels and response times are as defined in the Ripon Consolidated Fire District Strategic Plan, originally developed by 9-1-1 Consulting. This plan will be periodically updated by the District to ensure its appropriateness.

GOAL C: PREVENT LOSS OF LIVES, INJURY, AND PROPERTY DAMAGE DUE TO FLOODING.

Policy C1. Continue to participate in the National Flood Insurance Program. To this end, the City will enforce local regulations according to standards adopted by the Federal Emergency Management Agency.

Policy C2. Prohibit the construction of buildings within the 100-year and 200-year flood hazard zones~~plain~~.

Policy C3. Construction in the vicinity of existing levees should be coordinated with the responsible maintenance agency to ensure that structures, ponds, or water applications do not result in weakening of the flood control structures. Such areas will be designated 'special study' districts, and must comply with the provisions of that district.

Policy C4. The City will keep updated data on the 200-year floodplain. This information will be made available and referenced during the development review process for development areas within the base 200-year flood zones, as shown at such time it is available.

Proposed Modifications to the Community Health and Safety Element

Policy C5. Work with local, regional, State, and federal agencies to maintain an adequate flood management information base, prepare risk assessments, and identify strategies to mitigate flood impacts.

Policy C6. Adopt, implement and periodically update the Ripon Community Health and Safety Element containing goals and policies in order to maintain compliance with applicable federal and State requirements.

Policy C7. The City shall locate, and encourage other agencies to locate, new essential government service facilities and essential health care facilities outside of 100-year and 200-year flood hazard zones, except where such locations would compromise facility functioning.

Policy C8. The City shall re-locate or harden existing essential government service facilities and essential health care facilities that are currently located inside the 100-year and 200-year flood hazard zones.

Policy C9. Encourage multi-purpose flood management projects that incorporate recreation, resource conservation, preservation of natural riparian habitat, and scenic values along the Stanislaus River.

Policy C10. Continue active participation in the National Flood Insurance Program (NFIP), where feasible.

Policy C11. The City will update the Zoning Code to require flood protection findings in areas within the 200-year floodplain. Findings shall be consistent with current Central Valley Flood Protection Plan (CVFPP) standards for an urban level of flood protection.

GOAL D: PREVENT LOSS OF LIFE, INJURY, AND PROPERTY DAMAGE DUE TO WILD LAND AND URBAN FIRES.

Policy D1. All new non-residential development will be equipped with automatic interior sprinkler systems to meet the Uniform Building Code.

Policy D2. Encourage the Ripon Consolidated Fire District to maintain a regular program of fire inspection for existing commercial and industrial buildings. Involve the District at the planning stage of new development to ensure appropriate life safety and fire issues are addressed.

Policy D3. Require that the construction of new roads and streets be adequate as to width and turning radius to simplify access by firefighting apparatus. Plans for new streets will be submitted for review and comment to the Ripon Consolidated Fire District.

Policy D4. All development will be required to meet the minimum fire flow rates specified by the City's Fire Code.

Policy D5. Enforce building and fire codes and City ordinances regarding fire protection.

Policy D6. Support the Ripon Consolidated Fire District in the establishment and adjustments of fees and/or funds collected from new development for capital facilities, apparatus, and equipment required to mitigate the impact of new growth.

Proposed Modifications to the Community Health and Safety Element

GOAL E: TO PREVENT CRIME AND PROMOTE THE PERSONAL SECURITY OF RIPON RESIDENTS.

Policy E1. The Ripon Police Department will continue to promote neighborhood security programs and provide crime prevention training for neighborhood groups and associations.

Policy E2. The City will promote personal security when reviewing the design of development.

Policy E3. Encourage the participation of local citizens in the Volunteers in Police Service (VIPS) Program, Police Reserves, and the Technical Reserves.

GOAL F. TO PROVIDE SATISFACTORY LEVEL OF POLICE SERVICE.

Policy F1. The City will try, through adequate staffing and equipping, to maintain the minimum feasible police response times for police calls for service. Depending on available revenue and demographics, the City should use 1.5 sworn officers per one thousand population as its 'target' ratio.

Policy F2. The City will continuously monitor response times.

GOAL G: TO PROTECT CITY RESIDENTS FROM THE EFFECTS OF HAZARDOUS MATERIALS.

Policy G1. City approvals of all development will consider the potential for the production, use, storage, and transport of hazardous materials, and its associated impacts upon any and all Hazardous Material Teams.

Policy G2. Within its authority, the City will regulate the production, use, storage, and transport of hazardous materials to protect the health of Ripon residents.

Policy G3. The City shall conduct audits of its own hazardous materials use and storage to ensure that City-owned materials are properly stored and marked, and that, City employees responsible for the storage, use and transport of Hazardous materials are properly trained and certified.

GOAL H: TO PROVIDE CITY EMERGENCY PROCEDURES THAT ARE ADEQUATE IN CASE OF POTENTIAL NATURAL OR MAN MADE DISASTERS.

Policy H1. The Police Department will maintain and periodically update the City's Emergency Response Plan. As part of the periodic update, the City will review County and State emergency response procedures that must be coordinated with City procedures.

Policy H2. The City will conduct periodic emergency response exercises to test the effectiveness of City emergency response procedures.

Policy H3. Cooperate with San Joaquin County OES, Stanislaus Consolidated Fire Protection District, Ripon Police Department, and other agencies with responsibility for emergency management in emergency response planning, training and provision of logistical support.

Proposed Modifications to the Community Health and Safety Element

GOAL I: SUPPORT AND RECOGNIZE THE REQUIREMENTS OF THE SEISMIC, GEOLOGICAL AND FLOOD HAZARDS COMPONENTS OF THE SAN JOAQUIN COUNTY GENERAL PLAN PUBLIC HEALTH AND SAFETY ELEMENT.

Policy I1. The Seismic, Geological and Flood Hazard Components of the San Joaquin County General Plan Public Health and Safety Element are incorporated by reference to this Chapter of the General Plan and can be found in Volume III (Technical Appendices) accompanying this document.

GOAL J: PROTECT RESIDENTS FROM HEALTH HAZARDS AND ANNOYANCE ASSOCIATED WITH EXCESSIVE NOISE LEVELS.

Policy J1. To require noise buffering, barriers, and/or setbacks as construction techniques in developments in the proximity to the highway, railroad, or major streets as required to maintain City noise standards.

Policy J2. To control noise sources in residential neighborhoods by restricting through truck traffic to designated truck routes.

Policy J3. To require analysis of potential noise from developments and require mitigating measures to reduce noise impacts to adopted City noise standards.

Policy J4. To examine any source of noise projected at or above 70 dB at 50 feet for compatibility with existing or projected planned neighborhood land use before granting a rezoning or conditional use permit.

Policy J5. Develop a community noise ordinance.

Policy J6. The Land Use Compatibility Standards set forth in General Plan ***Table 4.1*** are the adopted noise standards of the City of Ripon.

Policy J7. To minimize the duration of heavy equipment operations in the vicinity of residential uses or other sensitive noise receptors, especially during evening and early morning hours.

Policy J8. Coordinate with and encourage Caltrans to install sound barrier walls along sections of State Route 99 affecting residential uses.

4.3 SEISMIC, GEOLOGICAL, AND FLOOD HAZARDS

Seismic and Geological Hazards

No known seismic or geological faults are found in the Ripon Planning Area. The nearest faults are the Tracy- Stockton Fault and a small buried fault that extend south from Banta to Stanislaus County. These faults have no surface trace and have not had any movement over the last three million years. *Figure 4.1*

Proposed Modifications to the Community Health and Safety Element

is a map compiled for the San Joaquin County General Plan (adopted July 1992) which shows that such hazards do not exist in the Ripon Planning Area.

Active or potentially active faults such as the Calaveras Fault, Hayward Fault, Green Valley-Concord Fault, the Midland Fault and the San Andreas Fault are also shown on the Map.

Like any other place in the Valley, the area could be affected by earthquakes along faults in other parts of the region and elsewhere in California. Recorded earthquakes from outside the Ripon Planning area have produced ground shaking in and around the City.

A maximum intensity earthquake could cause considerable damage in ordinary structures. Most injuries, loss of life and property damage during earthquakes result from structural failures due to ground shaking. Damage from ground shaking is a combined function of the structural integrity of the buildings before the earthquake, and the quality of soils or bedrock underlying the buildings.

Older structures generally were not built to withstand the lateral stress imposed by the ground shaking of a major earthquake. Generally, the older the structure, the less likely it is to resist an earthquake. This applies particularly to buildings having walls of reinforced brick held together by sand lime mortar, and usually to all multi storied buildings that do not have steel reinforcements.

Flooding Hazards

Flooding is one of the costliest natural hazards in California. In the Ripon area the problem of flooding, defined as breaching of the banks of a natural water course, is limited to property along the Stanislaus River. Completion of the New Melones Dam has significantly reduced the chance of damage along the flood plain of the River. The older parts of the City have never been known to flood. ***(Exhibit 4.1 shows the Flood Insurance Rate Map (FIRM) mapping of the 100 Year Flood Plain area~~ in the Planning Area~~.)***

Programs for reducing flood losses include structural and non-structural approaches, some directed at preventing floods, and others controlling that which cannot be prevented. New Melones Dam on the Stanislaus River is a method of prevention. Channel maintenance and development is an additional means of flood prevention. Nonstructural measures include flood forecasting, zoning, exclusions from designated floodway and building code requirements.

In conformity with Federal Emergency Management Agency (FEMA) standards, no building within the flood plain, except by special permit, is permitted within the city.

New Melones and Tullock dams have been identified as having the potential of inundating Ripon in case of dam failure. Inundation areas for each dam are found in the San Joaquin County General Plan Public Health and Safety Element's. Despite the presence of these dams, the risk of flooding is considered very low, because the likelihood of dam failure is low. A dam failure can occur as the result of an earthquake, as an isolated incident due to structural instability, or during heavy rains that exceeds design capacity.

The San Joaquin County Public Health and Safety Element, dated October 2014 ~~adopted July 1992~~ contains additional data on the Ripon Planning Area for seismic, geological, and flooding hazards.

Proposed Modifications to the Community Health and Safety Element

Senate Bill 5

In 2007, the State of California approved Senate Bill 5 (2007) and a series of related Senate and Assembly bills intended to set new flood protection standards for urban areas. This group of bills is referred to collectively as "the SB 5 Bills." The SB 5 Bills establish the State standard for flood protection in urban areas as protection from the 200-year frequency flood. Under the SB 5 Bills, urban and urbanizing areas must be provided with 200-year flood protection no later than 2025. After July 2, 2016, new development in areas potentially exposed to 200-year flooding more than three feet deep will be prohibited unless the local land use agency certifies that 200-year flood protection has been provided, or that "adequate progress" has been made toward provision of 200-year flood protection by 2025. These requirements are to be instituted in local general plans and zoning.

The State's overall long-term program for improving flood protection includes expanded availability of flood risk and planning information, establishment of flood protection and facility design standards, technical assistance to flood protection and land use agencies, and an enforcement system for the new requirements. A key feature of the State program is the *Central Valley Flood Protection Plan* (the "CVFPP"), adopted by the Central Valley Flood Protection Board in 2012; the CVFPP, to be updated on a 5-year cycle, provides an overall understanding of flooding risk and exposure in the Central Valley, the general nature and adequacy of existing flood protection systems, and a statewide strategy for the allocation of available funding for flood protection improvements; the financing strategy is known as the Statewide System Investment Approach (SSIA). The CVFPP is primarily concerned with State Plan Flood Control (SPFC) facilities, which are shared federal/state facilities the State is obligated to cooperate in maintaining and improving. (*Exhibit 4.2 shows the locations of SPFC facilities)*

Another key requirement of the SB 5 Bills is that "urban and urbanizing" areas must be provided with an Urban Level of Flood Protection (ULOP).

An urban area is defined as: "a developed area in which there are 10,000 residents or more."

An urbanizing area is defined as "a developed area or an area outside of a developed area that is planned or anticipated to have 10,000 residents or more within the next ten (10) years."

Flood Hazard Areas

GC §65302(g) requires that the Safety Element include a range of information related to flooding, including "flood hazard zones," FEMA National Flood Insurance Program maps, "flood hazard information available from the USACE," CVFPB floodway maps, damn failure inundation maps, Awareness Floodplain Mapping, 200-year floodplain maps available from DWR, Levee Protection Flood Zone maps, and maps of areas potentially subject to flooding in the event of a failure of levees or floodwalls. There are information overlaps between serval of the listed items, and in some cases the required information has been superseded by more recent and/or accurate information.

Proposed Modifications to the Community Health and Safety Element

A "flood hazard zone" is defined in SB 5 as:

> "An area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency."

As discussed above, Flood Insurance Rate Maps (FIRMs) for the City of Ripon have been issued by the FEMA. Exhibit 4.1 shows the areas in Ripon that are subject to flood risk in the various FEMA classifications.

According to the FIRMS, the Stanislaus River is located in Zone AE, 100-year floodplain areas where Base Flood Elevations have been determined. These are classified as Special Flood Hazard Areas (SFHAs). A portion of the City's Wastewater Treatment Plant (WWTP) is located in Zone A, the 100-year floodplain areas where the Base Flood Elevations have not been determined.

As shown on the FIRMs, a portion of the City of Ripon and General Plan area, north of the Stanislaus River, is located in Zone X. Zone X areas are protected from the 100-year flood by FEMA-accredited levees; these are also areas that would be exposed to flooding in the event of levee failure and that would be subject to potential 500-year flooding hazards.

Detailed 200-Year Floodplain Mapping

The City of Ripon funded a contract with Person Brustad Inc. (PBI) to produce the *200-year Floodplain Map* within the City of Ripon (includes Sphere of Influence and General Plan Area). This analysis produced 1) 200-year water surface profiles of the Stanislaus River, and 2) mapping of the 200-year floodplain area (and depth) for all areas of the City. Mapping results are shown in Figure 4.3. As shown in the map, the areas subject to 200-year flooding (3 feet or greater in depth) are non-urban areas along the Stanislaus River.

Essential Facilities

The City of Ripon contains numerous essential and key facilities that are potentially subject to 200-year flooding. These facilities include:

State Route 99
Existing Potable Wells
City of Ripon Wastewater Treatment Facility
Burlington Northern Santa Fe Railroad

CVFPB Designated Floodway Maps

Designated floodways are the primary non-structural flood management program employed by the State through the CVFPB (CVFMPP, 2010). Land use in designated floodways is managed to maintain flood passage capacity. Exhibit 4.4 shows the Designated Floodway along the Stanislaus River. In general, the Designated Floodway follows the Stanislaus River channel between the Local Interest Project Levees.

Proposed Modifications to the Community Health and Safety Element

Levee Flood Protection Zones

Levee Flood Protection Zones (LFPZs) are theoretical areas that could be flooded in the event of levee failure in levee-protected areas. The City of Ripon is outside of the LPFZ inundation area, as shown on the Geographical Information Systems (GIS) website at http://lfpz.water.ca.gov/lfpz/. As noted by DWR, the LPFZ maps are not regulatory tools and may not describe all potential flooding hazards.

Awareness Floodplain Mapping Program

DWR established the Awareness Floodplain Mapping project to identify flood hazard areas that may not otherwise be mapped, e.g. under the FEMA National Flood Insurance Program (NFIP), and to provide communities with an additional tool for understanding potential flood hazards. The DWR Awareness Floodplain Maps (DWR, 2015) do not show any areas in or near the City of Ripon that are potentially subject to flooding and that are not already shown on the FEMA FIRMs or other federal or state floodplain maps.

possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study Report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction, and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures in this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) Zone 10N. The **horizontal datum** was NAD83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, N/NGS12
National Geodetic Survey, SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713-3242**, or visit their website at http://www.ngs.noaa.gov/.

Base map information shown on this FIRM was derived from multiple sources. This information was compiled from the U.S. Geological Survey, 2002, National Geodetic Survey, 2002, City of Lathrop, 1997, City of Manteca, Department of Public Works, 2001, and San Joaquin County Community Development Department, 2008. Additional information was photogrammetrically compiled at a scale of 1:12,000 from U.S. Geological Survey aerial photography dated 1989, 1993 and 2002.

This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

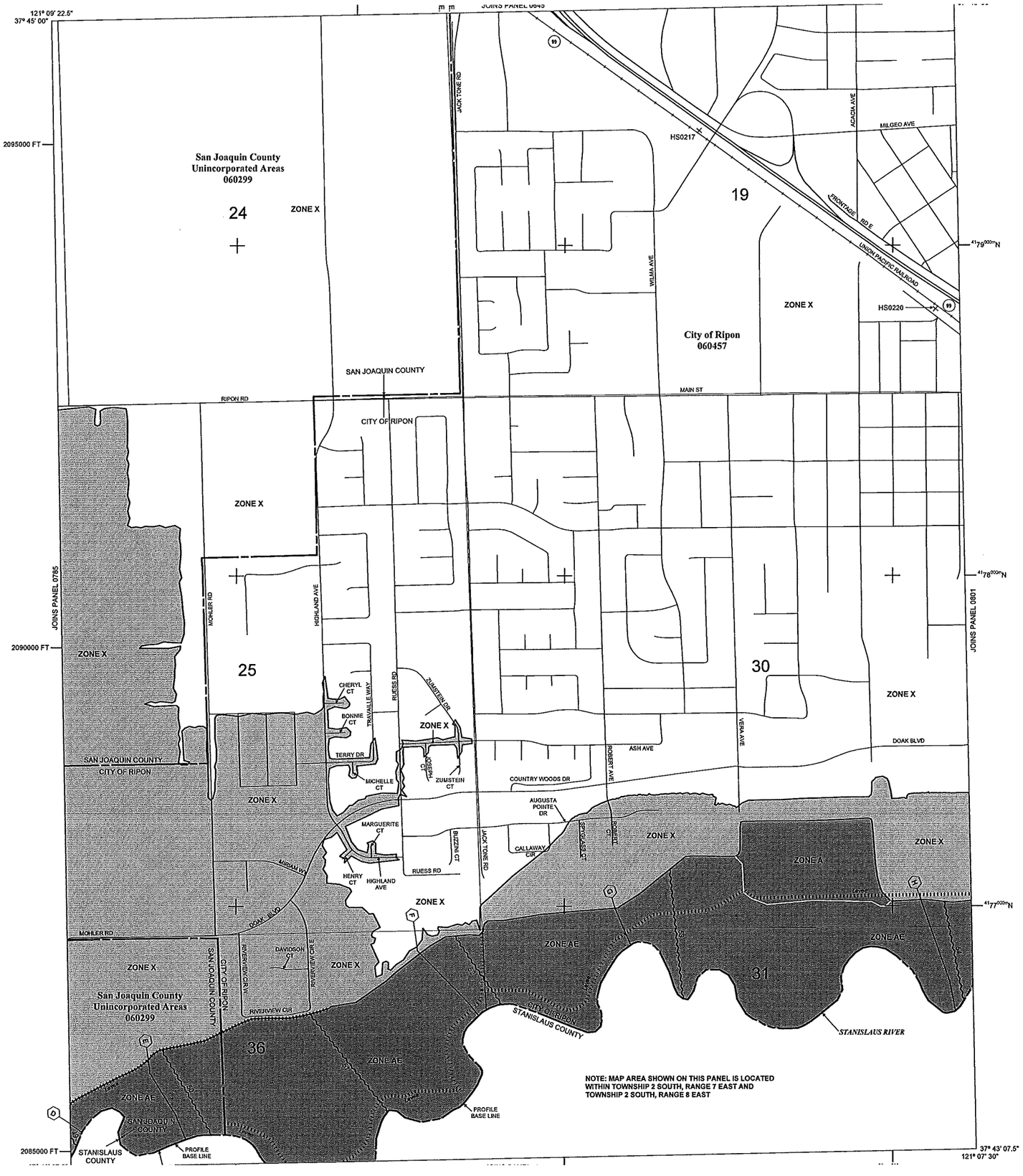
Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and their website at http://www.msc.fema.gov/.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call **1- 877- FEMA MAP (1-877-336-2627)** or visit the FEMA website at http://www.fema.gov/.

EXHIBIT 4.1



that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

5A

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X	Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D	Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

	Floodplain boundary
	Floodway boundary
	Zone D Boundary
	CBRS and OPA Boundary
	Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
513	Base Flood Elevation line and value; elevation in feet*
(EL 987)	Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

(A)———(A)	Cross section line
(23)- - - - -(23)	Transect line
97° 07' 30", 32° 22' 30"	Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
$^{4}76^{000m}$E	1000-meter Universal Transverse Mercator grid values, zone 10
600000 FT	5000-foot grid ticks: California State Plane coordinate system, zone III (FIPSZONE 0403), Lambert Conformal Conic Projection
DX5510 ×	Bench mark (see explanation in Notes to Users section of this FIRM panel)
• M1.5	River Mile

MAP REPOSITORIES
Refer to Map Repositories list on Map Index.

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP PANEL
October 16, 2009

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET

150 0 150 300 METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0782F

FIRM

FLOOD INSURANCE RATE MAP

SAN JOAQUIN COUNTY, CALIFORNIA

AND INCORPORATED AREAS

PANEL 782 OF 950

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
RIPON, CITY OF	060457	0782	F
SAN JOAQUIN COUNTY	060299	0782	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
06077C0782F

EFFECTIVE DATE
OCTOBER 16, 2009

possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study Report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction, and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures in this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) Zone 10N. The **horizontal datum** was NAD83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http:/www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, N/NGS12
National Geodetic Survey, SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713-3242**, or visit their website at http://www.ngs.noaa.gov/.

Base map information shown on this FIRM was derived from multiple sources. This information was compiled from the U.S. Geological Survey, 2002, National Geodetic Survey, 2002, City of Lathrop, 1997, City of Manteca, Department of Public Works, 2001, and San Joaquin County Community Development Department, 2008. Additional information was photogrammetrically compiled at a scale of 1:12,000 from U.S. Geological Survey aerial photography dated 1989, 1993 and 2002.

This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

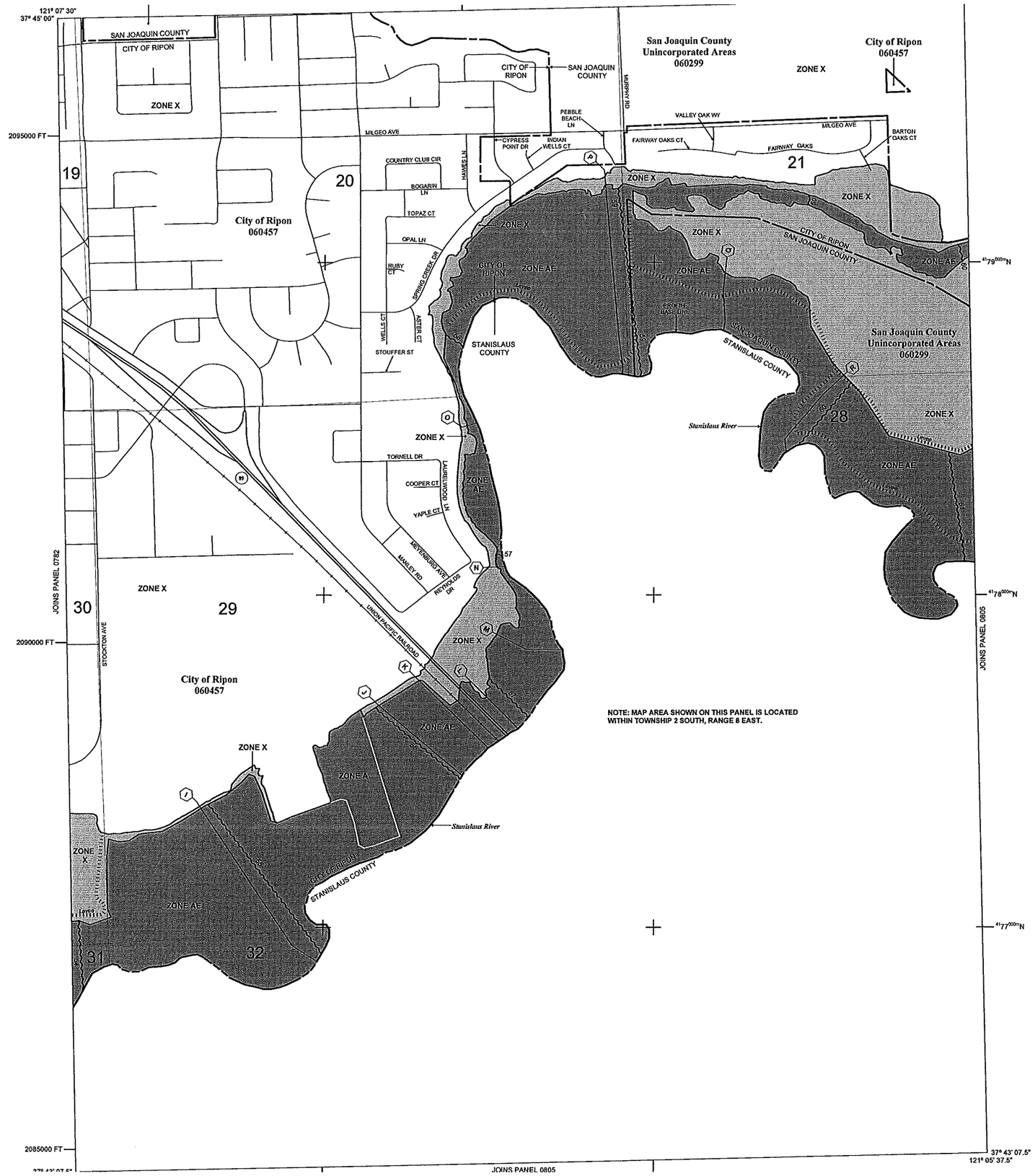
Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and their website at http://www.msc.fema.gov/.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call **1- 877- FEMA MAP** (1-877-336-2627) or visit the FEMA website at http://www.fema.gov/.

EXHIBIT 4.1



NOTE: MAP AREA SHOWN ON THIS PANEL IS LOCATED WITHIN TOWNSHIP 2 SOUTH, RANGE 8 EAST.

that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

5A

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X — Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X — Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D — Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

	Floodplain boundary
	Floodway boundary
	Zone D Boundary
	CBRS and OPA Boundary
	Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
513	Base Flood Elevation line and value; elevation in feet*
(EL 987)	Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

A — A	Cross section line
23 - - - 23	Transect line
97° 07' 30", 32° 22' 30"	Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
4176000mE	1000-meter Universal Transverse Mercator grid values, zone 10
600000 FT	5000-foot grid ticks: California State Plane coordinate system, zone III (FIPSZONE 0403), Lambert Conformal Conic Projection
DX5510 ×	Bench mark (see explanation in Notes to Users section of this FIRM panel)
• M1.5	River Mile

MAP REPOSITORIES
Refer to Map Repositories list on Map Index.

EFFECTIVE DATE OF COUNTYWIDE FLOOD
INSURANCE RATE MAP PANEL
October 16, 2009

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

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To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET

150 0 150 300 METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0801F

FIRM

FLOOD INSURANCE RATE MAP

SAN JOAQUIN COUNTY, CALIFORNIA

AND INCORPORATED AREAS

PANEL 801 OF 950

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

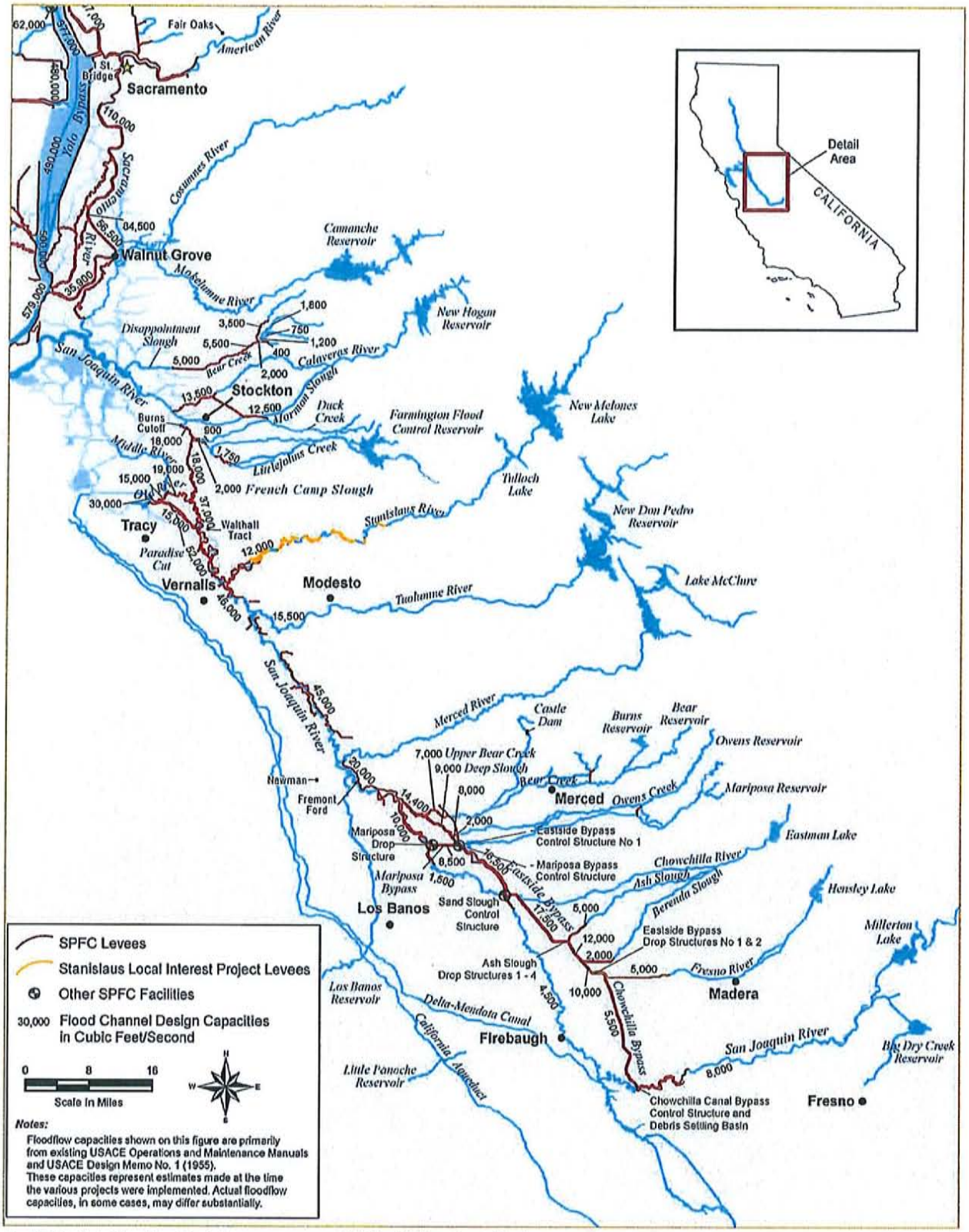
CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
RIPON, CITY OF	060457	0801	F
SAN JOAQUIN COUNTY	060299	0801	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

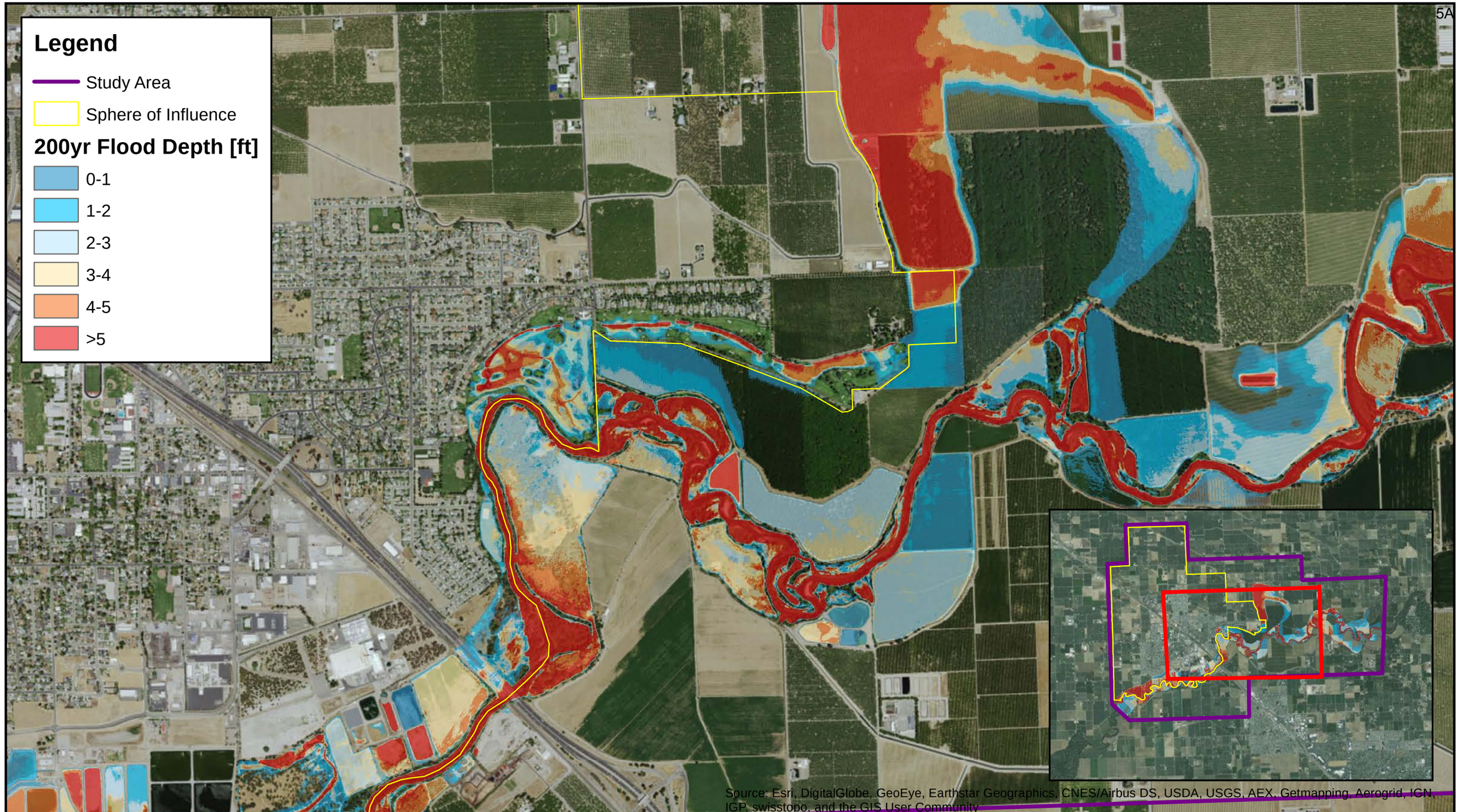
MAP NUMBER
06077C0801F

EFFECTIVE DATE
OCTOBER 16, 2009



Key: SPFC = State Plan of Flood Control USACE = U.S. Army Corps of Engineers

Figure 1-5. State Plan of Flood Control Facilities, San Joaquin River Basin



PETERSON . BRUSTAD . INC
ENGINEERING . CONSULTING
1180 Iron Point Rd., Suite 260
Folsom, CA 95630
Phone: (916) 608-2212
Fax: (916) 608-2232

EXHIBIT 4.3

N

0 0.25 Miles

1" = 0.25 mi.

APRIL 28, 2016

CITY OF RIPON

200 Year Floodplain

FIGURE

B-2

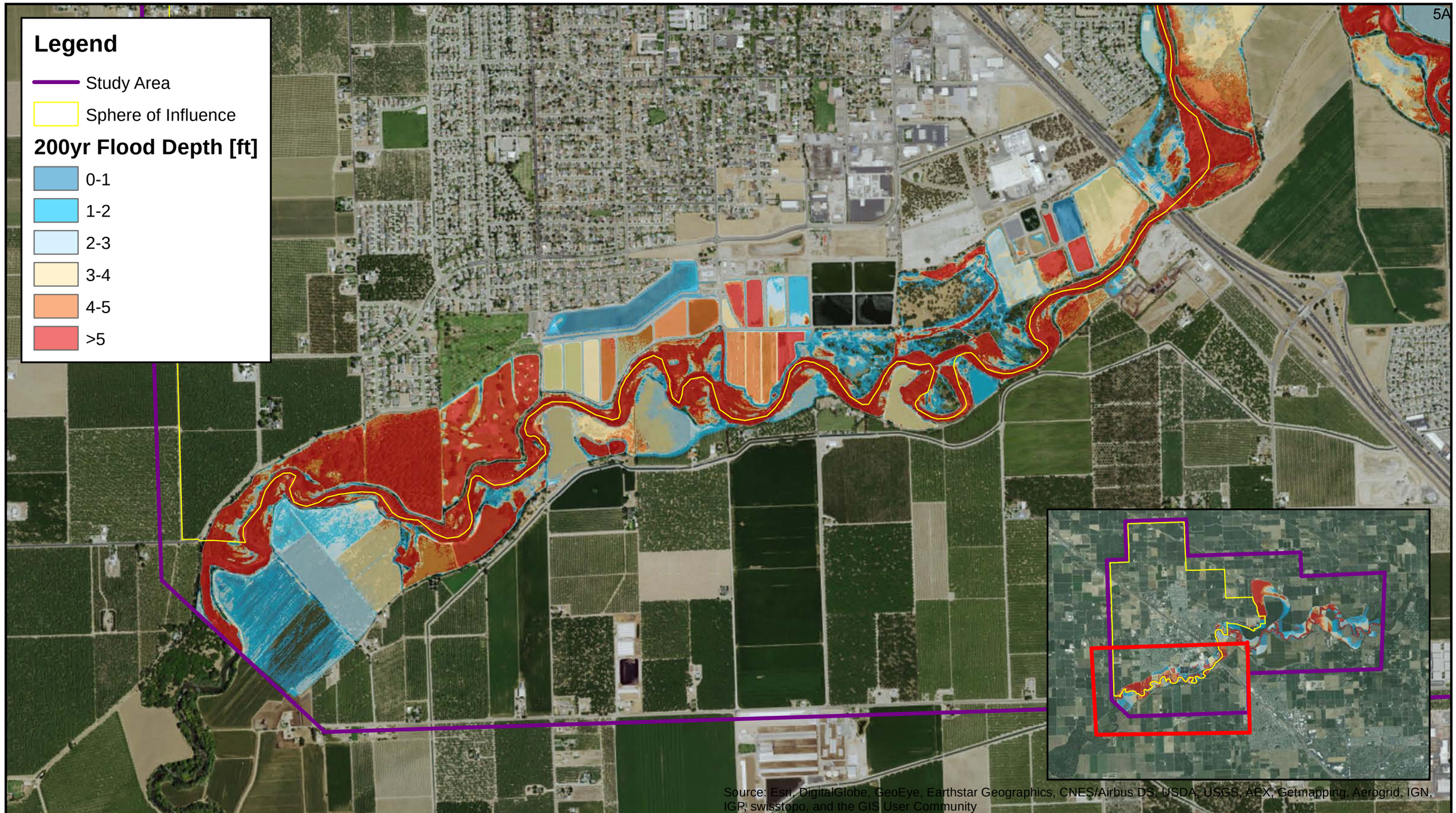


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EXHIBIT 4.3

N

0 0.25 Miles

1" = 0.25 mi.

APRIL 28, 2016

CITY OF RIPON

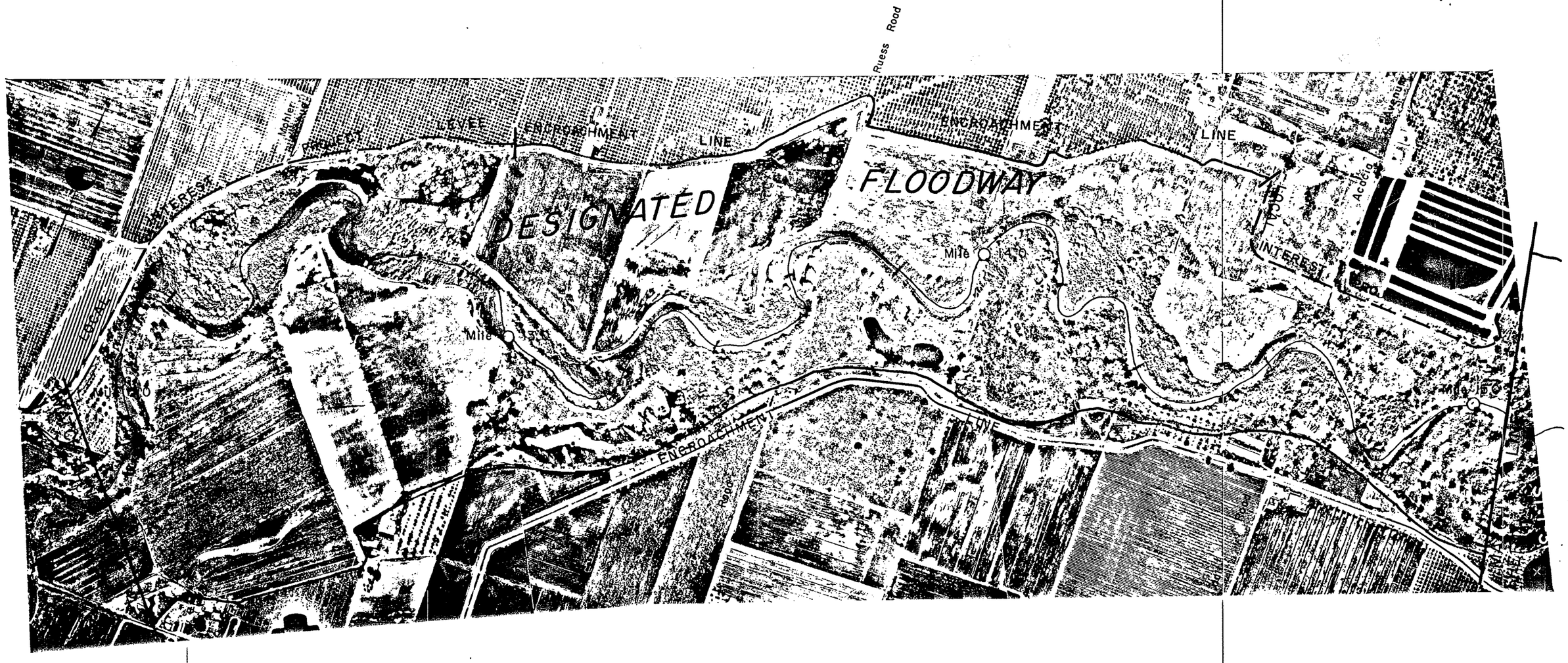
200 Year Floodplain

FIGURE

B-2

EXHIBIT 4.4

5A



Encroachment on local interest project levees, or project levees must be approved by The Reclamation Board before they will be permitted.

Application forms for encroachment permits can be obtained from The Reclamation Board in Sacramento, California.

Encroachments on the remainder of the designated floodway and the project floodway will require approval in writing by the District Engineer, U.S. Army District Sacramento in accordance with the Corps of Engineers easements.

THE ENCROACHMENT LINES AS SHOWN, OR LOCAL INTEREST PROJECT LEVEES, DELINEATE THE BOUNDARY OF THE DESIGNATED FLOODWAY.

AREAS OUTSIDE THIS FLOODWAY MAY ALSO FLOOD.

SCALE APPROX. 1" = 500'

FLOODWAY DESIGN AND MAP PREPARATION

J. E. BAUGHER, CE 13029 RECOMMENDED

J. ANGEL, CE 9322 CHIEF, DWR FLOODWAY MANAGEMENT SECTION

APPROVED

G. DONALD MEIXNER, CE 9589 CHIEF, DWR FLOODWAY PROTECTION BRANCH

THIS PHOTOMOSAIC MAP IS FROM U. S. ARMY CORPS OF ENGINEERS' FILE

ST-1-20-301

Photographed on 4-10-74

STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD

STANISLAUS RIVER DESIGNATED FLOODWAY AND PROJECT FLOODWAY

SHEET D5 OF 258

DRAFT ORDINANCE NO. _____

AN ORDINANCE AMENDING THE RIPON MUNICIPAL CODE TITLE 8 AND TITLE 16 TO ADDRESS THE REQUIREMENTS OF CALIFORNIA SENATE BILL 5 (2007) AND ASSOCIATED LEGISLATION RELATED TO PROVISION OF 200-YEAR FLOOD PROTECTION TO CALIFORNIA URBAN AREAS

WHEREAS, the City of Ripon amended the Ripon General Plan to address requirements of California Senate Bill 5 (2009) and associated legislation to provision of 200-year flood protection to California urban areas August 2016; and

WHEREAS, the proposed ordinance amendment implements the requirements of Senate Bill 5 and the City of Ripon General Plan related to 200-year flood protection; and

WHEREAS, the City Council reviewed and considered, pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(3)(b), general rule that CEQA applies only to projects that have the potential for causing significant environmental effects.

WHEREAS, the City Council heard testimony at the public hearing of the City Council, closed the public hearing, and considered said testimony.

NOW THEREFORE, the City Council of the City of Ripon docs ordain as follows:

SECTION 1. After a public hearing held on August 9, 2016 at the City Council Chambers located at 259 Wilma Avenue, Ripon, California, this Council finds and determines as follows:

1. The proposed ordinance amendment will not be detrimental to the public health, safety or welfare because the ordinance would require State-mandated findings related to new development within Flood Hazard Zones.

2. The proposed ordinance will result in the protection of all land use types, including but not limited to residential, commercial, industrial and public/semi-public uses from 200-year frequency flooding.

SECTION 2. Chapter 8.01: Flood Damage Prevention, Section 8.01.020: Definitions of Title 8: Health and Safety of the Ripon Municipal Code shall be amended to include the definition of "flood hazard zone" as follows:

8.01.020 Definitions.

"Flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official Flood Insurance Rate Map issued by the Federal Emergency Management Agency. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

SECTION 3. Chapter 8.01: Flood Damage Prevention, Section 8.01.063: Development in Flood Hazard Zone of Title 8: Public Safety shall be added to read as follows:

8.01.063 Development in Flood Hazard Zone

A. Development of land, including but not limited to development agreement, tentative subdivision maps, parcel maps, discretionary approvals and ministerial approvals for residential units, shall not be approved ntil any applicable findings required in Chapter 16.10: 200-year flood protection have been made.

SECTION 4. Chapter 16.96: Major Subdivisions, Section 16.96.080: Subdivisions in Flood Hazard Zones – Required Findings of Title 16: Development Title shall be added to read as follows:

16.96.080 Subdivisions in Flood Hazard Zones – Required Findings

Subdivisions located in Flood Hazard Zones as defined in Chapter 8.01 shall not be approved until the applicable findings required in Chapter 16.10 have been made.

SECTION 5. Chapter 16.100: Minor Subdivisions, Section 16.100.080: Subdivisions in Flood Hazard Zones – Required Findings of Title 16: Development Title shall be added to read as follows:

16.100.070 Subdivisions in Flood Hazard Zones – Required Findings

Subdivisions located in Flood Hazard Zones as defined in Chapter 8.01 shall not be approved until the applicable findings required in Chapter 16.10 have been made.

SECTION 6. Chapter 16.10: 200-Year Flood Protection of Title 16: Development Title shall be added to read as follows:

Chapter 16.10

200-YEAR FLOOD PROTECTION

Sections

16.10.010 Intent
16.10.020 Definitions
16.10.030 200-Year Flood Protection Requirements for New Development

16.10.010 Intent

This section implements the requirements of Senate Bill 5 (2007) and related legislation that prohibits approval of urban development in urban and urbanizing areas that are exposed to 200-year flooding risk unless certain findings are made. These requirements are established in the California Government Code Sections 65865.5, 65962 and 66474.5, as amended.

16.10.020 Definitions

"200-year frequency flooding" means the level of flooding that has a 1-in-200 chance of occurring in any given year using criteria with, or developed by, the California Department of

Water Resources.
"200-year floodplain map" means a map approved by the City Engineer for urban and urbanizing areas that depicts geographic areas that may be exposed to 200-year frequency flooding, and, if available, the depth of flooding during a 200-year flooding event.
"Adequate progress" is defined in California Government Code Section 65007.
"New development" is defined as:

1. A development agreement, or
2. A tentative subdivision map, or a parcel map for which a tentative map was not required, or 3. A discretionary permit or other discretionary entitlement that would result in the construction of a new building or construction that would result in an increase in allowed occupancy for an existing building, or
4. A ministerial permit that would result in the construction of a new residence.

"Flood hazard zone" means an area subject to flooding as delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA),
as also defined in Chapter 8.01.
"Urban areas and urbanizing areas" an urban area is a developed area in which there are 10,000 residents or more (California Government Code Section 65007(l)). An urbanizing area is a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years (California Government Code Section 65007(m)).
"Urban level of flood protection (ULOP)" means the level of protection that is necessary to withstand 200-year frequency flooding. ULOP shall not mean shallow flooding or flooding from local drainage that meets the criteria for the national Federal Emergency Management Agency standard of flood protection (Government Code Section 65007).

16.10.030 200-Year Flood Protection Requirements for New Development
After July 2, 2016, unless that date is amended by the State Legislature, new development shall not be approved where 200-year flooding, as shown on a 200-year map, will exceed 3 feet in depth, or in a flood hazard zones where 200-year floodplain maps have not been approved by the City Engineer, unless the approval authority determines based on substantial evidence in the record that:

A. The facilities of the State Plan of Flood Control or other flood management facilities protect the new development site to the Urban Level of Flood Protection in urban an urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in non-urbanizing areas; or

B. Conditions imposed on the new development will protect the property to the Urban Level of Flood Protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in non-urbanizing areas; or

C. The local flood management agency has made adequate progress on the construction of a flood protection system that will result in flood protection equal to or greater than the Urban Level of Flood Protection in urban and urbanizing areas, or the national Federal Emergency Management Agency standard of flood protection in non-urbanizing areas.

D. The new development site located in an undetermined risk area has met the Urban Level of Flood Protection based on substantial evidence in the record.

SECTION 7. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 8. PUBLICATION. At least two (2) days prior to its final adoption, copies of this

ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Manteca Bulletin, the official newspaper of the City of Ripon, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Ripon held on the _____ day of _____, 2016, and by majority vote of the council members present further reading was waived.

AYES:
NOES:
ABSENT:
ABSTAINING:

THE CITY OF RIPON
a municipal corporation

By: _____
JACOB PARKS, Mayor

ATTEST:

_____
LISA ROOS, City Clerk

PLANNING COMMISSION RESOLUTION NO. 16-04

THE PLANNING COMMISSION OF THE CITY OF RIPON RECOMMENDS THE CITY COUNCIL APPROVE OF AN AMENDMENT TO THE CITY OF RIPON GENERAL PLAN AND APPROVE AN ORDINANCE AMENDING THE RIPON MUNICIPAL CODE TITLE 8 AND TITLE 16 PURSUANT TO THE REQUIREMENTS OF CALIFORNIA SENATE BILL 5 AND ASSOCIATED LEGISLATION RELATED TO PROVISIONS OF THE 200-YEAR FLOOD PROTECTION FOR CALIFORNIA URBAN AREAS

WHEREAS, in 2008 the California Legislature enacted, and the Governor signed, the Central Valley Protection Act ("Act"), which directed the Department of Water Resources ("DWR") to prepare and the Central Valley Flood Protection Board ("CVFPB") to adopt the Central Valley Flood Protection Plan ("CVFPP") by July 1, 2012; and

WHEREAS, on June 29, 2012, the CVFPB adopted a CVFPP that established a vision and process for reducing flood risk in the Sacramento and San Joaquin River basins; and

WHEREAS, the Act requires the City to revise its General Plan and Municipal Code to provide additional information and planning with regards to potential flooding; and

WHEREAS, to comply with the Act's requirements, City staff prepared an amendment to the general plan and municipal code, which provides additional flood planning, flood data and State-mandated findings related to 200-year flood protection; and

WHEREAS, notice of the proposed General Plan Amendment was delivered by first class mail to the Native American Heritage Commission on June 15, 2016 for a ninety (90) day review and consultation period; and

WHEREAS, the Government Code Section 65353 requires the Planning Commission to hold at least one noticed, public hearing on any proposed general plan amendment; and

WHEREAS, the Government Code further requires that the City Council receive input from the Planning Commission on any proposed general plan amendment and code text amendment; and

WHEREAS, notice of the public hearing on the proposed Resolution was published in the *Manteca Bulletin*, a newspaper of general circulation, on July 7, 2016; and

WHEREAS, the Planning Commission has reviewed the proposed general plan amendment and code text amendments and conducted a public hearing on July 18, 2016; and

WHEREAS, all other legal perquisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Ripon hereby recommends that the City Council:

1. Approve the Amendments to the General Plan Community Health and Safety Element attached hereto as Exhibit A and incorporated herein by this reference, based on the following findings:

    1. General Plan Amendment Findings. That pursuant to California Government Code section 65358, the Planning Commission finds as follows:

        a. It is in the public interest to adopt the proposed General Plan Amendment.
        b. The City has provided opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups pursuant to Government Code 65351.
        c. That the proposed amendments have been processed in accordance with the California Government Code, the Ripon Municipal Code and the California Environmental Quality Act.

    2. Adopt an Ordinance amending Title 8 and Title 16 of the Municipal Code attached hereto as Exhibit B and incorporated herein by this reference based on the following findings:

        a. The proposed Ordinance sets forth zoning requirements of California Senate Bill 5 (2007) and associated legislation related to the provision of 200-year flood protection.

        b. The proposed Ordinance implements the General Plan Community Health and Safety Goals and Policies related to Flood Protection

    3. That, based on the findings set forth in this Resolution, the evidence in the City Staff Report, and such other evidence as received at the public hearings on this matter before the Planning Commission, the Planning Commission hereby recommends approval of the General Plan Amendment as included as Exhibit A to this Resolution and to adopt the proposed City Council Ordinance as included as Exhibit B to this Resolution.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Ripon hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), clause(s), phrase(s), or word(s) be declared invalid.

5. The City has completed the environmental review on the General Plan Amendment to the Community Health and Safety Element and Ordinance to amend Title 8 and Title 16 of the Ripon Municipal Code and has determined that the proposed General Plan Amendment and Ordinance is exempt from analysis under the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). The General Plan Amendment and Ordinance implement State-mandated requirements related to 200-year flood protection. All future requests for discretionary approvals relating to a Project would be required to comply with the City's General Plan, Codes and Regulations and will be subject to CEQA compliance.

PASSED AND ADOPTED at a regular meeting of the City of Ripon Planning Commision this 18th day of July, 2016, by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAINING:

THE CITY OF RIPON,
A Municipal Corporation

By: _____
GEORGE SALJIAN, Chairman

ATTEST:

_____
MITZI JOHNSTON, Planning Secretary

Attachments:
Exhibit A: General Plan Amendment
Exhibit B: Proposed City Council Ordinance

RIPON PLANNING COMMISSION MINUTES

RIPON CITY HALL
MONDAY, JULY 18, 2016 6:00 P.M.

Pledge of Allegiance: Commissioners pledged allegiance to the flag.

Roll Call: Commissioners Bill Long, David Collins, Debra Van Essen, Gary Barton and George Saljian

Absent: Brinton McCusker

Others Present: Ken Zuidervaart, Josh Brenner, Mitzi Johnston, David Niskanen, Jaime Fountain, Roman Acosta

Minutes: Approval of the minutes of the Ripon Planning Commission meeting of June 20, 2016

MOTION: MOVED/SECONDED (VAN ESSEN/COLLINS) AND CARRIED BY A 4-0 VOTE (MCCUSKER ABSENT) (LONG ABSTAIN) TO APPROVE THE MINUTES OF THE JUNE 20, 2016 PLANNING COMMISSION MEETING

Public Discussion: Chairman Saljian explained the public discussion process and asked if anyone would like to speak on a subject that is not on the agenda. No one wished to speak at this time.

1.0 PUBLIC HEARING

1.1 SENATE BILL 5 GENERAL PLAN AMENDMENT (GP16-02) and ZONING TEXT AMENDMENT (TAZ16-02) for the City of Ripon a public hearing to consider a General Plan Amendment to the Community Health and Safety Element and an Ordinance to amend Title 8 and Title 16, of the Ripon Municipal Code to address the requirements of California Senate Bill 5 (2007) and associated legislation related to provision of 200-year flood protection.

Director Zuidervaart introduced David Niskanen from JB Anderson and Associates as our consultant for this proposed amendment.

David Niskanen explained that Senate Bill 5 (SB5) requires 200-year flood protection for urban areas. With this requirement, certain development is prohibited in areas subject to 200-year flooding which is deeper than three feet unless the City certifies that the 200-year flood protection is already provided or a finding of adequate progress has been made toward meeting the protection requirement by 2025.

Mr. Niskanen said that this General Plan Amendment and Zoning Text Amendment is in response to SB5 requirements. The 200-year floodplain is characterized as any area that is deeper than three feet in the event of a flooding event.

Mr. Niskanen then displayed a map showing the City's sphere of influence and the areas that would fall within the 200-year floodplain.

Commissioner Collins asked about the Orange area and Mr. Niskanen replied that there are valleys and it represents where flooding can go. The map is an elevation analysis. Director Zuidervaart added that the red area on the map in the north is McManis Vineyards and there are natural bluffs.

Mr. Niskanen said that the General Plan Amendment includes data analysis and federal levees. It provides locations of flood hazard zones, floodways, and levee protection zones. This provides floodplain mapping and establishes new policies to meet SB5 requirements.

Mr. Niskanen said that the Zoning Text Amendment would create a new Chapter which would address 200-year floodplain protection. If a developer were to want to develop property within this area, they would be referred back to this Chapter.

Commissioner Van Essen asked how the 200-year floodplain area was determined. Mr. Niskanen said that when the bill was passed the State Department of Water Resources established the guidelines. The City of Ripon contracted with a consulting firm to create these maps for the City of Ripon.

Commissioner Van Essen commented that the 100-year floodplain has been in existence for a long time. Mr. Niskanen replied yes, that the 100-year floodplain was established by FEMA.

Mr. Niskanen said that if a project is outside this area the City would have to make a finding but if the project is within the 200-year area we would have to go through the State Mandated findings.

Chairman Saljian asked if the City has ever had an event before. Mr. Niskanen said that he is not aware of any events.

Commissioner Barton commented that in 1997 there was a 125-year event.

Commissioner Barton then recused himself from the voting siting a conflict of interest.

MOTION: MOVED/SECONDED (VAN ESSEN/LONG) AND CARRIED BY A 4-0 VOTE (MC CUSKER–ABSENT)(BARTON-ABSTAIN) TO ADOPT THE PROPOSED CITY COUNCIL RESOLUTION, APPROVING THE PROPOSED GENRAL PLAN AMENDMENT TO THE CITY'S COMMUNITY HEALTH AND SAFETY ELEMENT; AND APPROVE THE PROPOSED CITY COUNCIL ORDINANCE, AMENDING TITLE 8 AND TITLE 16 OF THE RIPON MUNICIPAL CODE.

After the vote, Commissioner Collins asked what would happen if the New Melonies Dam were to fail and Mr. Niskanen replied that this analogy is addressed in the Health and Safety

Section of the General Plan. Director Zuidervaart commented that he believes that there would be approximately A 6-8 hour window before the City would flood.

Commissioners' Reports: None

City Attorney's Reports: None present

Director's Reports: Director Zuidervaart said that there will be one item on the August agenda, which is a parcel map. Staff is still reviewing other City's regulations on short term rentals.

Adjournment: There being no further business the meeting was adjourned at 6:25 p.m. to the next regular meeting of Monday, August 15, 2016 at 6:00 P.M.

Submitted by: Mitzi Johnston

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Ripon City Council will hold a public hearing on Tuesday, August 9, 2016, at 6:00 P.M. in the Council Chambers, 259 N. Wilma Avenue, Ripon, on the following matter:

GENERAL PLAN AMENDMENT (GP16-02) // ZONING TEXT AMENDMENT (TAZ16-02) a public hearing to consider, review and receive public comment on the City of Ripon General Plan Amendment and Zoning Text Amendment related to California Senate Bill 5 (2007) and 200-year flood protection. Senate Bill 5 requires jurisdictions within the Sacramento-San Joaquin Valley to include 1) locations of State Plan Flood Control (SPFC) facilities and areas protected by facilities, 2) location of flood hazard zones and 3) goals, policies, objectives, and feasible mitigation measures based on data and analysis contained in the Central Valley Flood Protection Plan (CVFPP) for the protection of lives and property to reduce the risk of flood damage. The proposed Zoning Text Amendment implements the new policies in the General Plan Community Health and Safety Element and includes a new Chapter titled "200-Year Flood Protection" in which requires new development to make certain State-mandated findings if the development is within a Flood Hazard Zone (100-, 200-, and/or 500-year floodplain). The proposed General Plan Amendment and Zoning Text Amendment implement State law related to Senate Bill 5 and 200-year flood protection.

The proposed project is exempt from analysis under the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). The General Plan Amendment and Ordinance implement State-mandated requirements related to 200-year flood protection. All future requests for discretionary approvals relating to a Project would be required to comply with the City's General Plan, Codes and Regulations and will be subject to CEQA compliance.

PURSUANT TO SECTION 65009 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA, NOTICE IS HEREBY FURTHER GIVEN THAT IF SUCH PROPOSED GENERAL PLAN AMENDMENT, AND ZONING TEXT AMENDMENT IS CHALLENGED IN COURT, SUCH CHALLENGES MAY BE LIMITED TO ONLY THOSE ISSUES RAISED AT THE PUBLIC HEARING OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY CLERK AT OR PRIOR TO THE PUBLIC HEARING.

ALL INTERESTED PARTIES will be given an opportunity to appear and be heard by the City Council of The City of Ripon at said time and place pertaining to the above described matter.

CITY OF RIPON
Lisa Roos, City Clerk

Published: July 21, 2016

RESOLUTIONS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIPON FOR THE
DEPARTMENT OF TRANSPORTATION MASTER AGREEMENT FOR
RIVER RD./FULTON AVE. INTERSECTION IMPROVEMENTS

WHEREAS, the City of Ripon is eligible to receive Federal and/or State funding for certain transportation projects, through the California Department of Transportation, and

WHEREAS, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements need to be executed with the California Department of Transportation before such funds could be claimed, and

WHEREAS, the City of Ripon wishes to delegate authorization to execute these agreements and any amendments thereto to the City Administrator or City Engineer, and they be authorized to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements, and/or any amendments thereto with the California Department of Transportation.

BE IT FURTHER RESOLVED AND ORDERED that the City of Ripon City Council does hereby designate revenues from local funds, comprised of in-kind services or cash-in-hand as the dedicated source of revenue as needed. This dedication shall remain in full force and effect until such funding agreement is fully discharged, unless modification or change of such dedication is approved in writing by the State of California.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this day of _____, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

THE CITY OF RIPON
A Municipal Corporation

By _____
Jacob Parks - Mayor

ATTEST:

By _____
Lisa Roos - City Clerk

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIPON FOR THE
DEPARTMENT OF TRANSPORTATION MASTER AGREEMENT FOR
CNG SOLID WASTE COLLECTION VEHICLE

WHEREAS, the City of Ripon is eligible to receive Federal and/or State funding for certain transportation projects, through the California Department of Transportation, and

WHEREAS, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements need to be executed with the California Department of Transportation before such funds could be claimed, and

WHEREAS, the City of Ripon wishes to delegate authorization to execute these agreements and any amendments thereto to the City Administrator or City Engineer, and they be authorized to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements, and/or any amendments thereto with the California Department of Transportation.

BE IT FURTHER RESOLVED AND ORDERED that the City of Ripon City Council does hereby designate revenues from local funds, comprised of in-kind services or cash-in-hand as the dedicated source of revenue as needed. This dedication shall remain in full force and effect until such funding agreement is fully discharged, unless modification or change of such dedication is approved in writing by the State of California.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINING:

THE CITY OF RIPON
A Municipal Corporation

By _____
Jacob Parks - Mayor

ATTEST:

By _____
Lisa Roos - City Clerk

City Council Staff Report

City Council Meeting August 9, 2016

Project Title: ***City of Ripon Residential Landscape Design Guideline***

Request: ***For City Council to approve the City of Ripon Design Guidelines for Residential Landscapes.***

Location: ***Corporate City Limits***

Planner: ***Ken Zuidervaart, Director of Planning***

Discussion:

Last year the City Council approved a contract with KLA Landscape Architects to develop design guidelines for all future residential developments. The concept for design guidelines were born out of a growing concern with the drought and a desire to maintain Ripon's quality while still meeting the State's latest mandated water efficient landscape ordinance. The goal of the guidelines is to address water restrictions placed on landscape due to the drought by providing developers and home builders with several options of acceptable landscaping requirements within our City. The guidelines include several examples of acceptable landscape designs, which include plant lists and photos of typical front yard landscape treatments. Included in the design guidelines is a checklist that is to be used by residential developers to provide verification to the City that the requirements have been met and that the water usage will be equal to or lower than what is required by the State of California Water Efficient Landscape Ordinance. Also included within the Landscape Design Guidelines is a section addressing City maintained streetscape landscape. This section includes schematics (examples) of acceptable streetscape landscaping along with recommended street trees for differing right-of-ways throughout the City.

Recommended Action:

Should the City Council agree with staff's recommendation, the following motion would be appropriate:

> "The City Council adopts the resolution approving the City of Ripon Design Guidelines for Residential Landscapes and directs staff to process the appropriate development code amendments to facilitate the approved design guidelines for all future development."

Attachments:

A. Resolution adopting City of Ripon Design Guidelines for Residential Landscapes

RESOLUTION NO. 16-__
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON
ADOPTING DESIGN GUIDELINES FOR RESIDENTIAL LANDSCAPING

WHEREAS, the City Council of the City of Ripon seeks to maintain the character of the City of Ripon through landscapes that blend with the historic character of Ripon while using less water; and

WHEREAS, the City Council of the City of Ripon seeks to encourage landscape design that creates useful spaces that enhance the usability and function of the landscape and accentuates the character of the adjacent architectures; and

WHEREAS, the City Council of the City of Ripon desires to comply with the requirements of the State-mandated Water Efficient Landscape Ordinance (WELO) – AB 1881 that was most recently updated on December 1, 2015; and

WHEREAS, the City Council of the City of Ripon desires to comply with the City of Ripon Municipal Code, as well as CBC and any other applicable codes and requirements that pertain to landscaping and irrigation; and

WHEREAS, the City Council of the City of Ripon seeks to reduce the amount of water used for residential landscaping when compared to historic residential landscape water usage; and

WHEREAS, the City Council of the City of Ripon also seeks to provide additional environmental benefits such as less use of pesticides and fertilizers, production of less green waste, and less use of fossil fuels used for mowing; and

WHEREAS, the adoption these residential landscape design guidelines are meant as an implementation tool used by developers, homeowners and staff in the review of land development applications and are intended to establish consistent and specific design expectations for residential developments in the City of Ripon.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ripon does hereby adopt the City of Ripon Design Guidelines for Residential Landscapes attached hereto as Exhibit “A”.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ripon this 9th day of August, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINING:

THE CITY OF RIPON,
A Municipal Corporation

By: _____
JACOB PARKS, Mayor

ATTEST:

_____
LISA ROOS, City Clerk

City of Ripon

Design Guidelines for Residential Landscapes

City of Ripon
259 N. Wilma Avenue
Ripon, CA 95366
Phone: (209)599-2108

Section 1 - Residential Landscape Design

1. Summary

Water in California is a precious commodity that serves a variety of purposes. With an ever-growing population, the demand for water is outpacing the supply. Conservation is an important tool in ensuring that there is sufficient water to serve the needs of the state. This document provides direction for residential landscape design and maintenance practice to reduce the amount of water that is used for landscapes within the City of Ripon. As such, these guidelines provide direction for all new landscapes within the city with a special emphasis on residential landscape.

The following are the goals that these guidelines have been prepared to achieve:

A. Reduce the amount water used for landscapes when compared to historic landscape water usage.

B. Comply with the requirements of the State-mandated Water Efficient Landscape Ordinance (hereafter abbreviated to WELO) - AB 1881 that was most recently updated on December 1, 2015 when these guidelines were prepared.

C. Comply with the City of Ripon Municipal Code, as well as CBC and any other applicable codes and requirements. These guidelines have been prepared to supplement code requirements and not to supersede or replace them. Where there is a discrepancy, the code requirements shall take precedence over these guidelines.

D. Maintain the character of the City of Ripon through landscapes that blend with the historic character of Ripon while using less water.

E. Encourage landscape design to create useful spaces that enhance the usability and function of the landscape and accentuate the character of the adjacent architecture.

F. Provide additional environmental benefits such as less use of pesticides and fertilizers, production of less green waste, less use of fossil fuels used for mowing, and create positive habitat for birds.

2. Applicability

These guidelines are applicable to all new single-family home landscapes. These guidelines are primarily prepared for residential landscapes that exceed 500 square feet, but are less than 2,500 square feet in total landscape area size. Multi-family developments, such as apartments, condos, and other multi-unit residential shall submit detailed landscape plans for the entire project, substantially complying with all conepts within these guidelines. Landscapes over 2,500 square feet in size have additional requirements that they need to meet in order to be compliant with WELO. Additional requirements are described in greater detail in the specific sections.

Landscapes that are applicable to these guidelines include:

A. New landscapes for single family homes - front yards that exceed 500 sf.

B. Streetscapes - There is a subsection of these guidelines that provides direction for

the design of City-maintained landscapes along the sides of streets and medians. The guidelines shall be used in conjunction with the requirements of WELO.

All applicable landscapes shall be designed in plan form incorporating the design guidelines herein, and shall be submitted to the City of Ripon Community Development Department with the building permit application.

The Community Development Director may exclude or provide modified compliance requirements based on specific project conditions on a project-by-project basis.

3. Front Yard Landscape

The landscape is considered the 'front yard' if it fronts a street and is on the street side of a wall or fence and can be seen from the street. This is inclusive of traditional front yards where the door to the home and/or garage is located as well as side yards for corner lots. It does not apply to landscapes that front alleys. It may also apply to areas which front paseos, bike paths, and other public ways per the determination of the Community Development Director.

The front yard landscape is the most abundantly visible landscape within Ripon and offers the greatest opportunity to express the goals that were described in the opening section of these guidelines. Most front yard landscapes (but not all) have less than 2,500 square feet of landscape area. As such, they fall under the Prescriptive Method of compliance (Department of Water Resources Title 23, Chapter 2.7, Sections 490 - 497.2) with the requirements of WELO. Front yard landscapes that are larger than 2,500 square foot will also comply with the water restrictive requirements of WELO if they follow these guidelines, there are some additional requirements that are described later in the guidelines.

Front yards with a coordinated mix of different materials, plants and groundcovering.

The following guidelines offer typical materials and allowable percentages of those materials that may be used with the design of front yard landscapes. Multiple combinations may be used, but it is important that an overall cohesive design be created staying within the allowable percentages. It is NOT intended that all of the following materials be included in a single landscape design, but rather two to four combined to create an aesthetically pleasing, functional, low water use landscape that compliments the home and the surrounding area.

The recommendations and percentages provided below offer direction and set goals for landscape aesthetic and water usage; they are not intended to discourage or stifle creative design. Alternate materials, means of installation, and percentages can be submitted for review and approval by the Community Development Director. The design is still re-

quired to meet code requirements, but new materials may become available and special applications may require unique design solutions.

Hardscape items within the front yard such as driveways and sidewalks do not count toward the total landscape area.

4. Front Yard Design Guidelines

A. Lawn - Historically front lawns have been used extensively throughout Ripon and their use has set a character of the community as a whole. However, due to the water usage restrictions, they may no longer be used as extensively (at such a high percentage of the total front yard landscape area) as in the past. Lawns may be included and are encouraged in many areas, but to comply with WELO, natural grass lawns may not exceed 25% of the total landscape area.

Natural lawn *0% min. requirement*
25% max. allowed use

Using small areas of lawn help make a water-wise addition to the front entry.

B. Synthetic Lawn - The use of synthetic lawn is allowed within the front yard landscapes as a substitute for natural lawn. It must be a high quality product that has a natural lawn appearance and it shall be installed in a quality manner to comply with the installation recommendations and specifications of the manufacturer. Proper sub-base, fine grading, and edge securement (anchored screw strips) must be provided. Irrigation is not needed for synthetic lawn and may only be included per the approval of the Community Development Director if there is a special condition that requires a level of cleaning or cooling that is not typical for front yard usage.

Synthetic Lawn *0% min. requirement*
60% max. allowed use

Synthetic turf is a low maintenace, no-water alternative to natural turf.

C. Living Lawn Substitutes - Living groundcover plants that create a low and continuous groundcover may be used as a substitute for traditional natural lawn. These may include plant species that can take foot traffic and serve a similar purpose as a traditional natural lawn or they may include species that remain continuous and low, offering the uniform appearance of a lawn, but do not handle foot traffic as well. To qualify as a living lawn substitute the plant species must be able to fill in completely within one year, be evergreen, completely cover the ground without bare spots, be low (less than 8" height), able to be maintained at a relatively uniform height naturally or by infrequent mowing, and must be dense enough to discourage weeds. A living lawn substitute should consist of a single species of plant or a mixture of species that combine together to create a single uniform appearance (such as low-water use No-Mow Fescue blends). Multiple species may be used in multiple sweeps or masses of single species each to create a layered groundcover appearance. The water use requirements of the species used must be less than that of natural lawn (to qualify as a lawn substitute the species must be able to be hardy with water use of 60% or less of Kentucky Blue Grass). Areas of the lawn substitute may also be depressed to allow storm water to percolate into the soil (encouraged where appropriate), but plant species shall be selected that will be hardy to the wet winter soil.

Low water use lawn species (that looks and functions like traditional front yard lawns) may qualify as a 'lawn substitute' only if it can be proven that the water usage needs of the species meet the requirements of this section.

Possible living lawn substitute plant species include, but are not limited to:

- *Kurapia*
- *Native species no-mow fescue blend (red fescues)*
- *Juniper*
- *Asian Jasmine*
- *Cotoneaster*
- *Herniaria (Green Carpet)*
- *Chamomille*
- *Zoysia (Korean Grass)*
- *Ice Plant*

Living Lawn Substitute	*0% min. requirement* *60% max. allowed use*

Low growing groundcover can provide the lawn appearance without the maintenance or high water use.

D. Shrub and Groundcover - This is the portion of the landscape that is planted with shrubs and groundcover that create a layered appearance and consists of a combination of herbaceous and perennial plant species. These plantings typically provide the backdrop for the lawn and lawn substitute plantings and occur at a minimum directly in front of the home (foundation planting) and often along the fence and between front yards. Their use be greater than what has been traditionally provided due to the reduction in the amount of lawn that is allowed. Plant species shall be selected that have low and medium water use needs, provide a variety of sizes and color, create a layered and interesting year-round appearance, and have a mature size that is appropriate for their use. Plants should not require more than 30% of their foliage be removed in order to maintain their intended functional use (for example: don't use a species that has a mature size of 10' tall if it is intended to be maintained at 4' tall). Plants shall be installed at spacings that will allow them to grow together to completely cover the ground within 2-3 years (plants that have a mature spread of 3' should not be planted 4'-5' apart as they will never grow to touch each other). Also, plants should not be planted so close together that they overlap each other and become too overgrown and dense (model homes can be excluded from this requirement at the discretion of the Community Development Director). The design and selection of plant species and spacing shall be done in such a way that when the landscape is mature there are no bare spots and no need to replenish mulch for aesthetics. Areas of the shrub and groundcover may also be depressed to allow storm water to percolate into the soil (encouraged where appropriate), but plant species shall be selected that will be hardy to the winter wet soil.

Shrubs and Groundcover *35% min. requirement*
100% max. allowed use

Shrubs and groundcover with different combinations of texture, color, size and shape provide interesting and aesthetic yards.

E. Impervious Hardscape - For the purposes of these guidelines the term impervious hardscape in this section refers to landscape elements that are constructed of concrete or have a concrete base or similar material that does not allow rain or irrigation water to flow through. Driveways and sidewalks that serve the function of the home are not considered to be landscape areas and are therefore not part of this section. Impervious hardscape consists of things such as colored and stamped concrete patios, concrete mow curbs, wet-set cobble, non-permeable interlocking pavers, stone or tile on concrete base, etc. These items may be incorporated into the landscape to compliment the planting areas and create functional space such as mow edges, walkways, aesthetic edges and transitions. They are not intended or allowed to be used to replace large areas of landscape. Their use and overall incorporation into the landscape is subject to the discretion of the Community Development Director.

Impervious Hardscape	*0% min. required* *20% max. allowed use*

Impervious hardscape areas can include paved seating areas, walkways or driveways, and can include a variety of materials to contrast and complement the planted landscape.

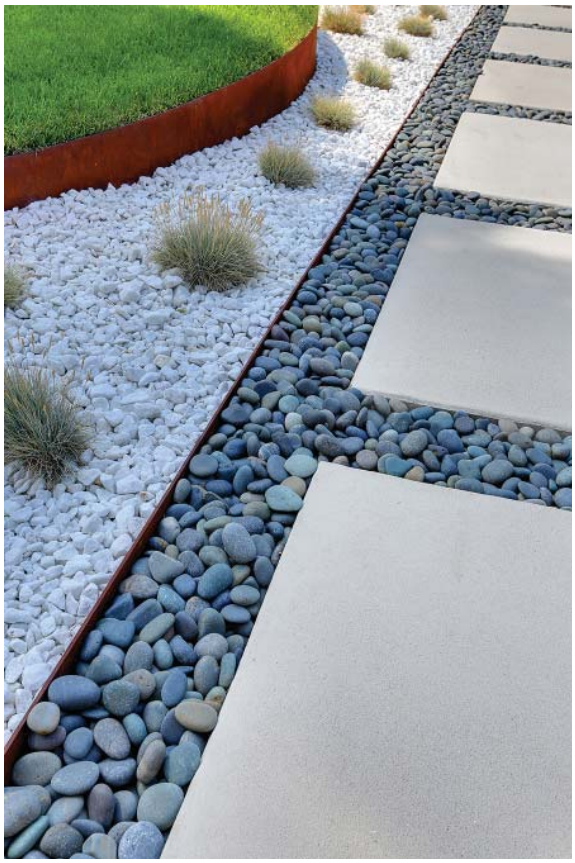
F. Walkable Permeable Groundcover - The use of small seating areas, patios, informal walkways, etc. are allowed to be part of the front yard provided that their design is integrated with the sidewalk layout (the sidewalk to the front door) and landscape design. The inclusion of functional space within the front yard that can be used like a porch and/or seating area is encouraged and fosters community interaction. Materials that qualify for this usage are permeable (meaning water can move through them to the soil below) and include Decomposed Granite (DG) (without stabilizer polymer binder), permeable pavers, stepping pads of concrete, stone, etc. with permeability between them, ornamental aggregate, pea gravel, and other similar paving substitute materials. The main classification for this is that the area covered by these materials serves a functional use such as patio, seating area, or walkway. Loose materials such as ornamental aggregate, DG, pea gravel, etc. should have a secure containment edging such as steel edging, redwood, or other acceptable containment edge.

Walkable Permeable Groundcover	*0% min. requirement* *30% max. allowed use*

Some paving can still let the water seep into the ground while allowing foot traffic. These spaces provide a function of allowing you to move through your yard easily and can be incorporated into the overall landscape aesthetic.

G. Permeable Non-Living Groundcover - This consists of landscape accent materials such as Decomposed Granite (DG), ornamental aggregate, cobble, boulders, river rock, pea gravel, tumbled glass mulch, and other non-living groundcover. This item is different from the Walkable Permeable Groundcover described above in that this material is provided in the design as an aesthetic treatment and not designed as a walkable functional element. This item consists of landscape elements such as dry creek beds, cobble edging, boulder accents, etc, and these items are not intended to replace large portions of the landscape, but rather, to accent and supplement them. The design is to be consistent with the overall design of the landscape and shall fit within the character of the surrounding community. When a dry stream bed is designed it should include a variety of cobble and boulder sizes, should be depressed into grade, and should be designed to appear as a natural component of the landscape. If the design is more contemporary, the use of these materials can take on a more contemporary aesthetic such as sweeps or bands. Where appropriate, items like a dry stream bed may also be used as a functional element to convey and/or percolate storm water. Increased size (as a percentage of the landscape area) may be approved by the Community Development Director if there is functional use such as storm water conveyance and percolation.

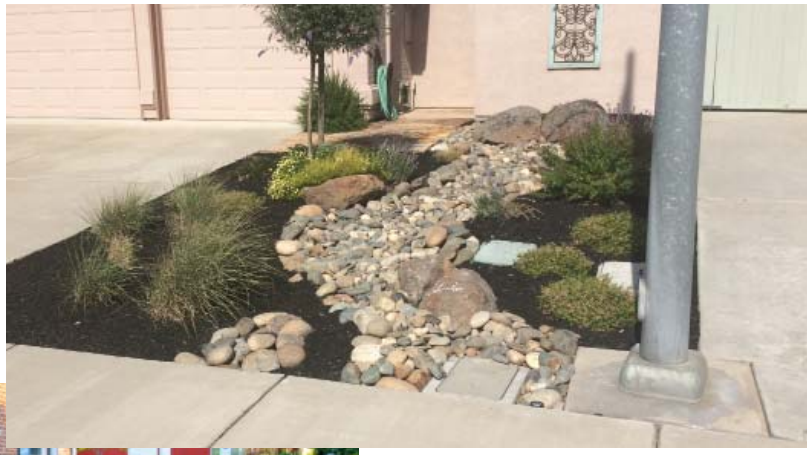
Permeable Non-Living Groundcover	*0% min. required* *25% max. allowed use*



Groundcover doesn't have to be plants. Different materials can be used to add interest to the landscape, provide a clean edge to a walkway, or to fill-in areas that are difficult to water or maintain.

H. Organic Mulch - Organic mulch (bark mulch) is to be used within the shrub and groundcover areas (Section 4-D) only and is NOT allowed as a landscape treatment without plants. It is required with the installation of shrubs and groundcover and may be needed for some living lawn substitute species. When organic mulch is used, it shall be installed at min. 3" depth. Per the shrubs and groundcover section, the plants are to be designed to grow together within 2-3 years; therefore, no organic mulch should be visible in 2-3 years.

Bark mulch conserves water and helps to keep weeds out while plants grow to maturity. The photo to the right shows mulch throughout the planter area in this still young landscape. Mulch is a supplement to the landscape and is not to be used as a groundcover in and of itself.



This

Not this

I. Accessories - Other landscape items such as low walls, seat walls, fences, art, containers, etc. may be incorporated into the landscape as part of a cohesive and comprehensive landscape design. They may be included, but are not required, to the extent allowed by current codes and CC&Rs and per the discretion of the Community Development Director.

Decorative containers add architectural interest and a place for splashes of color to enhance front entry.

This

Fences or low wall should complement the home and accent the design. Full screening, such as shown below, may be appropriate for rear yards but is to be avoided in front yard landscapes.

Not this

J. Trees - Trees are an integral part of any landscape design and shall be included with all landscape design plans. In many cases the inclusion of trees is required by code and/or development agreements. Trees provide shade that reduces heat gain, produce oxygen that mitigates green-house gas emissions, slow the process of rainwater entering the storm drain system, provide habitat for birds and other urban wildlife, and substantially enhance the character and livability of Ripon. Their inclusion in all landscape design is critical. Tree species shall be selected based on the space that is available and their intended overall size. Large trees in narrow planters, directly adjacent to overhead power lines, and directly adjacent to street lights shall be avoided. Similarly, trees shall be planted clear of underground utilities. But wherever achievable large spreading shade trees should be planted and enjoyed.

Trees are allowed in all of the living groundcover areas as described above. They may also be planted in synthetic lawn areas provided that a 3' - 6' diameter mulch ring is provided and irrigation is provided.

The use of high water using trees such as Redwood trees should be avoided. Often high water using trees have other undesirable qualities such as invasive roots, weak branches, and sometimes a shorter life span.

A list of recommended trees has been provided in Appendix A.

K. Soil amendments - all new planting areas shall be amended with at least four (4) cubic yards of compost to a depth of six (6) inches per 1,000 square feet of planting area. The soil amendments are not required for non-planted areas such as synthetic lawn, cobble, etc.

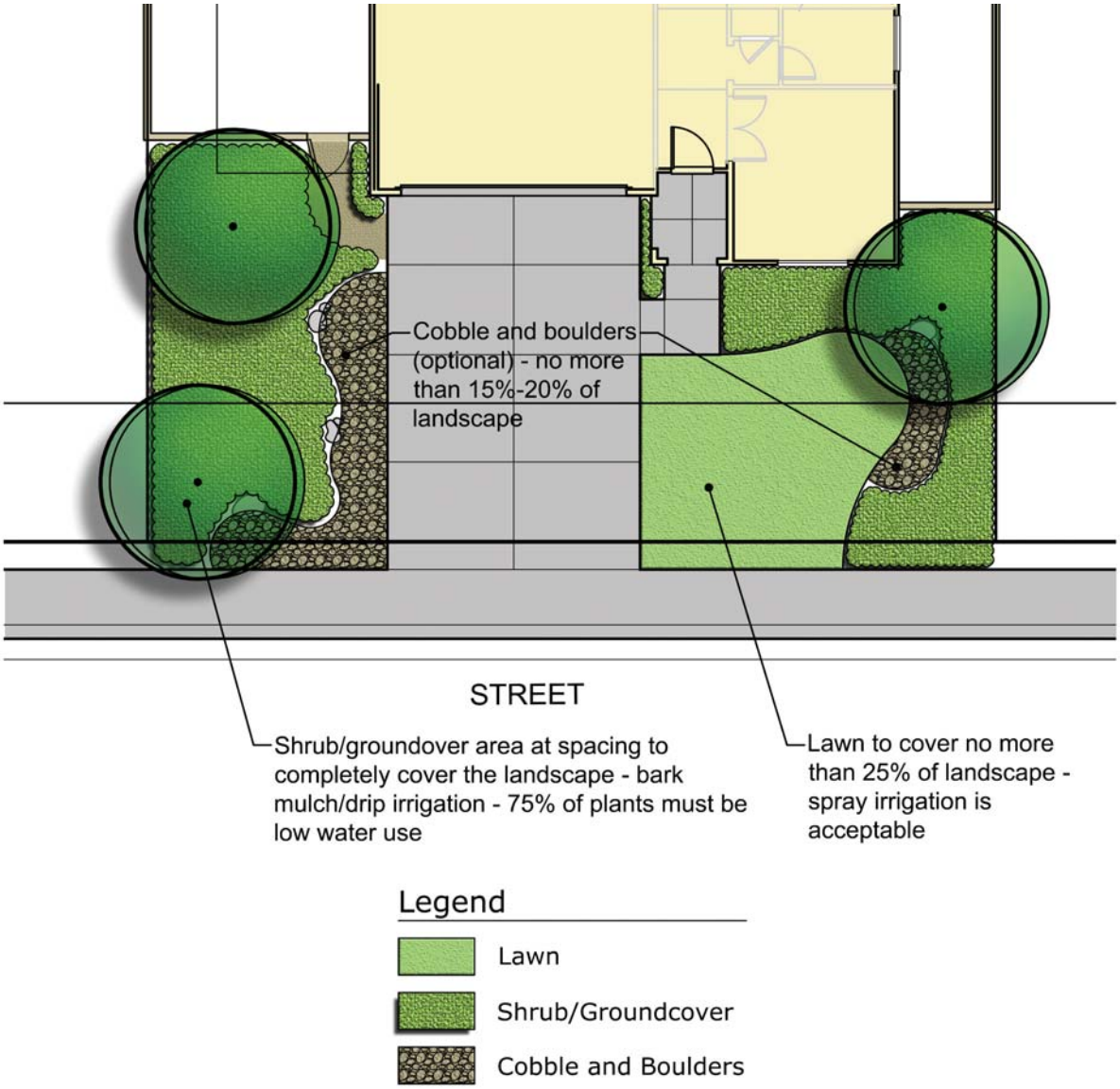
L. Soil Testing - For landscapes larger than 2,500 square feet a soil analysis is required to be performed by an accredited soil testing lab. The soil sample is to be taken from the landscape area that will be amended. The recommendations of the soil test shall be incorporated into the soil at the rates as recommended.

The results of the soil test shall be provided to the Community Development Director or with a statement signed by the developer that the soil was amended per the recommendations of the report.

The soil test shall include the following information:

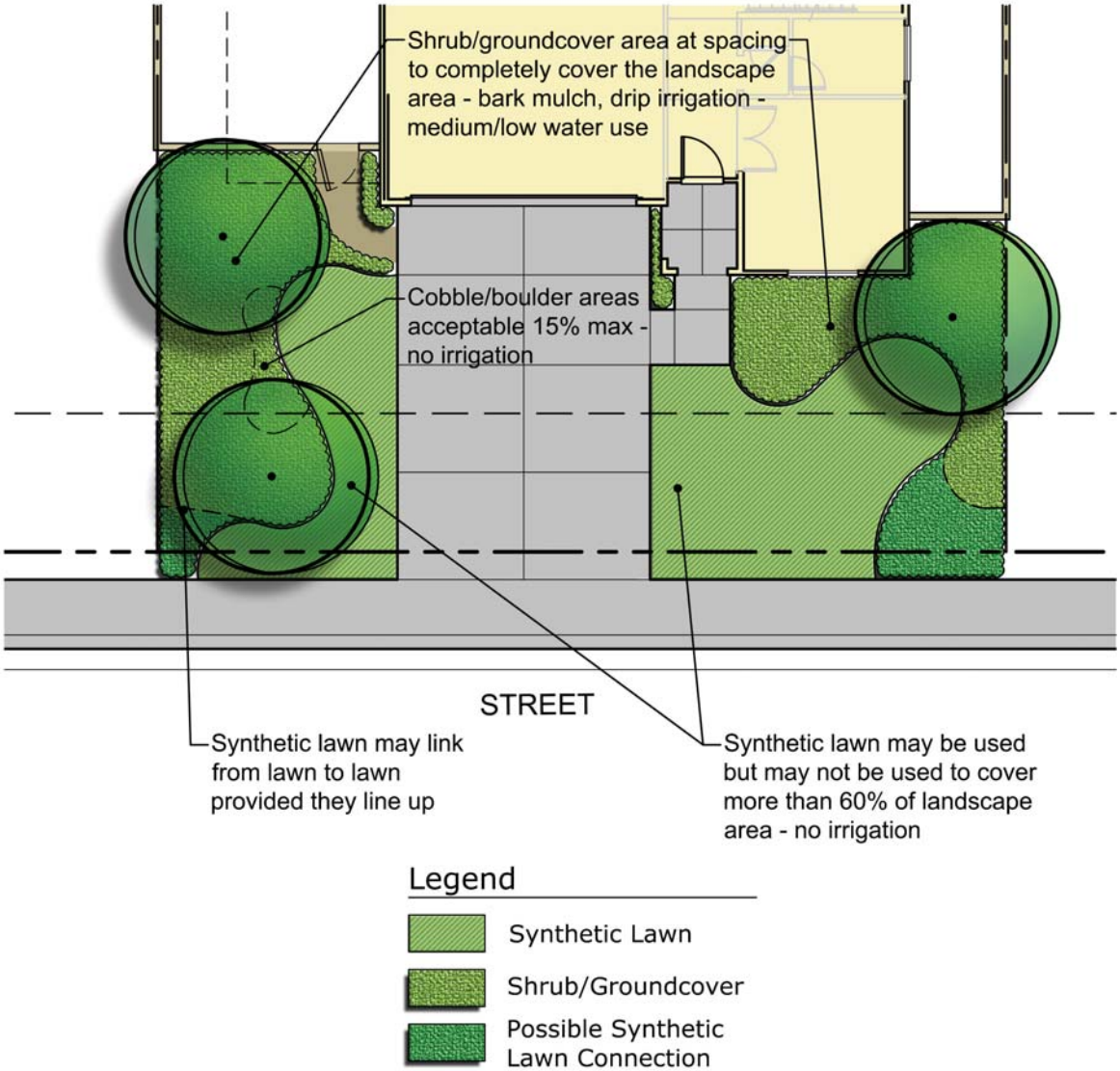
- Soil texture
- Infiltration rate
- pH
- Total soluble salts
- Sodium
- Percent organic matter
- Recommendations for amendment, if any.

Front Yard Landscape - Concept #1
Natural Turf and Plants



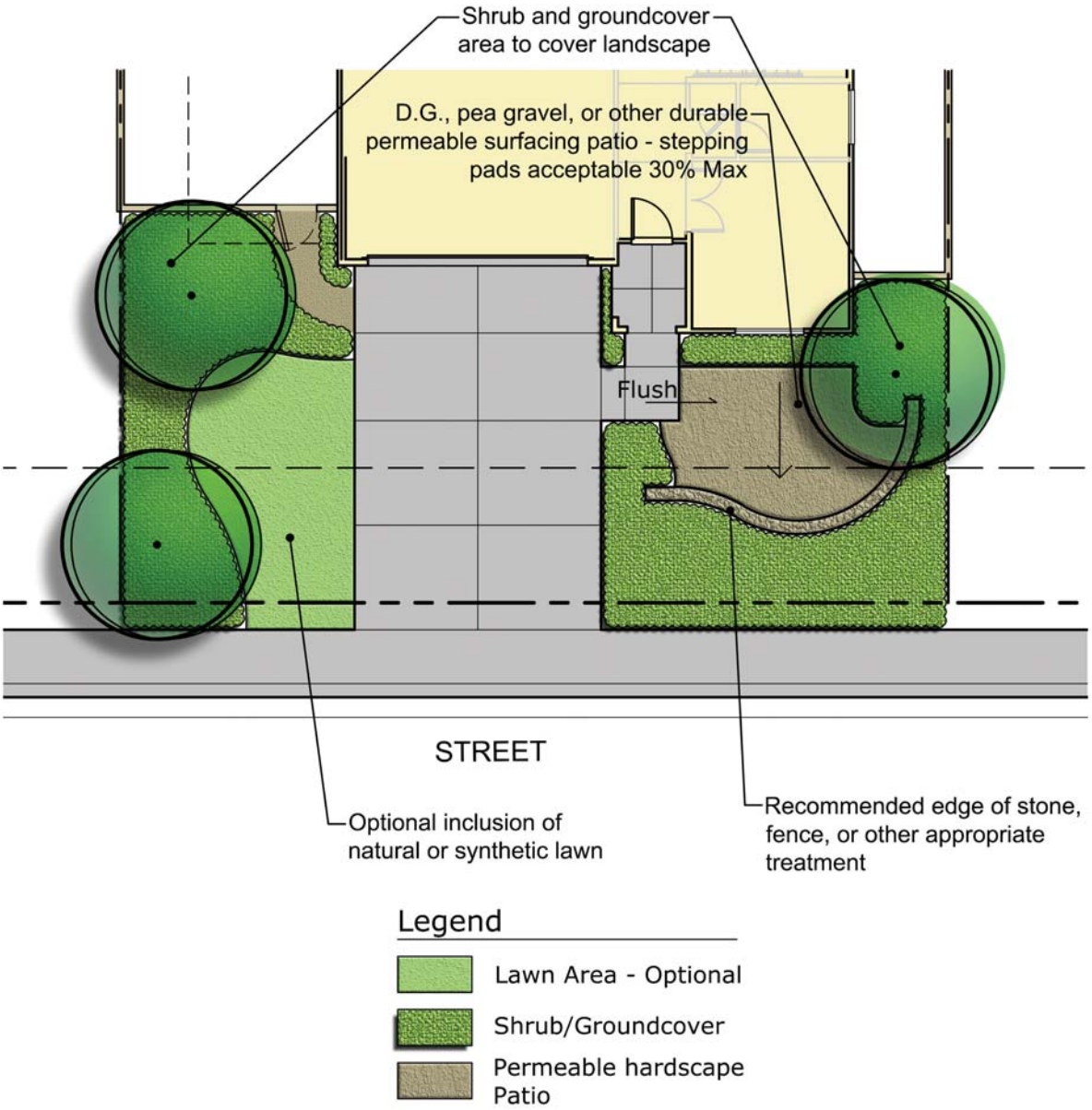
This landscape uses the maximum allowed amount of natural turf with a mix of trees, shrubs and groundcover areas and cobble fields to complete the landscape.

Front Yard Landscape - Concept #2
Synthetic Turf and Plants



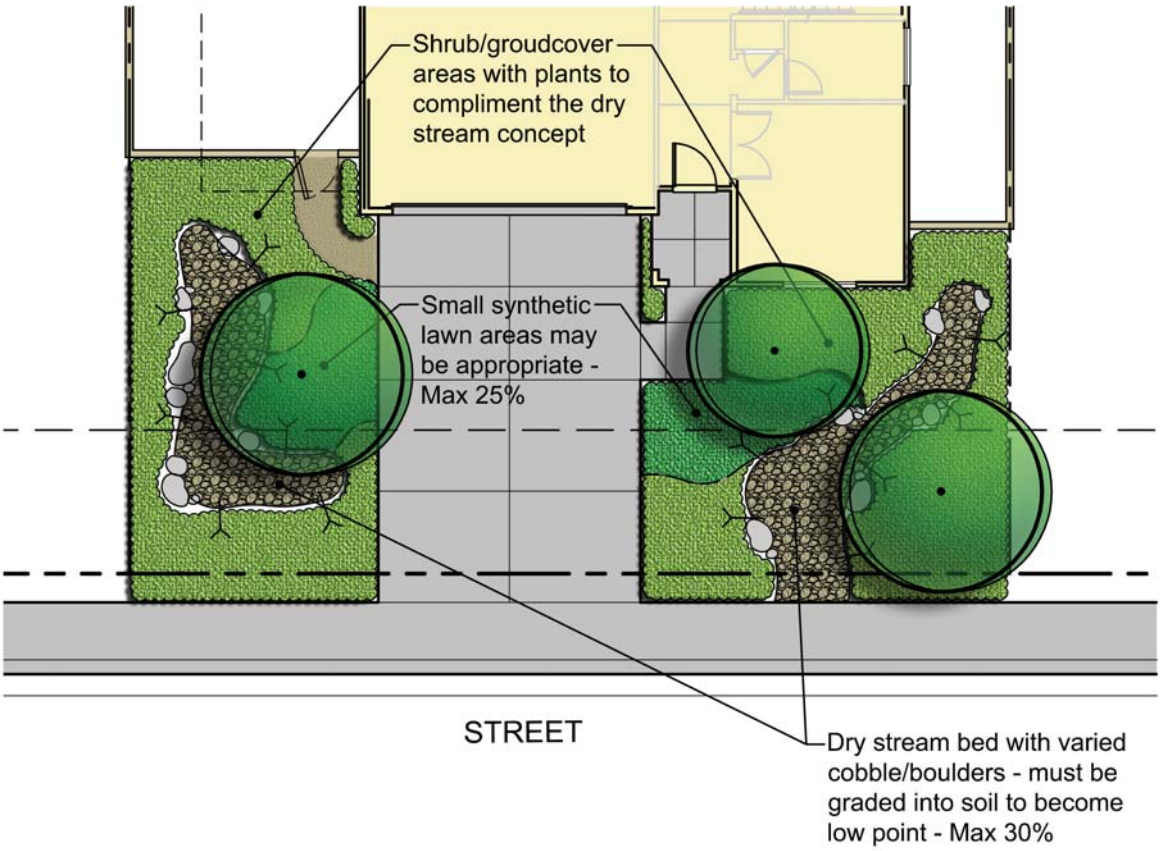
The above plan uses synthetic turf to provide a landscape with more turf area than is allowed by WELO. A blend of trees, shrubs and groundcover complement the design.

Front Yard Landscape - Concept #3
Small Patio Space



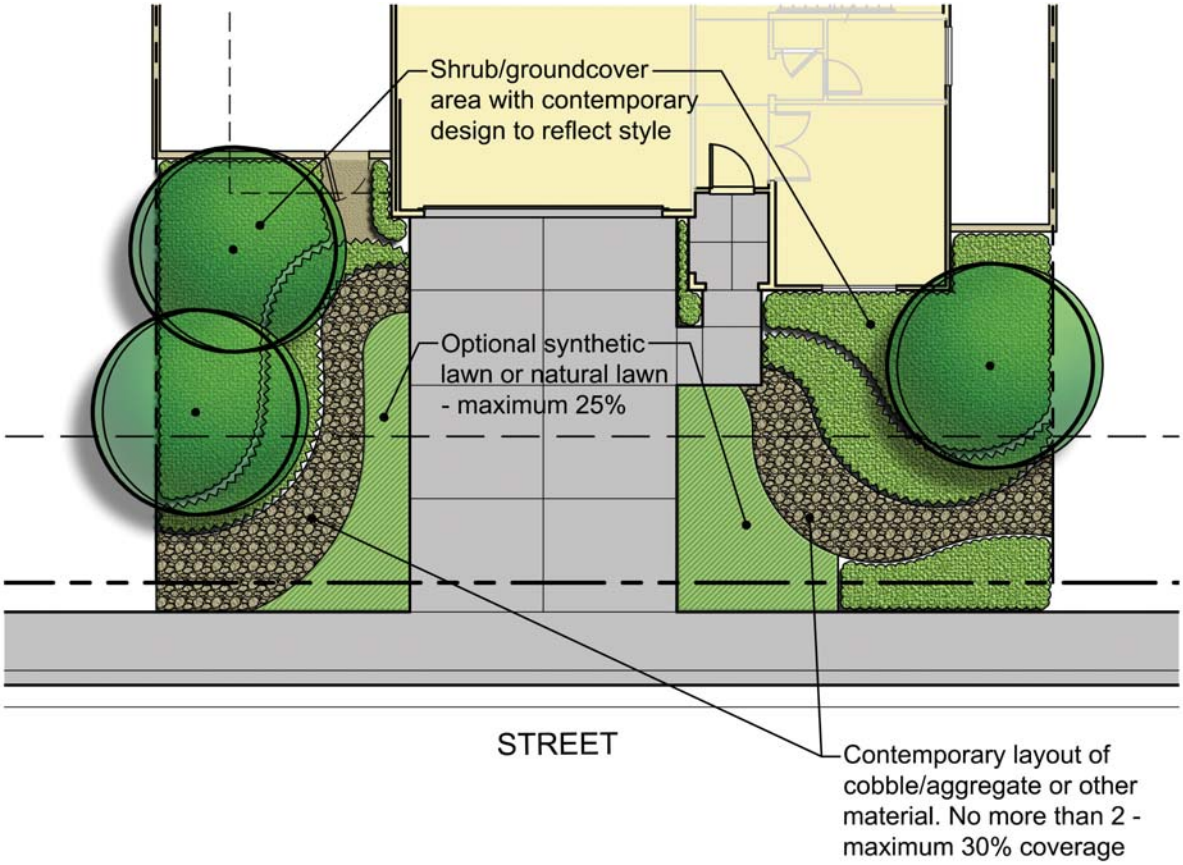
The plan above includes a small patio space to promote community interaction and provide additional spaces for resident's use throughout the year. Natural turf and landscaping fill out the remainder of the front yard.

Front Yard Landscape - Concept #4
Dry Stream Bed



A cobble and boulder dry stream bed theme provides an interesting structure to complement the trees, shrubs, ornamental grasses and groundcover of this landscape. The cobble areas and the lack of natural turf make this landscape theme lower in water use and maintenance demand.

Front Yard Landscape - Concept #5
Contemporary



This design uses strong forms and shapes and a limited palette of plants and materials to provide a more modern and contemporary landscape. Natural or synthetic turf is blended with masses of non-living groundcover as well as trees, shrubs, and groundcover.

5. Irrigation

All living plant landscape areas shall be provided with supplemental irrigation that is designed to be compliant with all applicable codes and requirements (WELO, CBC, and Ripon Municipal Code). Irrigation shall be designed to meet the water needs of the plants without providing more water than the plants need and without running off onto sidewalks and streets. Irrigation water shall be contained within the landscape area that it is intended to irrigate (no run-off). Following are goals and requirements of the irrigation system.

A. Plants with similar water usage needs shall be irrigated together and plants with different water needs shall be placed on separate circuits. For instance, lawn is higher water use, so it shall be on a separate circuit than a shrub area which has a lower water use need.

B. Irrigation water shall remain within the landscape area that it is intended to water. For instance, lawn irrigation shall not overspray into shrub areas or other areas that do not require irrigation.

C. The use of spray irrigation is discouraged. It may only be used for lawn areas (maximum 25% of the landscape area) and must be designed so that the spray does not overspray outside of the lawn area and does not create run-off. Only irrigation nozzles that use larger water droplet size such as rotator nozzles, Precision nozzles, and other nozzles approved by the Community Development Director are allowed. Traditional spray irrigation provides too much mist and does not meet the efficiency requirements of WELO and if therefore not allowed.

D. All spray heads must be installed with an integral check valve that stops water from draining out of the pipes through the low head.

E. The use of drip and/or low flow bubbler irrigation is encouraged for all landscape areas and is required for all non-lawn irrigation. The use of subsurface drip is encouraged for lawn areas.

F. There shall be a manual shut off valve at the point of irrigation service connection - this allows the irrigation system to be shut off separate from any other water needs (such as the water used inside the house).

G. The irrigation controller shall be multi-programmable and shall incorporate sensor input that automatically adjusts run times based on actual plant water needs.

H. A sensor shall be installed with each controller that uses current weather or soil moisture information to inform the controller on current water needs so that the controller can automatically adjust the run times.

I. The irrigation system shall be operated based on irrigation times that are allowed by the City.

6. Irrigation Products

The following is a list of recommended irrigation equipment and products to be used in typical residential landscapes. Not all products are appropriate for every landscape and there may be some products available (or developed after these guidelines were written) that meet or exceed the requirements of these guidelines and may be appropriate for use. Irrigation should be designed by a qualified irrigation designer that understands the equipment that is available and the requirements of WELO and the City of Ripon. However, the following may be used as a checklist and the use of the following equipment will meet the requirements of these guidelines. All equipment shall be installed per the recommendations and specifications of the manufacturer.

A. Controller
   Hunter X-Core and Pro-C
   Rainbird ESP-RZX, ESP-Me and ESP-SMTe
   Toro Evolution

B. Weather Sensor - Select a weather sensor that corresponds with the selected controller. Most weather sensors are available in a wireless version.
   Hunter Solar-Sync
   Rainbird ET Manager
   Toro Climate-Logic

Controller - helps to provide the right amount of water

C. Valves
   Hunter residential models
   Rainbird residential models
   Toro residential models

Weather sensor - helps your controller run only when needed

Remote control valve - allows you to separate your landscape into different watering zones and to be tied to the controller for automatic watering

D. Overhead spray heads for lawn area (max. 25% of landscape area)
   Hunter MP Rotator nozzles on PRS40 spray body
   Rainbird rotator nozzle on 1800 series spray body
   Toro Precision Rotator nozzles on 570Z-PRX spray body

Pop up spray heads (commonly called sprinklers) come in water efficient models to help irrigate larger uniform areas such as turf or lawn substitutes

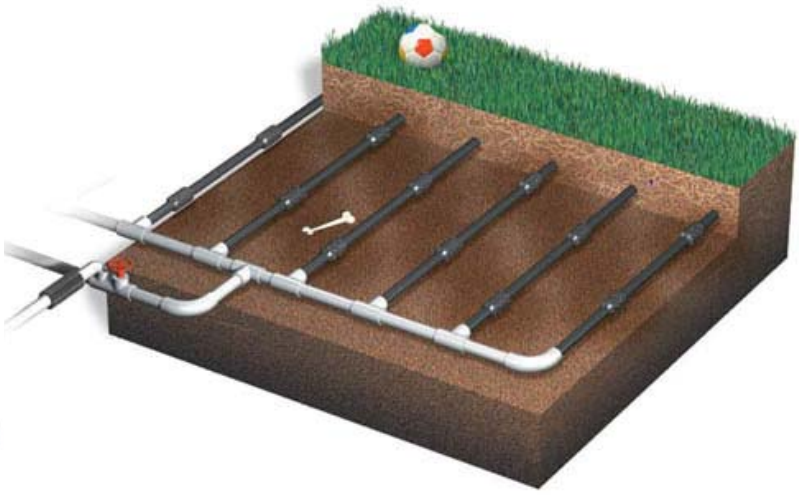
E. Subsurface drip - Can be used for all landscape areas. The drip emitters are embedded into the tubing. This type of system is designed to provide emitters every 12” or 18” on center to evenly cover the landscape area with emitters. Provide separate circuits for different water use plants (lawn separate from shrubs).

For lawn areas use 12” on center in-line emitters with in-line tubing placed at 12” on center. Bury all drip tubing for lawn and groundcover areas 2” deep.

For shrub areas use 18” on center in-line emitters with in-line tubing placed at 18” on center.

Include flush valves, air vacuum relief valves, and filters at the valve as recommended by the manufacturer.

Product
- Toro DL2000
- Netafim
- Rainbird XFS
- Hunter PLD



F. Drip emitters - Appropriate for shrub and groundcover areas. This type of system provides water at each plant only and does not provide irrigation water where there are not plants. It is not good for plants that spread by branches rooting to the ground as they spread out. Place spot drip emitters at each plant. Best to provide two to three emitters at each plant 3” - 9” away from the base of the plant. Drip tubing may be placed on the surface of the soil with mulch over the top. Staple the tubing to the ground every 4’ to 6’.

G. For irrigation systems that serve landscape areas over 2,500 square feet there are additional requirements that must be met to be compliant with WELO.

Flow sensor: a flow sensor is required at the irrigation point of connection and shall be tied to the controller per the manufacturer's specifications. Each controller manufacturer also provides a flow sensor that will work with their controller. It is a wire connection.

Controller: The controller needs to be upgraded so that is can read and react to the information provided by the flow sensor.

Meter: A separate meter is required for the irrigation system. For residential use this can be a sub-meter that monitors just the irrigation water usage separate from the domestic.

Irrigation Audit: After the irrigation system has been installed, an irrigation audit is required by a certified irrigation auditor. If any portion of the irrigation system needs to be revised to be compliant with WELO, the work shall be completed and demonstrated to the auditor. The report that shows compliance with WELO shall be forwarded to the Community Development Director.

City of Ripon Water Efficient Landscape Ordinance
Project Information and Checklist
Residential

This form is to be filled out and submitted with the completed landscape plans to the City of Ripon Community Development Department as well as any fees and other application forms that may be required by the City: *City of Ripon Community Development Department, 259 N. Wilma Ave, Ripon, CA 95366, 209-599-2108.*

Project Information:

Address of Project Site (Home) _____

Applicant Name _____

Applicant Address _____

Applicant Phone Number _____

Applicant E-mail Address _____

Description of work being performed _____

_____

Total Square footage of new landscape (add A-F below) _____sf

The square footage of the driveways, patios, and walkways and other functional hardscape is not to be included in the square footages below.

A. Proposed natural lawn area _____sf _____% of total landscape area (may not exceed 25%)

B. Proposed synthetic lawn area _____sf _____% of total landscape area (may not exceed 60%)

C. Proposed shrub/groundcover area _____sf _____% of total landscape area (may not be less than 35%)

D. Proposed impervious landscape _____sf _____% of total landscape area (may not exceed 20%)
(any paving that water cannot pass through)

E. Proposed non-living permeable groundcover *(cobble, aggregate, DG)* _____sf _____% of total landscape area (may not exceed 30%)

F. Other Landscape Features _____sf _____% of total landscape area

Describe _____

Irrigation:

A. Type of irrigation being used for the lawn _____
(Pop-Up Spray, Rotator, Gear Rotor, Subsurface Drip, Other)

B. Type of irrigation used for the shrub/groundcover _____
(Rotator, Spot Drip Emitters, Subsurface Drip, Low Flow Bubblers, Other)

C. Type of water used for the irrigation system _____
(Domestic water meter, rain harvesting, well, other)

WELO Checklist

All of the following items must be incorporated into the landscape in order to be compliant with the Water Efficient Landscape Ordinance (WELO). This checklist is for residential projects that are greater than 500 sf and less than 2,500 sf.

Planting:

A.	Total landscape area is greater than 500 sf and less than 2500 sf	yes	no	na
B.	Natural lawn area does not exceed 25% of the total landscape area	yes	no	na
C.	Natural lawn that has spray irrigation does not exceed 25% (4:1) slope	yes	no	na
D.	Natural lawn that has spray irrigation is not less than 10' wide	yes	no	na
E.	At least 35% of the total landscape area is planted with shrubs/groundcover	yes	no	na
F.	All non-lawn plantings are low or medium water using	yes	no	na
G.	Plants species have been selected for the appropriate size of the space to reduce the need for pruning	yes	no	na
H.	Shrubs and groundcover areas have been planted at adequate spacing so that plants will touch within 3 years with no bare spots	yes	no	na

Irrigation:

I.	Pop-Up spray irrigation is used in natural lawn areas only and is not greater than 25% of the total landscape area	yes	no	na
J.	Pop-Up spray irrigation is not used in areas less than 10' wide and Slopes greater than 25% (4:1)	yes	no	na
K.	All spray heads have check valves to eliminate low head drainage	yes	no	na
L.	Irrigation controller is a 'smart' controller that uses sensors to adjust run times automatically (evapotranspiration or soil moisture sensors)	yes	no	na
M.	There is no overspray into hardscape from any irrigation	yes	no	na
N.	All shrub/groundcover areas are irrigated with drip or low flow bubblers	yes	no	na

Other:

O.	Synthetic lawn does not exceed 60% of the total landscape area	yes	no	na
P.	Organic mulch installed at min. 3" depth for all shrub/groundcover areas	yes	no	na
Q.	Impervious landscape areas (hardscape) does not exceed 20% of the total landscape area	yes	no	na
R.	Permeable paving such as permeable pavers, DG, aggregate does not exceed 30% of the total landscape area	yes	no	na
S.	Permeable Non-living groundcover such as cobble, dry stream beds, DG ornamental aggregate does not exceed 25% of the total landscape area	yes	no	na
T.	Soil amendments provided at 4 cubic yards per 1000 sf of landscape or per the recommendations of a soil fertility test from the site	yes	no	na

I certify that the preceding information is correct and I will comply with the WELO and Appendix D (Prescriptive Method) requirements

Signature of Property owner or authorized agent _____ Date _____

Section 2 – City Maintained Streetscape Landscape

1 Summary and Applicability

This section of the Design Guidelines is for the City-owned and maintained landscape that is developed by private developers associated with new streets for subdivisions. All streets that have landscape within the Right-of-Way are subject to these Guidelines.

The width of Rights-of-Way, roadways, sidewalks, bike paths, medians, travel lanes, landscape planters, and all other components of the City of Ripon vehicular circulation system remain per the zoning code, municipal code, and the direction of the Community Development and Public Works Directors. All City standard details and specifications remain intact and as they are. The purpose of these guidelines is to provide direction to developers in how the typical landscape spaces within the streetscape that are required to be improved per code and conditions of approval are to be designed. The type and overall concepts for planting and irrigation are included within these guidelines.

For the purposes of this document the term 'streetscape' and 'streetscape landscape' refers to all of the pervious portions of the right-of-way associated with a street. The roadway, curbs and gutters, sidewalks, sound walls and fences, street lights, signage, and utilities are not covered by these guidelines. The streetscape landscape includes the landscape areas in the median, side street landscape between the curb and sidewalk (parkway strip), and the landscape between the sidewalk and sound wall and/or right-of-way line. Streetscape landscape consists of trees, shrubs and groundcover, vines, non-living groundcover such as cobble and DG, irrigation systems, and the accessories needed such as root barriers, edging, etc.

2 Streetscape Design

The goal of these guidelines is to provide aesthetically pleasing and efficient streetscape landscape that is easy to maintain, uses a minimal amount of irrigation water while preserving the character of Ripon, and provides a safe and efficient vehicular and pedestrian circulation network. Following are the primary goals of the streetscape landscape:

A. All landscape installation shall provide a safe environment for vehicular and non-vehicular circulation for which the streetscape landscape is designed. All code requirements shall be adhered to and the landscape shall be modified as needed to meet all applicable codes.

B. Landscape shall be designed to meet the function of the intended use and not require substantial maintenance in order to maintain that use. For example, species selected for low groundcover shall be naturally low growing varieties that do not require pruning to be kept low; street trees shall not be low branching or suckering trees that require regular pruning to maintain clear visibility; tree species with invasive roots shall be avoided in narrow planters; wide spreading shrubs shall be avoided in narrow planters; etc.

C. Maintain clear view corridors at all street and driveway intersections per City requirements.

D. Street trees to be planted at appropriate branch height and spacing so that they do not interfere with vehicles and/or pedestrians, as well as clear of street lights and other utilities. To the greatest extent possible the spacing of street trees and street lights shall be designed together to provide cohesive layout that maintains street

tree and street light spacing without gaps in the rhythm of either. See Appendix A for minimum spacing of street trees.

E. There shall be a variety of plant species selected to meet the functional requirements such as vines, screen shrubs, groundcover, low accents plants, etc., but they shall be designed in broad masses or rows with a simple palette to avoid a 'busy' or overly intense planting layout. Simple clean lines of planting are preferred over a botanical wonderland.

F. Plant species shall be selected so that no more than 30% of the mature size of the plant needs to be removed in order to maintain the desired height and/or width.

G. Plant species shall be selected that are: appropriate for the climate (Sunset zone 8 and 14); are predominately low water use per WUCOLS 4; are non-invasive; do not freely sucker or have damaging roots; produce minimal seeds and/or pollen (allergens); do not harbor infesting insects; are safe (are not brittle and prone to breakage or wind damage); and are otherwise appropriate for public landscape.

H. Non-living groundcover such as cobble, DG, ornamental aggregate, etc. may be used in conjunction with overall planting design to provide for aesthetically pleasing landscape while lessening the need for long-term maintenance and irrigation water. Certain non-living groundcover requires the uses of a permeable woven filter fabric to inhibit weed growth, see additional information in paragraph 3.C.7 of Section 2.

I. Irrigation systems shall be designed to provide appropriate irrigation without overspray and run-off and installed with durable products that require minimal regular maintenance. Irrigation shall comply with all City standards and code requirements.

J. Where possible and where the landscape spaces are wide enough, it is encouraged to use the landscape to filter and retain some of the storm water run-off before entering the storm drain system (per the direction/discretion of the Public Works Director).

K. Street Trees: Street trees shall be planted to create a vibrant canopy for all streets. Street tress shall be located in planters of sufficient width for the mature size of the particular species. They shall be located at regular intervals and at uniform distance behind the curb so as to create the cadence, street presence, and shade canopy desired by the City. Species recommended for use as Street Trees on the various City streets (based on ROW widths and City Standards Details) are included in the Plant List provided as Appendix A. See Appendix A also for minimum planter width and recommended spacing of trees by species.

Street trees shall be located in planters on both sides of the streets and within medians. Species within the medians do not need to be the same as the species along the curbs; however, species shall be selected to achieve a canopy and the species shall be consistent within a single median, or at a design otherwise approved by the Community Development Department. See exhibits B.1, B.2 and B.3 of Section 2.

When required by the City, street trees shall be included in the front yards of lots and be located a minimum of 5' behind the sidewalk. Street trees in this condition shall be evenly spaced and adhere to the recommendations for spacing and minimum planter width provided in Appendix A. See also paragraph 3.C.1 in Section 2.

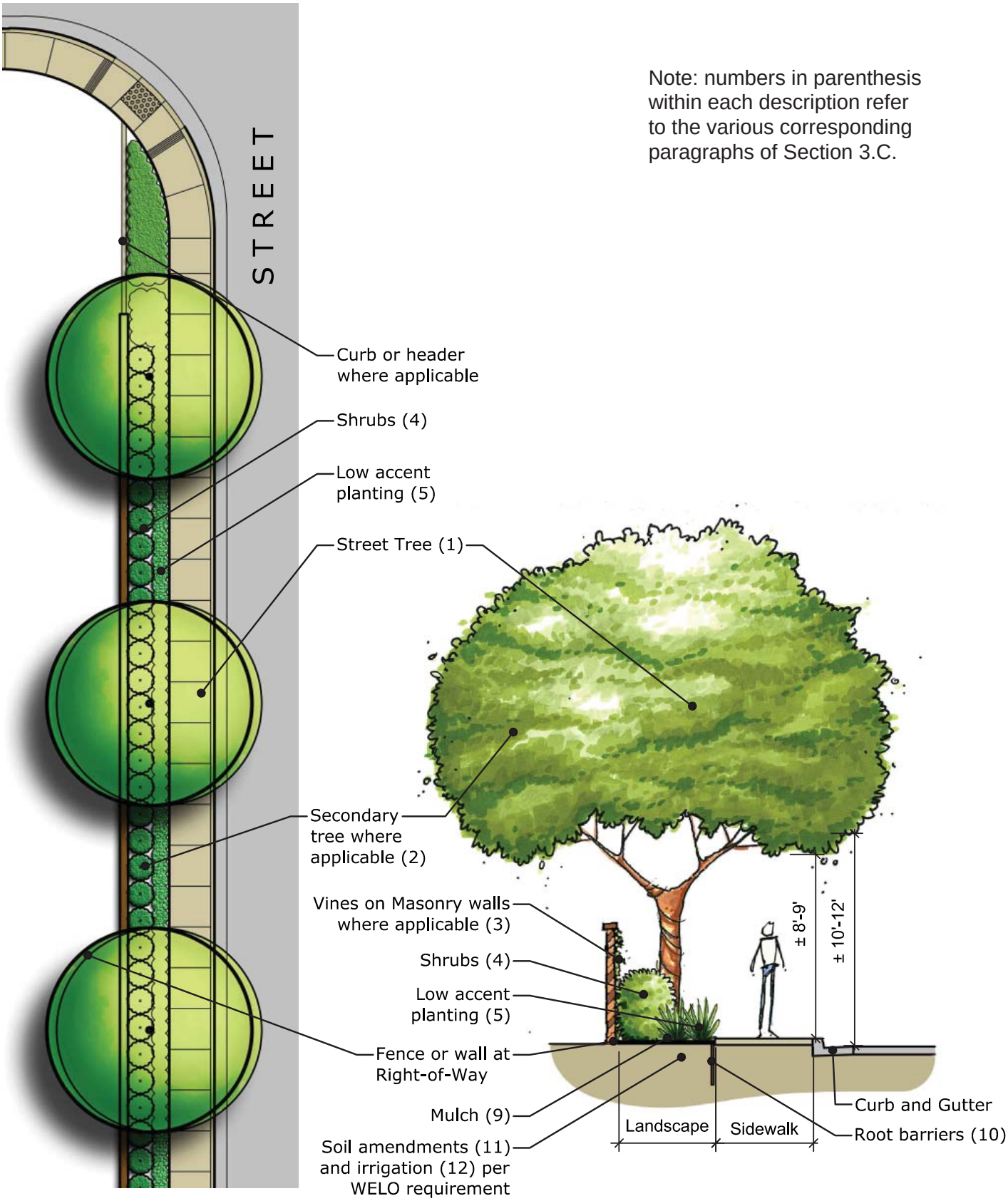
3 Typical Streetscape Conditions

The following are examples of typical streetscape conditions throughout the City of Ripon and common for residential streetscape development. The widths of sidewalks and landscape areas is per the requirements of each street per the City of Ripon. These example provide direction into how the landscapes within the various spaces are to be developed.

A. Side Street landscape – This is the area between the curb at the edge of the street and the right-of-way line and/or sound wall or fence. There is typically a pedestrian sidewalk and potential bike path. Landscape consists of street trees (shade) and secondary buffer trees (if the width allows), as well as vines on the wall, shrubs, and groundcover.

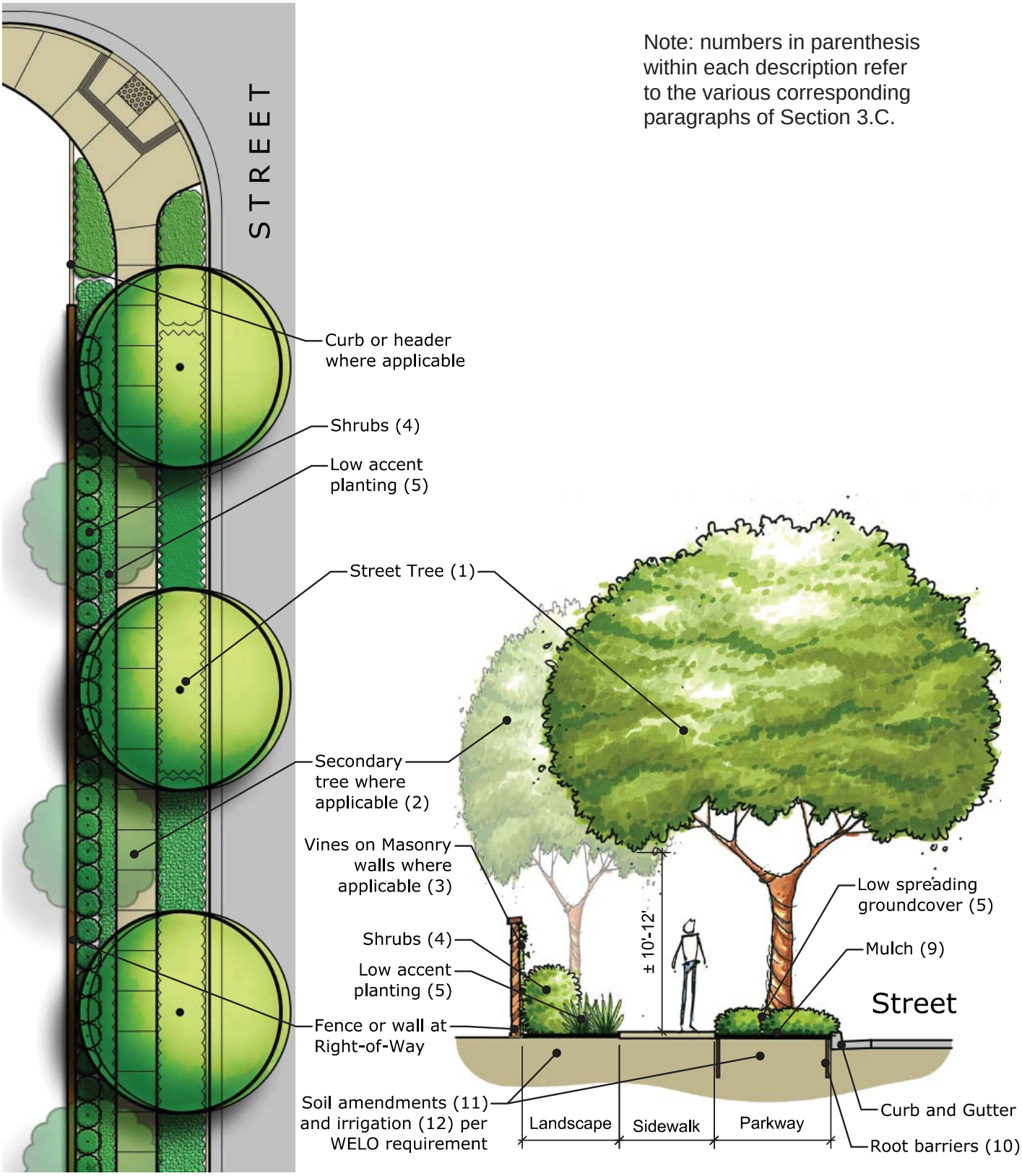
A.1 Standard Side Street Landscape

Note: numbers in parenthesis within each description refer to the various corresponding paragraphs of Section 3.C.



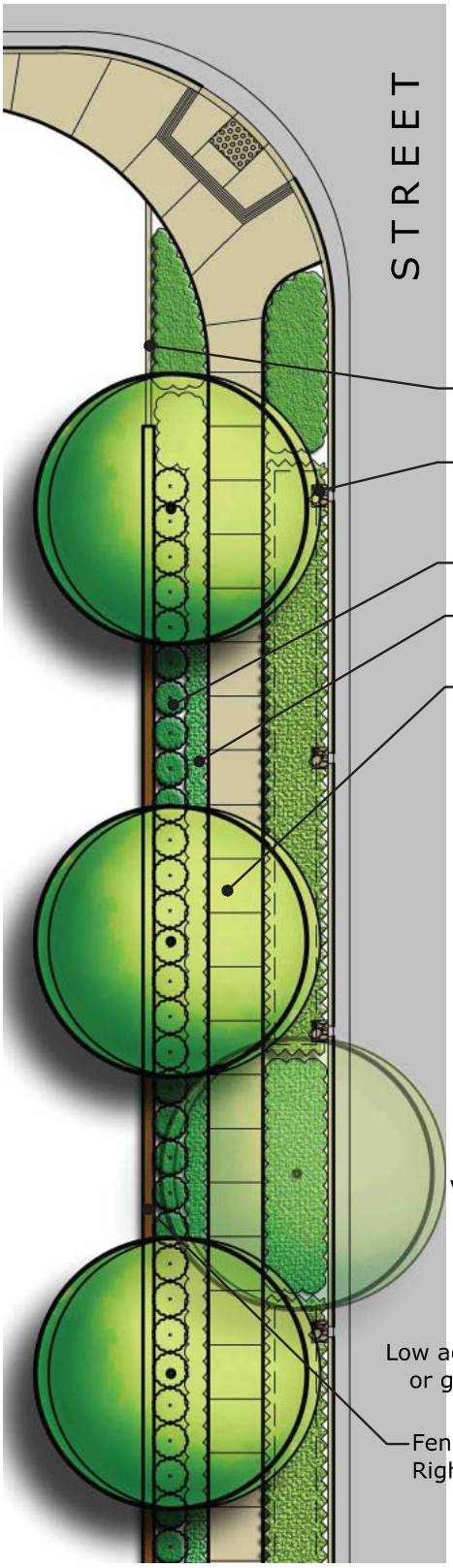
A.2 Standard Side Street Landscape with Parkway

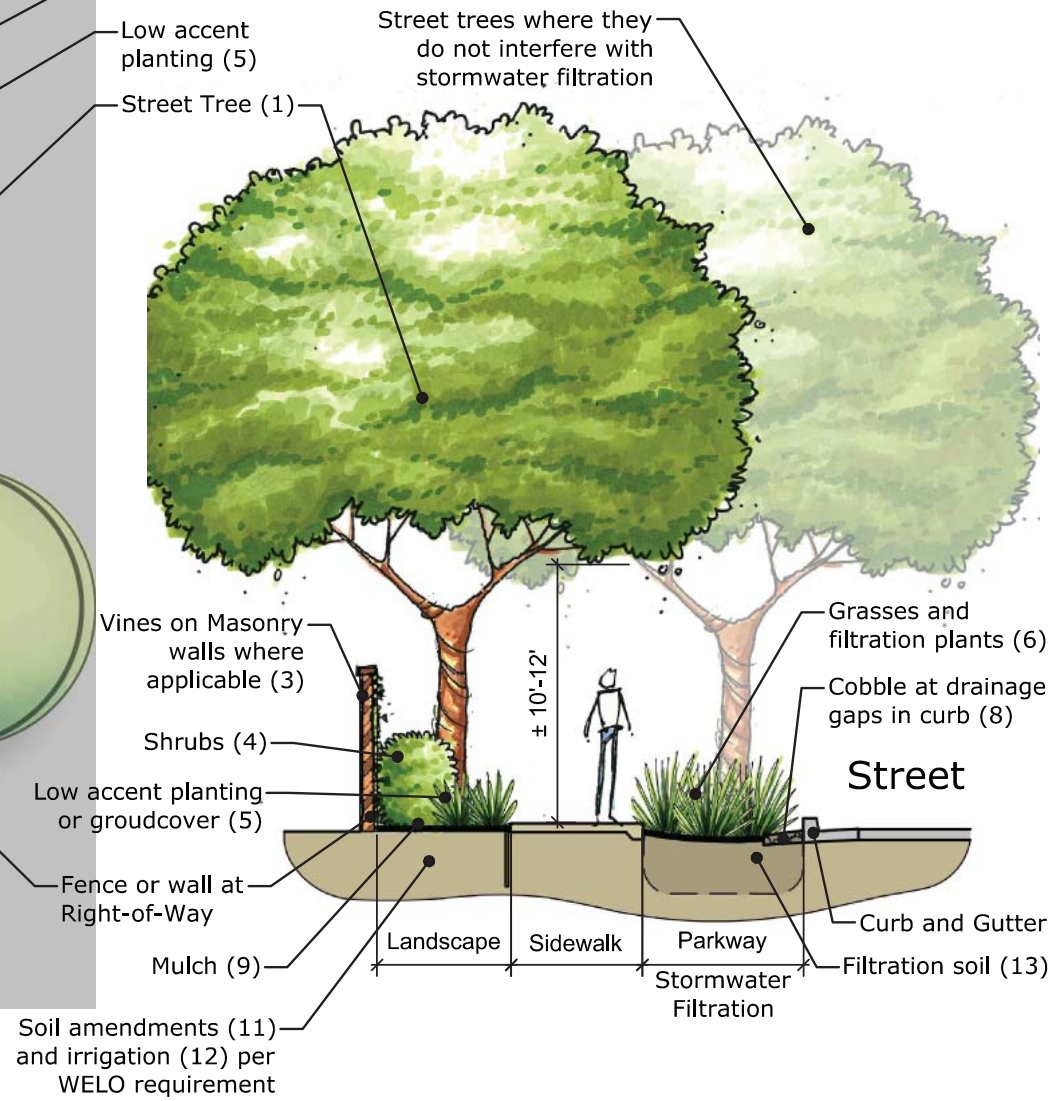
Note: numbers in parenthesis within each description refer to the various corresponding paragraphs of Section 3.C.



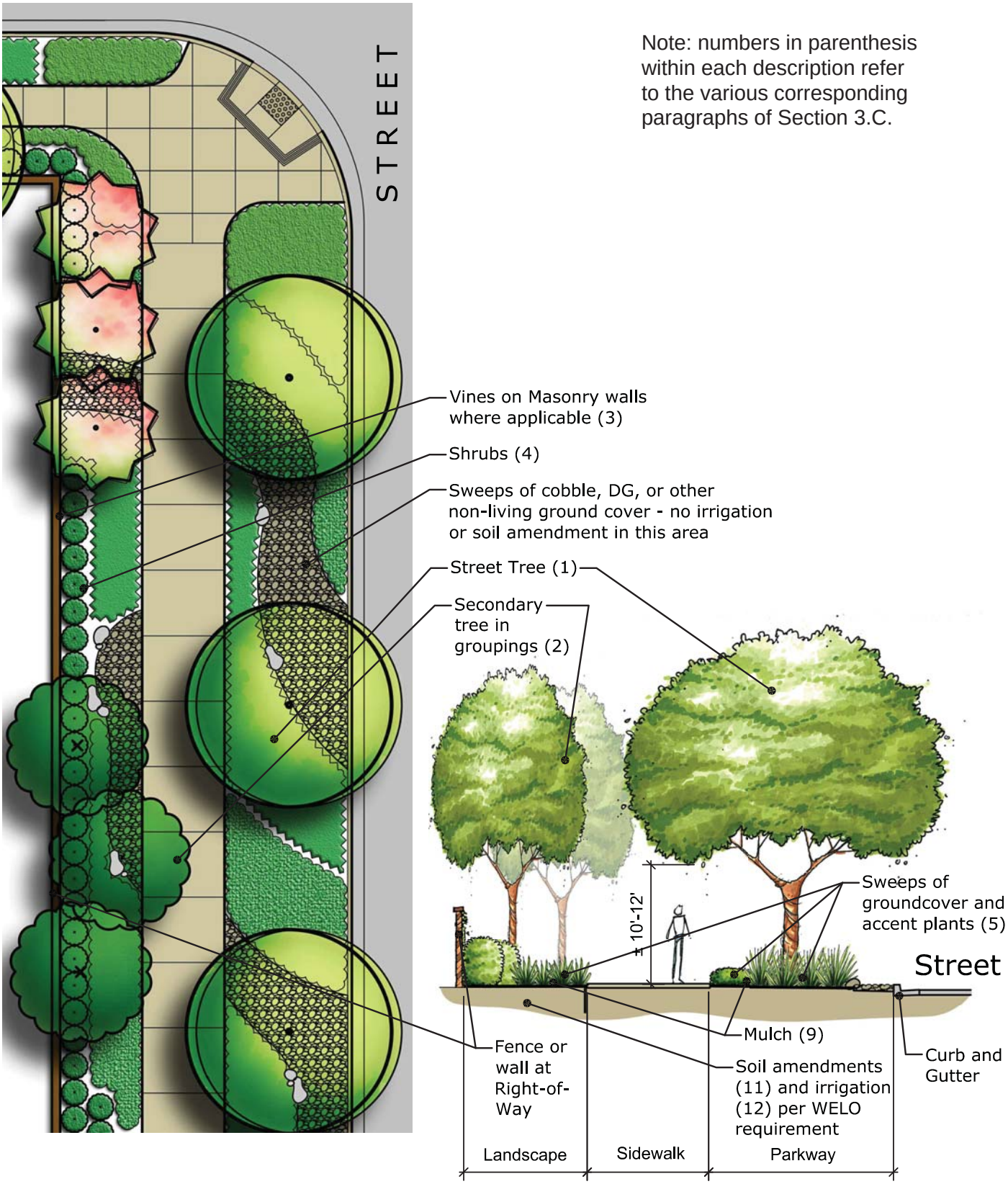
A.3 Side Street Landscape with Storm Water Filtration

Note: numbers in parenthesis within each description refer to the various corresponding paragraphs of Section 3.C.

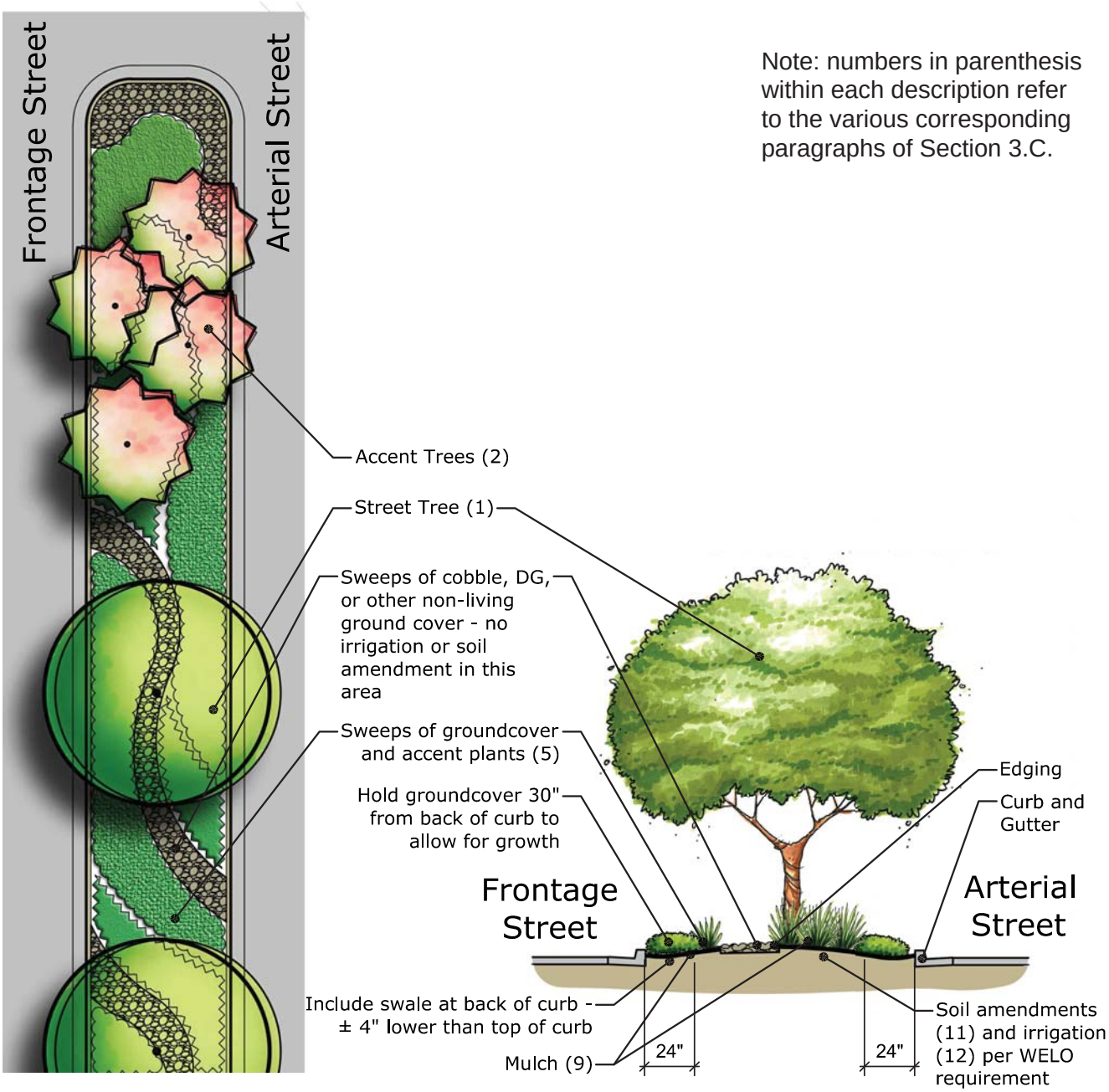




A.4 Large Site Street Landscape with Optional Non-Living Groundcover



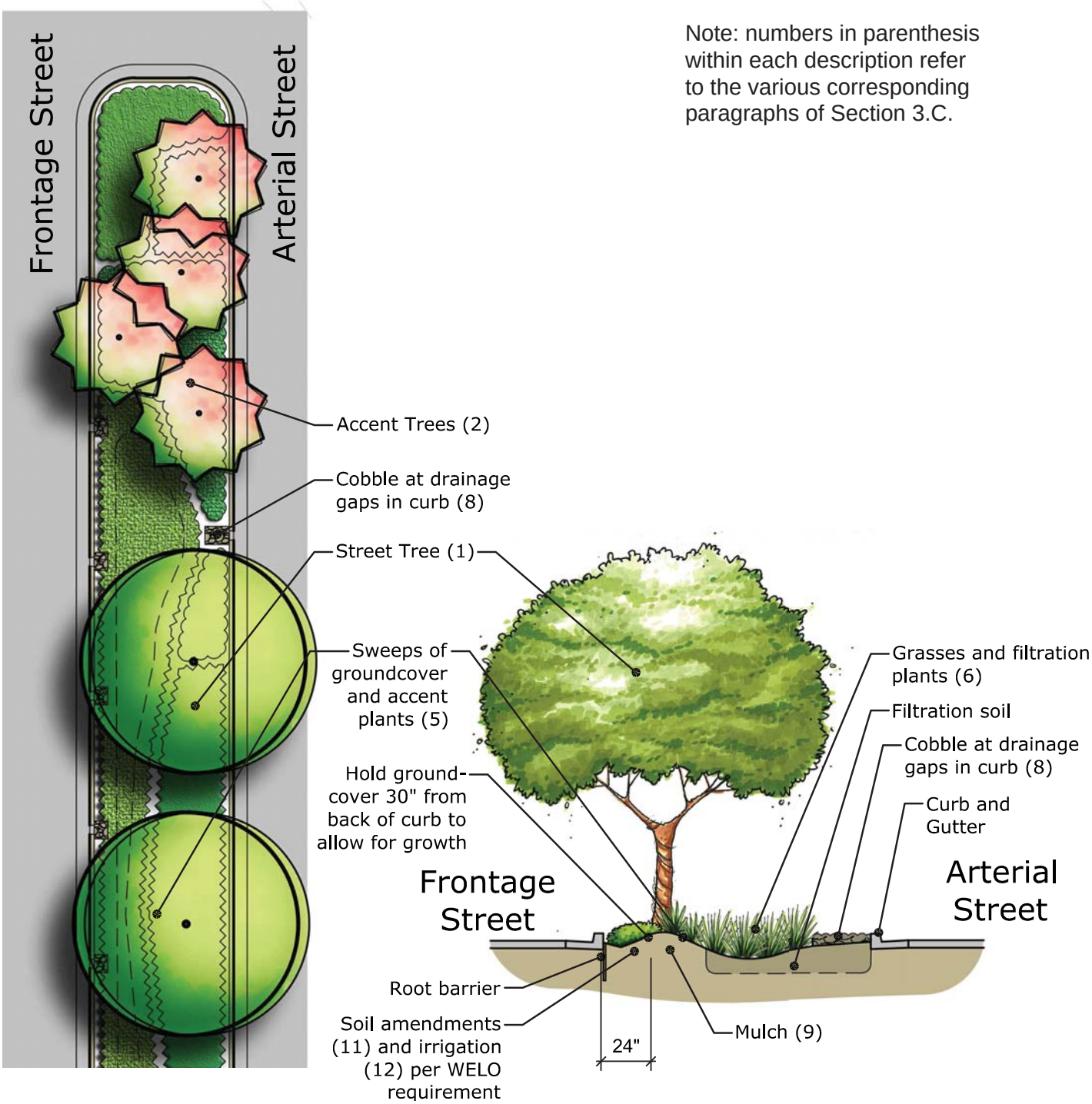
A.5 Parkway Landscape between Arterial and Frontage Streets



Note: numbers in parenthesis within each description refer to the various corresponding paragraphs of Section 3.C.

A.6 Parkway Landscape between Streets with Storm Water Filtration

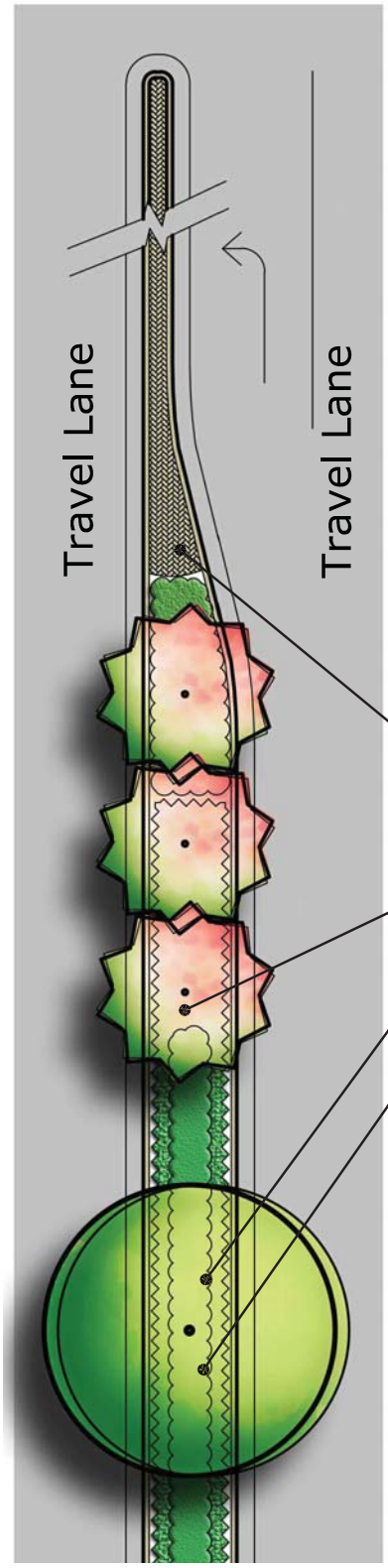
Note: numbers in parenthesis within each description refer to the various corresponding paragraphs of Section 3.C.

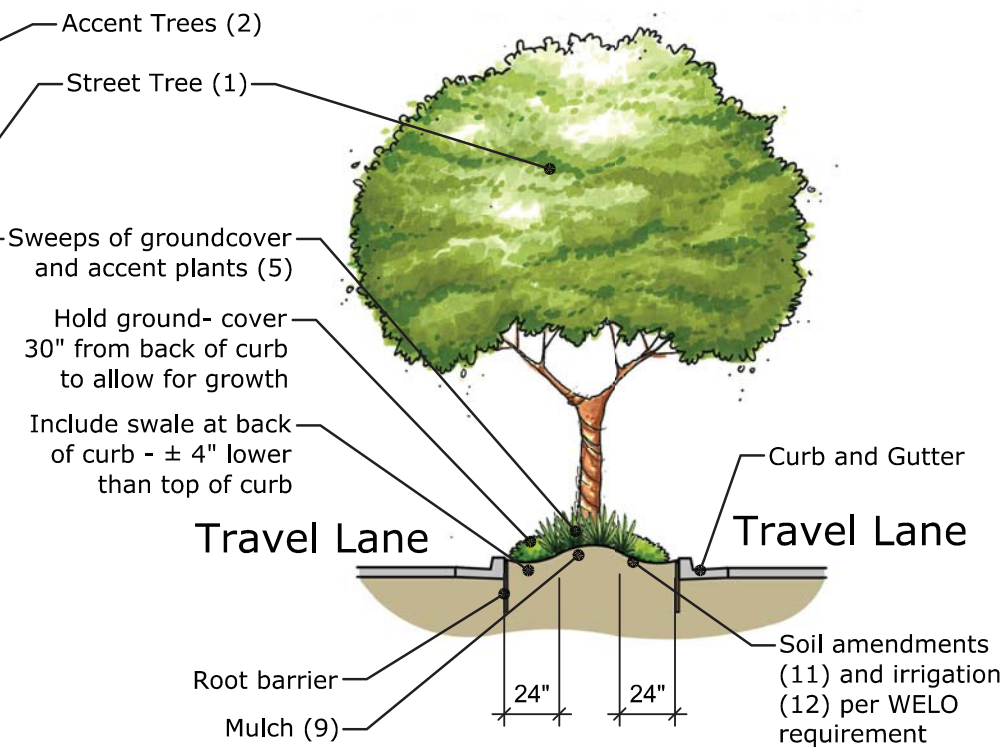


B. Medians – This is the landscape in the center of the street that provides a buffer between traffic going in opposite direction. There is no pedestrian use within the medians and the landscape serves an aesthetic and safety purpose. Street shade trees should be centered in the median with low growing shrubs and groundcover that allow for clear views. Groundcover shall be maintained clear of the curbs so that is does not grow over the curbs or require maintenance to keep it from growing into the travel lanes. When medians narrow (5' or less) for turn pockets, etc., the landscape between the curbs should be replaced with hardscape such as colored and stamped concrete, bricks or pavers, wet-set cobble, or other durable non-planted material.

B.1 Narrow Median

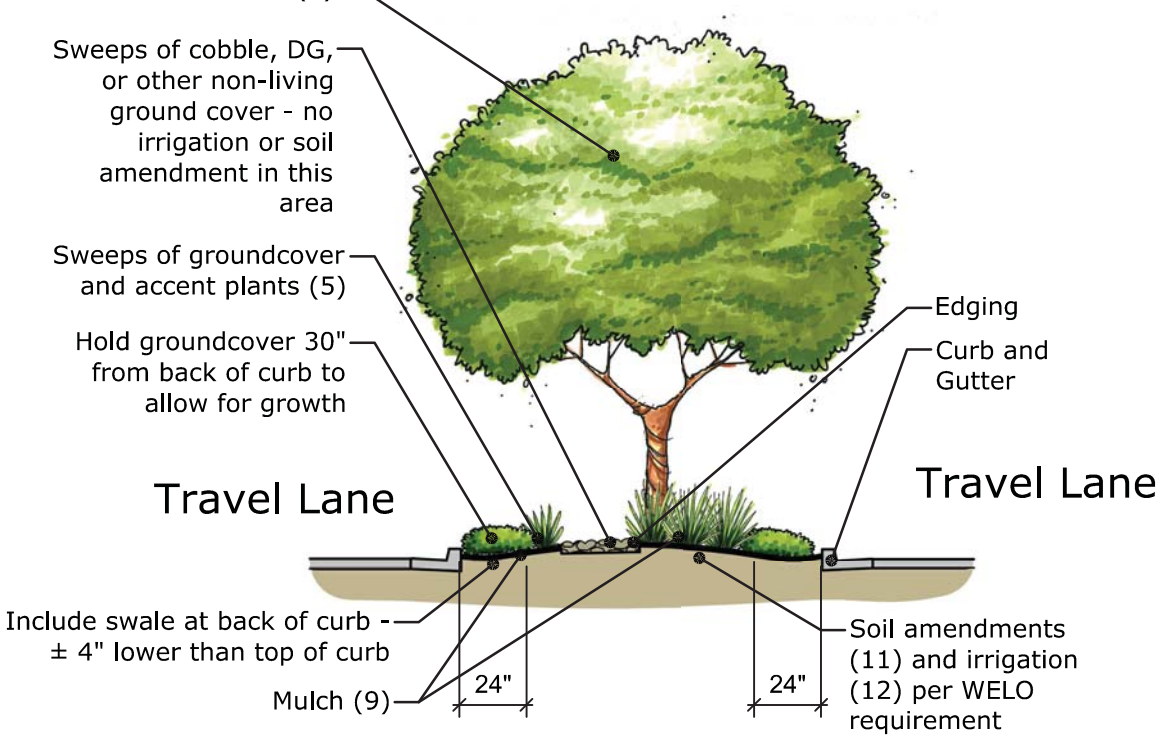
Note: numbers in parenthesis within each description refer to the various corresponding paragraphs of Section 3.C.





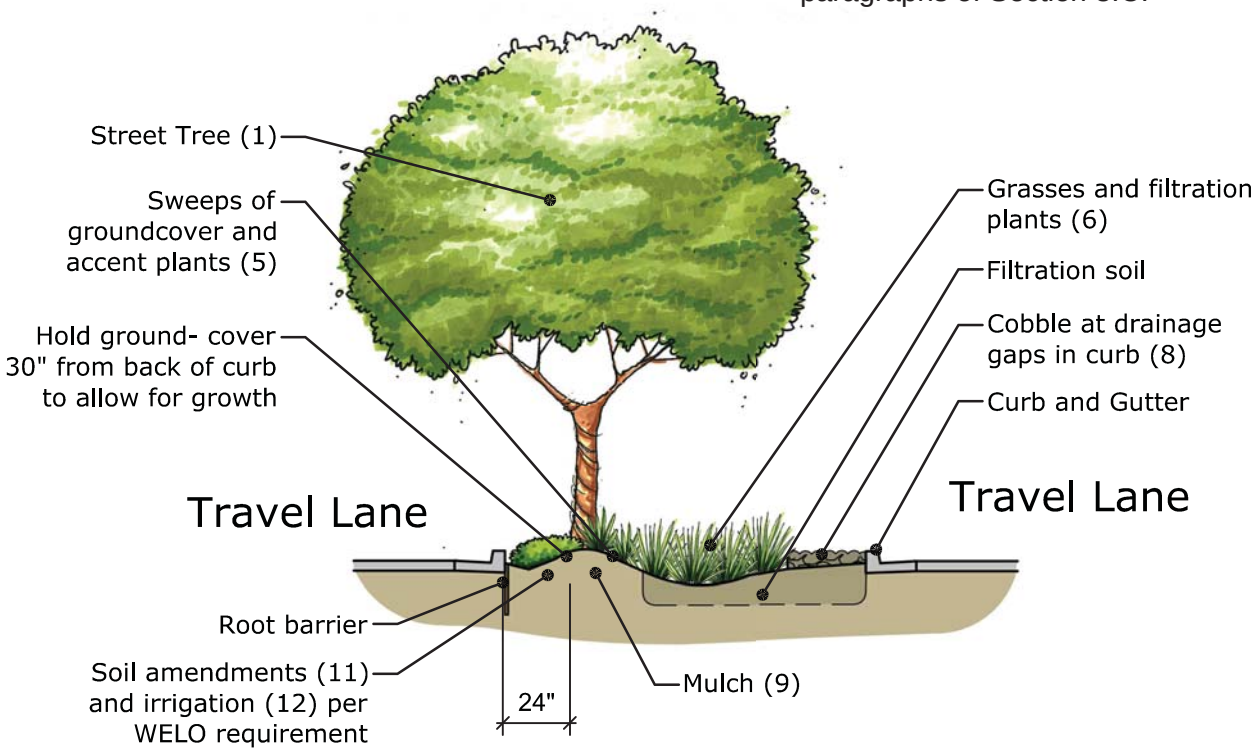
B.2 Wide Median

Note: numbers in parenthesis within each description refer to the various corresponding paragraphs of Section 3.C.



B.3 Wide Median with Storm Water Filtration

Note: numbers in parenthesis within each description refer to the various corresponding paragraphs of Section 3.C.



C. Landscape Elements within the streetscape landscape:

1. Street Trees – Standard trees that do not have low branches or invasive roots; are not overly messy (constant leaf drop); do not produce significant amounts of fruit, pollen, or harbor insects; can be deciduous or evergreen; provide shade; do not require substantial maintenance to maintain clear views through and remain clear of vehicle and pedestrian lanes; and provide a clean and simple aesthetic. Typically single species on both sides of the street for at least several blocks before potentially changing to another species. Spacing per Appendix A based on the species and planter width with tree and street light spacing coordinated. See Appendix A also for a list of trees suitable for the various City-standard street road widths (refer also to paragraph 2.K of Section 2).
2. Secondary and Accent Trees – This category of trees is much more diverse than the street trees and is used to accent street corners and neighborhood entries, and provide buffering for residences adjacent to busy streets. Accent trees are smaller, upright trees that can be flowering to enhance/announce major street corners or neighborhood entries. Secondary or backdrop trees typically are located between the sidewalk and wall/fence and provide a buffer between the residences and the noise of the street. They are typically narrow, upright trees and are often evergreen (not required) and planted at a tighter spacing or in informal groups (20' – 25' on center). See Appendix A for a list of trees suitable for this condition.
3. Vines – Evergreen vines are to be planted on masonry sound walls (not wood fences) to discourage graffiti and provide greenery along the edge of the street.
4. Shrubs – Shrubs that are 3' – 6' tall and wide are to be used along the sound wall or fence to provide a buffer. The species shall be selected to maintain their size without growing into the sidewalk (more narrow than spreading). They are typically evergreen, low to medium water use, and low maintenance.
5. Low Groundcover and Accent Plants – These are the majority of the plants in the streetscape and are selected to adequately cover the ground while maintaining clear views through the landscape. They are to be naturally low growing, evergreen, low to medium water use, and low maintenance to maintain their size (height). Wide spreading groundcover is to be avoided in narrow planters especially when adjacent to sidewalks and streets. These plants are to be planted in large masses and/or sweeps with a variety of color and texture with flowering accent plants near the street corners.
6. Filtration Planting – These are plants that are appropriate for shallow storm water filtration and retention basins and are typically grasses and grass-like plants that are hardy to inundation.
7. Non-Living Groundcover – The use of non-living groundcover such as cobble, boulders, Decomposed Granite (DG), permeable pavers, synthetic lawn, ornamental aggregate, etc. is encouraged for larger landscape planters. The non-living groundcover is to be designed to be cohesive and complimentary with the planting design and to create an overall character and aesthetic. It is not to be used to completely replace plantings and should not exceed 40% of the total landscape area of the streetscape. Non-living groundcover is to be recessed into

the soil and to be installed with edging approved by the Community Development and Public Works Directors. Depth to be sufficient to discourage weed growth. For cobble and DG, a permeable, woven fabric weed barrier (not sheet plastic) shall be used under the full expanse of these materials. Where non-living groundcover is used, there is no need for irrigation or for soil amendments.

8. Cobble at storm drainage curb cuts – In areas where storm water is allowed to flow through gaps in the curb to enter storm water filtration areas, there shall be cobble placed at each opening to dissipate flow velocity and stop filtration planting from growing up to and potentially blocking the run-off from flowing through the gaps in the curbs. The cobble must be recessed into the grade so as not to interfere with the flow of run-off.
9. Mulch – Organic mulch is to be installed and maintained in all planted landscape areas (except potentially the filtration planting) to a minimum depth of 3”.
10. Root Barriers – Linear root barriers shall be installed directly adjacent to sidewalk and curbs wherever a tree is within 7’ of the curb or sidewalk. The linear root barriers shall be a minimum 18” deep with the top flush with the top of soil. They shall be minimum 10’ long centered on the tree.
11. Soil amendments – The planting soil shall be amended per the recommendations of a soil fertility test that is to be performed after mass grading and prior to any landscape planting or irrigation installation. The soil fertility test is to be conducted per the requirements of WELO and the amendments are to be installed per the recommendations of the report. The report is to be provided to the City prior to installation and the City Inspector shall be notified of the installation of the amendments.
12. Irrigation – All planted landscape areas are to be irrigated in compliance with WELO requirements and per City of Ripon standards and requirements. Most landscape is to be irrigated with low-flow bubblers or drip that has been reviewed and approved by the Public Works Director. Pop-Up spray is not allowed unless special conditions warrant and it has been approved by the City. Rotator and/or gear rotor irrigation may be appropriate if the landscape space is wide enough and plantings are low enough to not interfere with the spray pattern. Any spray heads used must be kept 24” clear of the edge of curbs and/or sidewalks. Non-living groundcover is not to be irrigated. All calculations, tables, and requirements of WELO is to be provided with the landscape plans to show compliance.
13. Filtration Soil – Soil within the storm water filtration and retention zones is to be installed per the civil engineer. Grades within the filtration zones and connections to the storm drain system shall meet codes and meet the requirements of the Public Works Director.

Appendix A - Plant List

The plants in this Appendix are an example of plant species that are approved and are selected to meet the goals of these guidelines. Plants are provided in groupings of characteristics and locations for appropriate use of each species. This list is not comprehensive; use of additional appropriate plants not on this list is encouraged and permitted with approval by the City. It is the responsibility of the applicant (or their landscape architect) to select correct species and cultivars appropriate for the intended use, location, sun/shade exposure, water use and other important considerations.

TREES							
SPECIES		USES					
BOTANICAL NAME	COMMON NAME	STREET TREES	SCREEN TREE	ACCENT TREE	GENERAL LANDSCAPE USES	RECMN'D SPACING (feet)	MIN. PLANTER WIDTH (feet)
Acer palmatum	Japanese Maple			x	x	20	5
Acer rubrum 'Sunset' [1,2]	Sunset Red Maple	x		x	x	40	8
Arbutus 'Marina'	NCN		x	x	x	20	5
Carpinus betulus 'Fastigiata'	European Hornbeam	x			x	20	5
Celtis sinensis	Chinese Hackberry				x	40	8
Cercidium 'Desert Museum'	Palo Verde		x	x	x	20	5
Cercis occidentalis	Western Redbud			x	x	20	5
Cupressus sempervirens	Italian Cypress			x	x	na	5
Lagerstroemia fauriei	Crape Myrtle			x	x	20	5
Laurus nobilis 'Saratoga'	Saratoga Laurel	x	x		x	20	8
Liquidambar styraciflua 'Rotundiloba' [2]	American Sweetgum	x	x		x	40	10
Magnolia grandiflora	Southern Magnolia	x	x		x	40	8
Magnolia soulangeana	Saucer Magnolia			x	x	20	8
Nyssa sylvatica [2,3]	Tupelo	x		x	x	40	8
Olea europaea 'Swan Hill'	Fruitless Olive		x	x	x	20	8
Pinus canariensis	Canary Island Pine	x	x		x	40	8
Pinus pinea	Italian Stone Pine		x	x	x	40	8
Pistacia chinensis 'Keith Davey' [1,2]	Chinese Pistache	x			x	40	8
Platanus acerifolia [1,2]	London Plane tree	x			x	40	8
Podocarpus gracilior	Fern Pine		x	x	x	40	8
Prunus blireiana	Purple Leaf Plum			x	x	20	5
Quercus agrifolia [1,2]	Coast Live Oak	x	x		x	40	10
Quercus coccinea [1,2]	Scarlet Oak	x			x	40	8
Quercus ilex	Holly Oak		x		x	40	8
Quercus virginiana	Southern Live Oak	x	x		x	40	10
Rhus lancea	African sumac		x	x	x	40	5
Sequioa sempervirens	Coast Redwood	x			x	40	10
Trachycarpus fortunei	Windmill Palm			x	x	na	5
Ulmus parvifolia 'True Green' [2,3]	Chinese Evergreen Elm	x			x	40	8
Ulmus X frontier [2,3]	Frontier Elm	x			x	40	8
Washingtonia filifera	California Fan Palm	x		x	x	na	5
Washingtonia robusta	Mexican Fan Palm			x	x	na	5
Zelkova serrata 'Village Green' [3]	Village Green Zelkova	x	x		x	40	8

Notes:

[1] Suitable for use as a Street Tree on 102'-140' ROW (City Standard Details ST-9 and ST-10)

[2] Suitable for use as a Street Tree on 74'-82' ROW (City Standard Details ST-10a and ST-11)

[3] Suitable for use as a Street Tree on 60' ROW (City Standard Details ST-11)

LARGE SHRUBS				
SPECIES		USES		
BOTANICAL NAME	COMMON NAME	EVERGREEN	FLOWERING	LOW WATER USE
Berberis thunbergii atropurpurea	Barberry			x
Callistemon viminalis	Bottlebrush	x	x	x
Camellia sasanqua	Camellia var. (TBD)	x	x	
Ceanothus 'Julia Phelps'	Wild Lilac	x	x	x
Cotoneaster lacteus	Cotoneaster	x	x	x
Escallonia fradesii	Escallonia	x	x	
Feijoa sellowiana	Pineapple Guava	x	x	x
Juniperus species	Juniper	x		x
Leonotis leonurus	Lion's Tail	x	x	x
Leucophyllum frutescens	Texas Ranger	x	x	x
Loropetalum chinensis	Chinese Fringe Flower	x	x	
Nerium oleander	Oleander	x	x	x
Pittosporum tobira 'Variegata'	Variegated Mock Orange	x	x	
Photinia x fraseri	Photinia	x		x
Podocarpus macrophyllus	Long-leaf Yellow-wood	x		
Prunus caroliniana 'Bright 'N Tight'	Compact Caroline Laural Cherry	x		x
Prunus ilicifolia ilicifolia	Hollyleaf Cherry	x		x
Prunus laurocerasus 'Otto Luyken'	Otto Luyken English Laurel	x		
Rhaphiolepis indica 'Jack Evans'	Jack Evans Indian Hawthron	x	x	
Thuja occidentalis	American Arborvitae	x		
Xylosma congestum 'Compactum'	Shiny Xylosma	x		x

MEDIUM SHRUBS				
SPECIES		USES		
BOTANICAL NAME	COMMON NAME	EVERGREEN	FLOWERING	LOW WATER USE
Abelia grandiflora	Glossy Abelia	x		
Agave Species	Century Plant	x		x
Arctostaphylos densiflora 'Howard McMinn'	Howard McMinn Manzanita	x	x	x
Berberis thunbergii 'Crimson Pygmy'	Crimson Pygmy Barberry		x	x
Buxus microphylla japonica	Japanese Boxwood	x		
Callistemon viminalis 'Little John'	Dwarf Bottlebrush	x	x	x
Cistus purpureus	Orchid Rockrose	x	x	x
Dietes vegeta	Fortnight Lily	x	x	x
Euphorbia species	Euphorbia	x	x	x
Gaura lindheimeri	Gaura	x	x	
Ilex crenata	Japanese Holly	x		
Juniperus species	Juniper	x		x
Lantana montevidensis	Lantana	x	x	
Lavandula	Lavender	x		
Ligustrum japonicum 'Texanum'	Texas Privet	x		
Mahonia aquifolium	Oregon Grape	x	x	x
Myrica californica	Pacific Wax Myrtle	x		x
Myrtus communis 'Compacta'	Dwarf Myrtle	x		x
Nandina domestica	Heavenly Bamboo	x		
Nerium oleander 'Petite Salmon'	Dwarf Oleander	x	x	x
Olea europaea 'Little Ollie'	Little Ollie Olive	x		x
Pittosporum tobira 'Wheeler's Dwarf'	Wheelers Dwarf Mock Orange	x		
Plumbago auriculata	Cape Plumbago	x	x	
Rhaphiolepis indica 'Ballerina'	Ballerina Indiana Hawthorn	x	x	x
Rosa floribunda (etc.)	Rose	x	x	
Rosmarinus officinalis	Rosemary	x	x	x
Salvia greggii	Autumn Sage	x	x	x
Salvia species	Sage	x	x	x
Spiraea bumalda	Spiraea	x		
Zauschneria californica	California Fuchsia	x	x	x

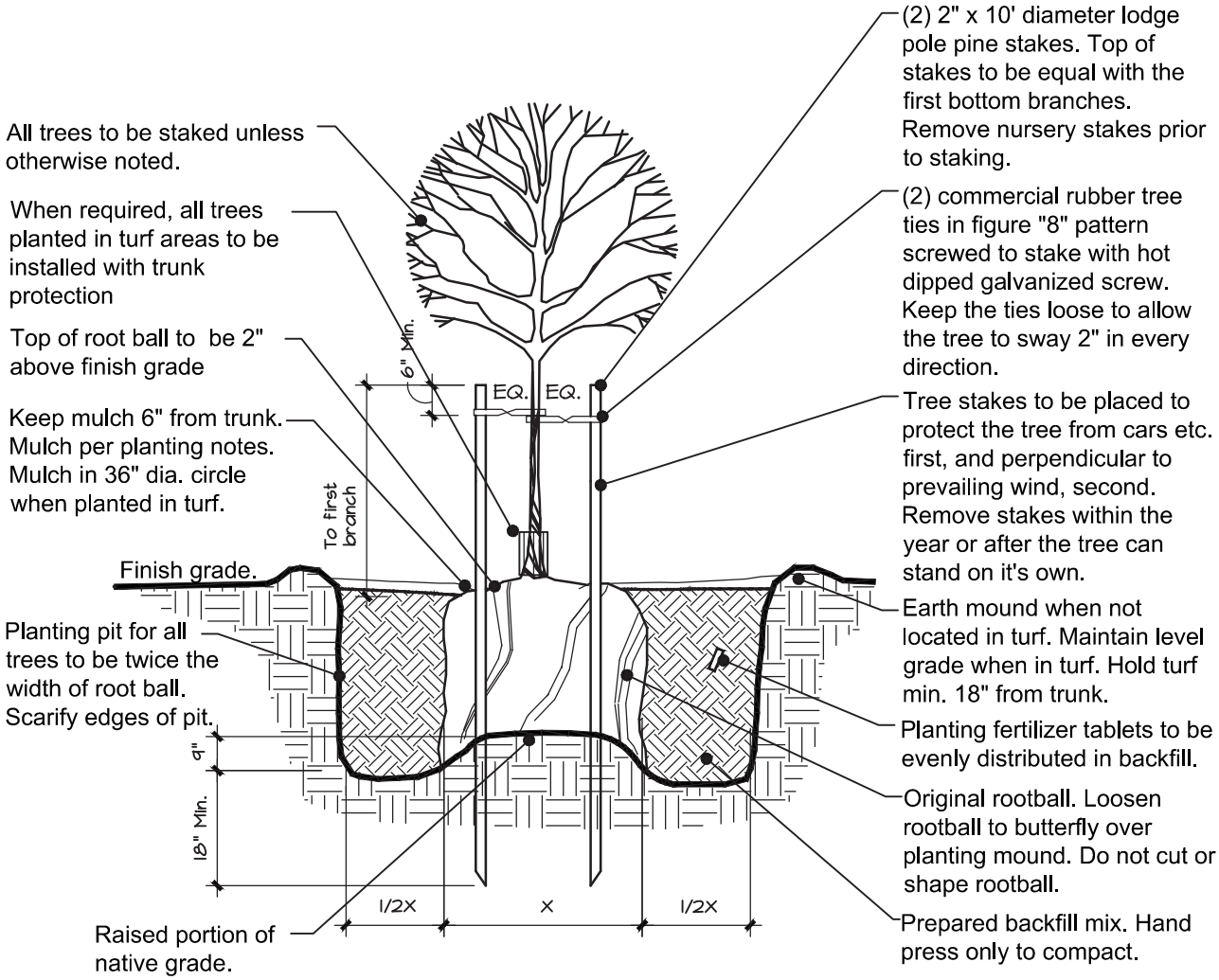
GROUNDCOVER				
SPECIES		USES		
BOTANICAL NAME	COMMON NAME	EVERGREEN	FLOWERING	LOW WATER USE
Acacia redolens	Acacia	X	X	X
Agapanthus africanus 'Queen Anne'	Lily-of-the-Nile	X	X	X
Ajuga reptans	Carpet bugle	X		
Arctostaphylos uva-ursi	Bearberry/ Trailing Manzanita	X		X
Armeria maritima	Sea Thrift	X	X	
Ceanothus species	Wild Lilac/Carmel Creeper	X	X	X
Coprosma pumila 'Verde Vista'	Mirror Plant	X		X
Cotoneaster 'Lowfast'	Bearberry	X	X	X
Delosperma cooperi	Ice Plant	X	X	
Dymondia margaretae	Dymondia	X	X	
Festuca ovina 'Glauca'	Blue Fescue	X		X
Fragaria chiloensis	Beach Strawberry	X	X	
Hermerocallis species	Daylily	X	X	X
Juniperus horizontalis	Juniper	X		X
Mahonia repens	Oregon Grape	X	X	X
Myoporum parvifolium	Myoporum	X		
Rosmarinus officinalis	Rosemary	X	X	X
Rosmarinus o. 'Huntington Carpet'	Huntington Carpet Rosemary	X	X	X
Scaevola 'Mauve Clusters'	Scaevola	X	X	
Sedum species	Stonecrop	X		X
Stachys byzantina	Lamb's Ear	X		
Teucrium lucidrys 'Prostrata'	Germander	X	X	X
Thymus species	Thyme	X	X	X
Trachelospermum asiaticum	Asian Jasmine	X		
Trachelospermum jasminoides	Star Jasmine	X	X	
Vinca minor	Dwarf Periwinkle	X	X	

GRASSES OR GRASS-LIKE				
SPECIES		USES		
BOTANICAL NAME	COMMON NAME	EVERGREEN	FLOWERING	LOW WATER USE
Agapanthus africanus	Lily-of-the-Nile	X	X	X
Calamagrostis a. 'Karl Foerster'	Feather Reed Grass	X		
Carex species	Sedge	X		
Cordyline australis	Cordyline	X		
Dietes vegeta	Fortnight Lily	X	X	X
Festuca species	Fescue	X		
Helictotrichon sempervirens	Blue Oat Grass	X		X
Hemerocallis Evergreen var.	Evergreen Daylily	X	X	X
Iris germanica	Bearded Iris	X	X	X
Liriope gigantea	Giant Lilyturf	X	X	
Miscanthus sinensis	Maidenhair Grass			
Muhlenbergia species	Deer Grass/Muhly	X		
Nassella Tenuissima	Mexican Feather Grass	X		
Pennisetum species	Fountain Grass			
Phormium species	New Zealand Flax	X		
Tulbaghia violacea	Society Garlic	X	X	X
Yucca species	Yucca	X		X

VINES				
SPECIES		USES		
BOTANICAL NAME	COMMON NAME	EVERGREEN	FLOWERING	LOW WATER USE
Clematis species	Clematis		X	
Clytostoma callistegioides	Violet Trumpet Vine	X	X	
Distictis buccinatoria	Blood-Red Trumpet Vine	X	X	X
Ficus pumila	Creeping Fig	X		
Hardenbergia violacea	Lilac Vine	X	X	
Jasminum species	Jasmine	X	X	
Macfadyena unguis-cati	Cat's Claw	X	X	X
Parthenocissus tricuspidata	Boston Ivy			
Trachelospermum jasminoides	Star Jasmine	X	X	
Wisteria chinensis	Wisteria		X	

Appendix A (cont.) - Tree Planting Detail

Trees shall be planted adhering to these guidelines and in accordance with the detail below.



Tree Planting and Staking

Not to Scale

ORDINANCES

ORDINANCE NO. ~~_____~~845

THE CITY COUNCIL OF THE CITY OF RIPON DOES ORDAIN AS FOLLOWS:

SECTION 1.

Chapters ~~5.28,~~ 5.29 ~~and 5.32~~ of the Ripon Municipal Code ~~are hereby repealed and a new Chapter 5.29~~ is hereby enacted as set forth below.

Chapter 5.29 UTILITY JOINT TRENCH AND CONSTRUCTION REQUIREMENTS

5.29.010 Applicability
5.29.020 Encroachment Permit
5.29.030 Mitigation of Impacts – New Construction
5.29.040 Mitigation of Impacts – Existing Facilities
5.29.~~040~~050 Action on Permit
5.29.~~050~~060 Explanation of Denial
5.29.~~060~~070 Appeals
5.29.~~070~~080 Scope of Review
5.29.~~080~~090 Notification
5.29.~~090~~100 Restoration of Private and Public Property
5.29.~~100~~110 Penalties for Not Obtaining an Encroachment Permit

5.29.010 **Applicability**. The provisions of this Chapter and the applicable provisions of the Ripon Municipal Code shall apply to all work performed or facilities or equipment installed or relocated by or on behalf of any public or private utility, including but not limited to, telephone or cable television franchisees, on or within any City public rights-of-way, public property, or public utility easement. For purposes of this Chapter, telephone or cable television franchisees shall be referred to as "Franchise Holders".

5.29.020 **Encroachment Permit**. Prior to commencing any work involving ground disturbance, including construction, rebuild, or upgrade of facilities or equipment within or upon any City rights of way, public property or public utility easements (including work within a joint trench) a Franchise Holder shall apply for and obtain an Encroachment Permit from the City in accordance with this Chapter, and shall comply with all other applicable laws and regulations, including but not limited to all applicable requirements of Division 13 of the California Public Resources Code, Section 21000 et seq. (the California Environmental Quality Act). The Franchise Holder shall make application for an Encroachment Permit, supplying such information as is necessary as determined by the City Administrator, including, but not limited to, sufficient information to allow the Environmental Review Officer to complete the environmental review process pursuant to the California Environmental Quality Act. The application for Encroachment Permit shall be determined complete when all necessary information, as set forth herein, has been provided, and City staff notifies the applicant that the application is complete.

5.29.030 Mitigation of Impacts – New Construction. In order to mitigate adverse visual impacts, the City Administrator may impose reasonable conditions of approval in connection with the approval of an Encroachment Permit, including, but not limited to, a requirement that any above-ground facilities or equipment be undergrounded or appropriately screened from public view through the use of landscaping and/or decorative enclosures. The Franchise Holder's facilities and equipment shall be placed in public utility easements unless otherwise designated by the City. Given the sandy soils that dominate the Ripon area, as identified in the Ripon General Plan Environmental Impact Report 2035, pages 4-39 and 4-58, it shall be presumed, in the absence of substantial evidence to the contrary, that the following telephone and cable television equipment and facilities can feasibly be installed underground without excessive additional operational or maintenance costs:

Cable Facilities
"Tap" typically serves 4-8 connections and when placed above ground, is housed in an 8 inch by 2 foot green tube.

"Service Laterals" or "Drops" coaxial connection from tap to customer. Typically serves one building per drop.

"Amplifier" typically serves 8-500 connections and when placed above ground, is housed in an 3 foot by 18 inch green box.

Telephone Facilities
"Pedestal Box" typically serves 2-5 customers and when placed above ground is housed in an 8 inch by 8 inch green box.

Cable and telephone facilities that serve greater than 500 customers are typically placed above ground.

The following facilities may be placed above ground due to the large number of residents and businesses that will be impacted by equipment failure:

"Nodes" – location in network where signals are translated from lightwave to RF going to customers and from RF to lightwave going back to headend. Serves 500 – 1000 customers.

"Power Supplies" – hardware components that supply power to network electronics. Services 500-1000 customers.

5.29.040 Mitigation of Impacts – Existing Facilities

Facilities currently placed below ground may be raised above ground when a record of repeat and chronic equipment failure is present. The Utility shall submit an Encroachment Permit application to the City Engineer (or his/her designee), which includes history of outages, number of customers affected, explanation of failure that resulted in the outage, and proposed screening or relocation of the equipment requested by the Utility. The City Engineer (or his/her designee) will review the application and make a determination on a case-by-case basis.

5.29.~~040~~050 **Action on Permit**. The City Administrator or their designee shall either approve or deny a Franchise Holder's application for an Encroachment Permit within 60 days of receiving a completed application. ~~The City Administrator shall approve the Encroachment Permit only upon findings that (a) the applicant has complied with the provisions of this Chapter and (b) issuance of the Encroachment Permit will be consistent with the goals of this Chapter, including, but not limited to, the feasible mitigation of visual impacts.~~

~~**5.29.045** **Temporary Emergency Exemption**. In the event of an unplanned outage of service in which a Franchise Holder cannot feasibly notify the City Administrator and cannot obtain an Encroachment Permit prior to restoring temporary service, and only to the extent necessary to restore service on a temporary basis, a Franchise Holder may carry out repairs of existing facilities without obtaining an Encroachment Permit. Not later than the next business day, the Franchise Holder shall notify the City Administrator of the emergency repairs, and shall apply for an Encroachment Permit for the emergency repairs, and such other work as is necessary to restore permanent service. In no event shall the exemption provided in this Section be utilized to relocate underground facilities above ground.~~

5.29.~~050~~060 **Explanation of Denial**. If the City Administrator or their designee denies a Franchise Holder's application for an Encroachment Permit, the City Administrator or their designee shall, at the time of notifying the applicant of denial, furnish to the applicant a detailed explanation of the reason or reasons for the denial.

5.29.~~060~~070 **Appeals**. A Franchise Holder that has been denied an Encroachment Permit by final decision of the City Administrator or their designee may appeal the denial to the City Council. Upon receiving a notice of appeal, the City Council shall take one of the following actions:

A. Affirm the action of the City Administrator or their designee without any further hearing; or
B. Refer the matter back to the City Administrator or their designee for further review with or without instructions; or
C. Set the matter for a de novo hearing before the City Council.

5.29.~~070~~080 **Scope of Review**. In rendering its decision on the appeal, the City Council shall not hear or consider any argument or evidence of any kind other than the record of the matter received from the City Administrator or their designee unless the City Council is itself conducting a de novo public hearing on the matter.

5.29.~~080~~090 **Notification**. Prior to any construction, rebuild, or upgrade pursuant to an approved Encroachment Permit, the Franchise Holder shall establish procedures to notify City residents within 300 feet of the impacted area of construction schedules and activities. Notices must be provided to those persons who work and/or reside in the impacted area.

5.29.~~090~~100 **Restoration of Private and Public Property**. Upon completion of work pursuant to an approved Encroachment Permit, the Franchise Holder shall restore any affected private and public property to a condition equal to or better than its condition prior to

construction. Any disturbance of landscaping, fencing, or other improvements upon private or public property shall, at the sole expense of the Franchise Holder, be promptly repaired or restored.

5.29.~~100~~110 Penalties for Not Obtaining an Encroachment Permit. If the Franchise Holder does not obtain the required Encroachment Permit, the City Administrator may issue a Notice of Violation requiring removal of the Franchise Holder's equipment and facilities and restoration of the affected property. In addition, the Franchise Holder shall be subject to the following penalties to be imposed by the City:

A. For the first occurrence of a breach, a fine of $1,000.00 may be imposed.

B. For a second breach of the same nature within 12 months, a fine of $2,000 may be imposed.

C. For a third and any additional breach of the same nature within 12 months, a fine of $5,000 may be imposed.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted at City Hall and on the City of Ripon website, and a notice shall be published once in *The Manteca Bulletin*, the official newspaper of the City of Ripon, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Ripon held on the _____, by Councilmember _____, who moved its introduction and passage to print, which motion being duly seconded by Councilmember _____, was upon roll call carried and ordered printed and published by the following vote:

AYES:
NOES:
ABSENT:
APPROVED:

_____
JACOB PARKS, Mayor

ATTEST:
By

_____
LISA ROOS, City Clerk

DISCUSSION ITEMS

MEMO

Engineering Department

TO: Honorable City Council

FROM: Elizabeth Quilici

SUBJECT: Updated Development Fee Comparison Survey

DATE: August 2, 2016

On June 30, 2016 a workshop was held to discuss the City of Ripon development fees. As part of that workshop, Goodwin Consulting provided a comparison of the City's development fees to those of neighboring cities, including Tracy, Lathrop, Manteca, Riverbank, Modesto, and Turlock. Additionally, Goodwin reviewed the policy differences they observed between each City's development fee program.

The City Council requested that Goodwin evaluate seven policy changes and bring back for the City Council to consider incorporating as part of Ripon's development fee program. Each policy change and the resulting overall cost adjustment to the development fee program have been summarized in **Table 1**. The change to each development fee category is summarized in **Table 2**.

Goodwin has also updated the development fee survey to show the comparison survey with Ripon's updated fee (assuming all policy options evaluated were accepted by the City Council) and using more realistic development scenarios for Ripon. The updated comparison survey can be found attached to this report as **Appendix A**.

CITY COUNCIL DIRECTION

With direction from the City Council, Goodwin will prepare an amendment to the City's development fee program incorporating the accepted policy changes.

Table 1 – Summary of Policy Options Evaluated

Policy Items	Overall Program Cost Adjustment	Notes
1. Eliminate the Traffic Signalization Fee and incorporate as part of the Transportation Fee	Transportation Fee: +$40,312,500	The City's estimated capital cost for each intersection that is currently included as part of the Transportation Fee was increased from $312,500 to $1,250,000 to reflect the increased cost of intersection controls. If this policy change is accepted, the traffic signalization fee would no longer be applied to new development.
2. Assume outside funding for regional transportation facilities	Transportation Fee: -$66,677,344.89	Assumed outside funding for the Second Street Interchange, Olive Interchange, and the Olive Expressway. Also removed the Jack Tone Interchange loan from the overall cost of the transportation facilities. **Figure 1** shows the limits of the facilities where outside funding was assumed.
3. Adjust the Transportation Fee program for existing transportation facilities that have not been correctly designed or constructed to accommodate anticipated heavy truck traffic	Transportation Fee: +$12,826,897.92	Certain existing transportation facilities were not designed or constructed to accommodate the projected design loads of new development, specifically in those areas that are anticipated to have heavy truck traffic. The Transportation Fee program total cost was adjusted to reconstruct South Stockton Avenue, Jack Tone Avenue, and Santos Avenue to handle the projected heavy truck traffic loads (see **Figure 1**).
4. Eliminate the Park & Recreation Fee for non-residential development	No Change	With this policy change, no additional cost is added to the development fee program, although the cost previously assigned to the non-residential categories would be shifted to the residential categories.
5. Split the Industrial Fee Category into light industrial, heavy industrial, and warehousing	No Change	With this policy change, no additional cost is added to the development fee program.
6. Evaluate categories that are in a negative position in the PFFP City Hall and Library Facility Category	No Change	The City elected to move forward with the construction of City Hall and the Library prior to collecting the development fees needed to fund the capital cost of these projects. The City Hall and Library development fees account for new development's financial share of these facilities. Goodwin has reviewed the current development fee for City Hall and the Library and concluded that the fee is sufficient and no changes are needed at this time.
7. Provide a policy statement related to waiving of development fees for developments that provide an economic benefit	Not Applicable	The Amendment to the AB-1600 report will include a policy statement to address situations where the City Council may want to consider sales tax incentive programs. The City has the ability to waive certain PFFP fees, but must have another source of funding. It needs to be funded through the City's general fund, or by tax, or another source of funding.

Figure 1 – Changes to Transportation Facilities

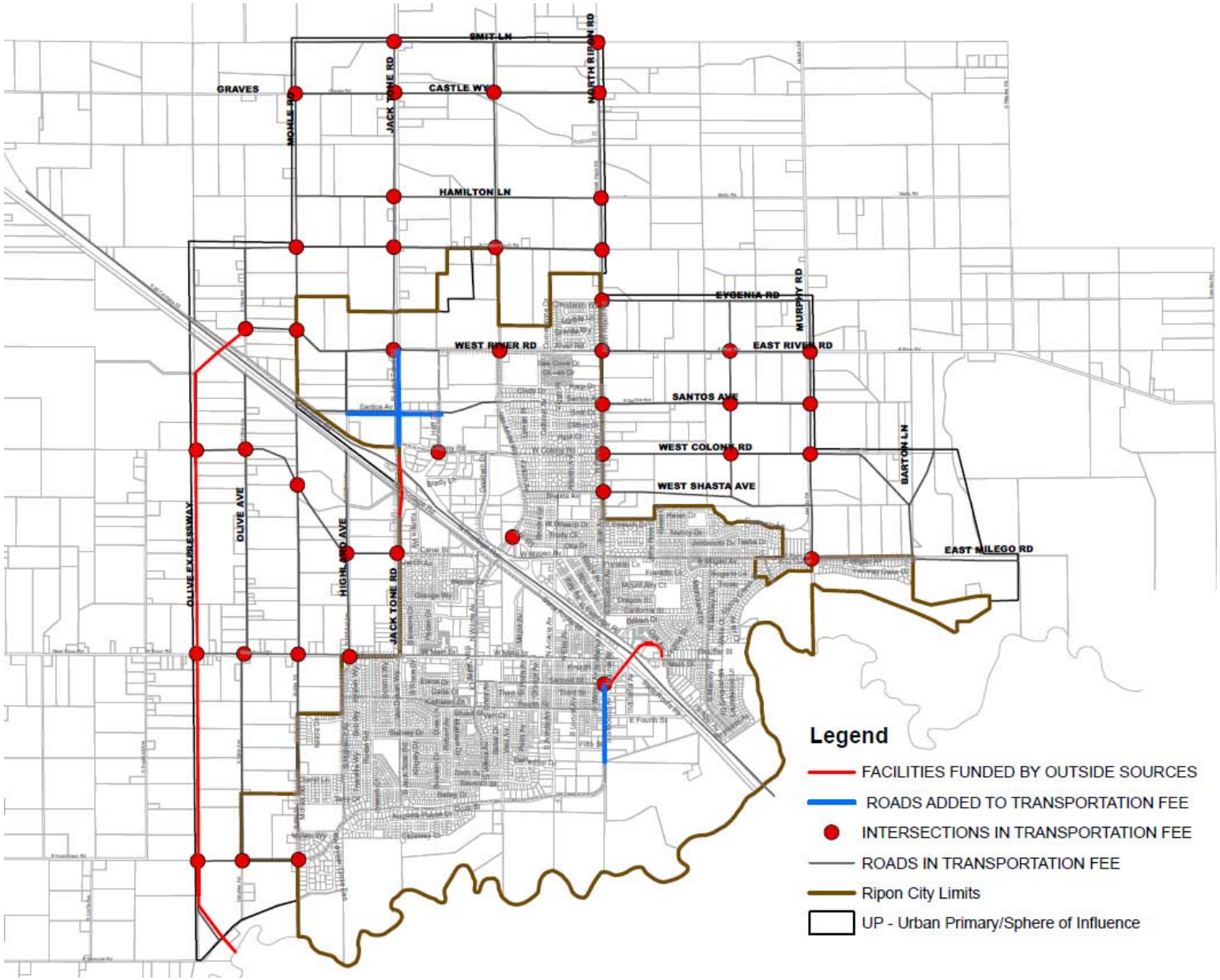


Table 2 – Summary of Development Fee Program Changes

Facility Type	Single Family (per unit) Existing	Single Family (per unit) Proposed	Multi-Family (per unit) Existing	Multi-Family (per unit) Proposed	Commercial (per land sq ft) Existing	Commercial (per land sq ft) Proposed	Office (per land sq ft) Existing	Office (per land sq ft) Proposed	Light Industrial (per land sq ft) Existing	Light Industrial (per land sq ft) Proposed	Heavy Industrial (per land sq ft) Existing	Heavy Industrial (per land sq ft) Proposed	Warehouse (per land sq ft) Existing	Warehouse (per land sq ft) Proposed
Transportation	$6,756	$6,350	$3,222	$3,028	$1.79	$1.68	$1.55	$1.12	$0.96	$1.01	$0.96	$1.23	$0.96	$1.46
Water	$9,957	$9,957	$6,639	$6,639	$0.46	$0.46	$0.46	$0.46	$0.46	$0.46	$0.46	$0.46	$0.46	$0.46
Wastewater	$4,127	$4,216	$2,579	$2,635	$0.74	$0.76	$0.74	$0.76	$1.03	$0.76	$1.03	$1.06	$1.03	$0.76
Storm Drainage	$2,638	$2,598	$603	$595	$0.38	$0.37	$0.38	$0.37	$0.46	$0.37	$0.46	$0.45	$0.46	$0.45
Parks and Rec	$14,174	$14,299	$8,859	$8,937	$0.20	$0.00	$0.20	$0.00	$0.08	$0.00	$0.08	$0.00	$0.08	$0.00
Library	$471	$471	$294	$294	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
City Hall	$1,157	$1,157	$723	$723	$0.07	$0.06	$0.07	$0.06	$0.02	$0.06	$0.02	$0.02	$0.02	$0.02
Police	$541	$541	$339	$339	$0.03	$0.03	$0.03	$0.03	$0.01	$0.03	$0.01	$0.01	$0.01	$0.01
Corporation Yard	$1,502	$1,502	$939	$939	$0.08	$0.08	$0.08	$0.08	$0.03	$0.08	$0.03	$0.03	$0.03	$0.03
Total Fees:	**$41,324**	**$41,091**	**$24,196**	**$24,128**	**$3.75**	**$3.44**	**$3.51**	**$2.88**	**$3.05**	**$2.77**	**$3.05**	**$3.26**	**$3.05**	**$3.19**

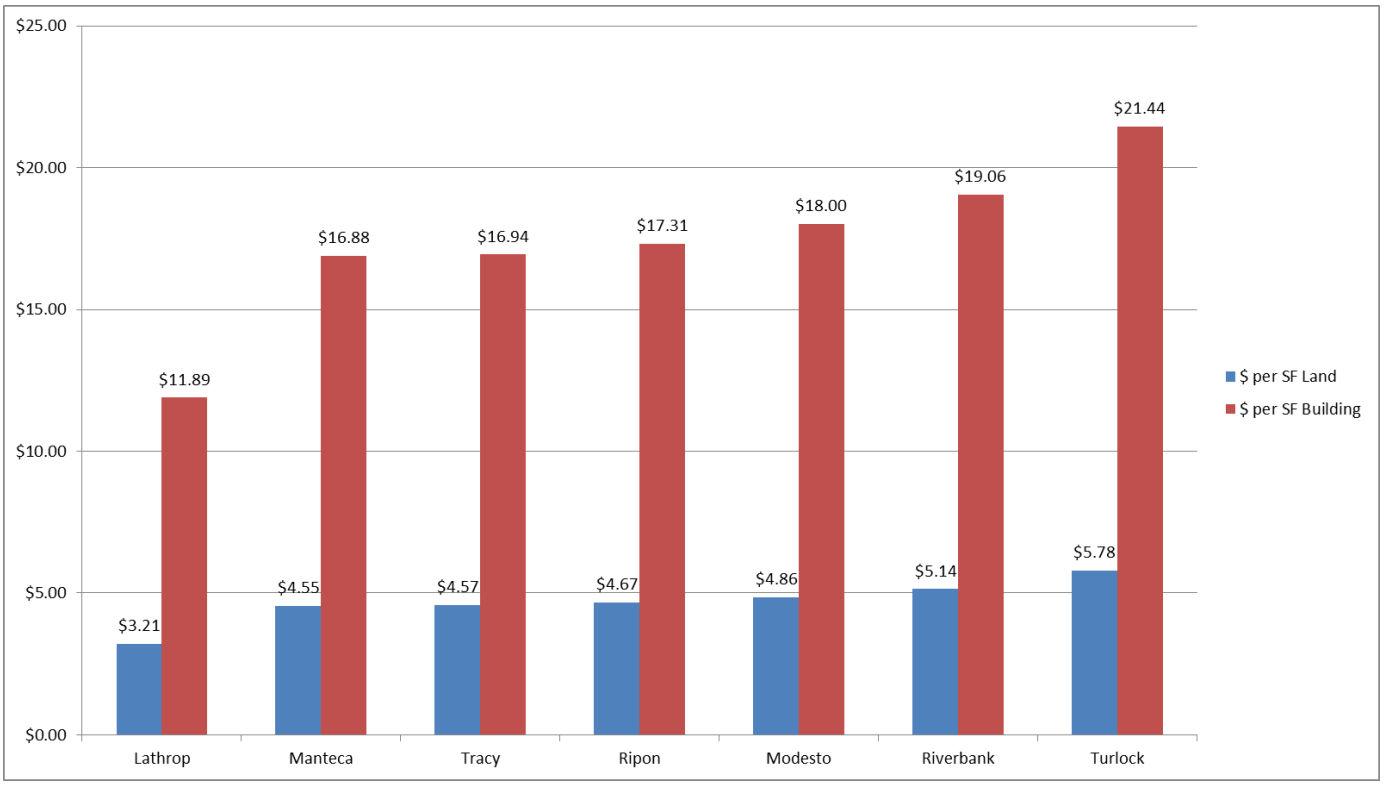
Facility Type	Single Family (per unit) Existing	Single Family (per unit) Proposed	Multi-Family (per unit) Existing	Multi-Family (per unit) Proposed	Commercial (per land sq ft) Existing	Commercial (per land sq ft) Proposed	Office (per land sq ft) Existing	Office (per land sq ft) Proposed	Light Industrial (per land sq ft) Existing	Light Industrial (per land sq ft) Proposed	Heavy Industrial (per land sq ft) Existing	Heavy Industrial (per land sq ft) Proposed	Warehouse (per land sq ft) Existing	Warehouse (per land sq ft) Proposed
Transportation	-6.0%		-6.0%		-6.1%		-27.7%		5.2%		28.1%		52.1%	
Water	0.0%		0.0%		0.0%		0.0%		0.0%		0.0%		0.0%	
Wastewater	2.1%		2.1%		2.7%		2.7%		-26.2%		2.9%		-26.2%	
Storm Drainage	-1.5%		-1.3%		-2.6%		-2.6%		-19.6%		-2.2%		-2.2%	
Parks and Rec	0.9%		0.9%		-100.0%		-100.0%		-100.0%		-100.0%		-100.0%	
Library	0.0%		-0.1%		0.0%		0.0%		0.0%		0.0%		0.0%	
City Hall	0.0%		0.0%		-14.3%		-14.3%		200.0%		0.0%		0.0%	
Police	0.0%		0.0%		0.0%		0.0%		200.0%		0.0%		0.0%	
Corporation Yard	0.0%		0.0%		0.0%		0.0%		166.7%		0.0%		0.0%	
Total Percentage Change:	**-0.6%**		**-0.3%**		**-8.3%**		**-17.9%**		**-9.2%**		**6.9%**		**4.6%**	

Appendix A

Retail Fee Comparison:

Project Assumptions:	
Site Acreage:	2.0 acres
Building Sq Ft:	23,500 SF
FAR:	0.27

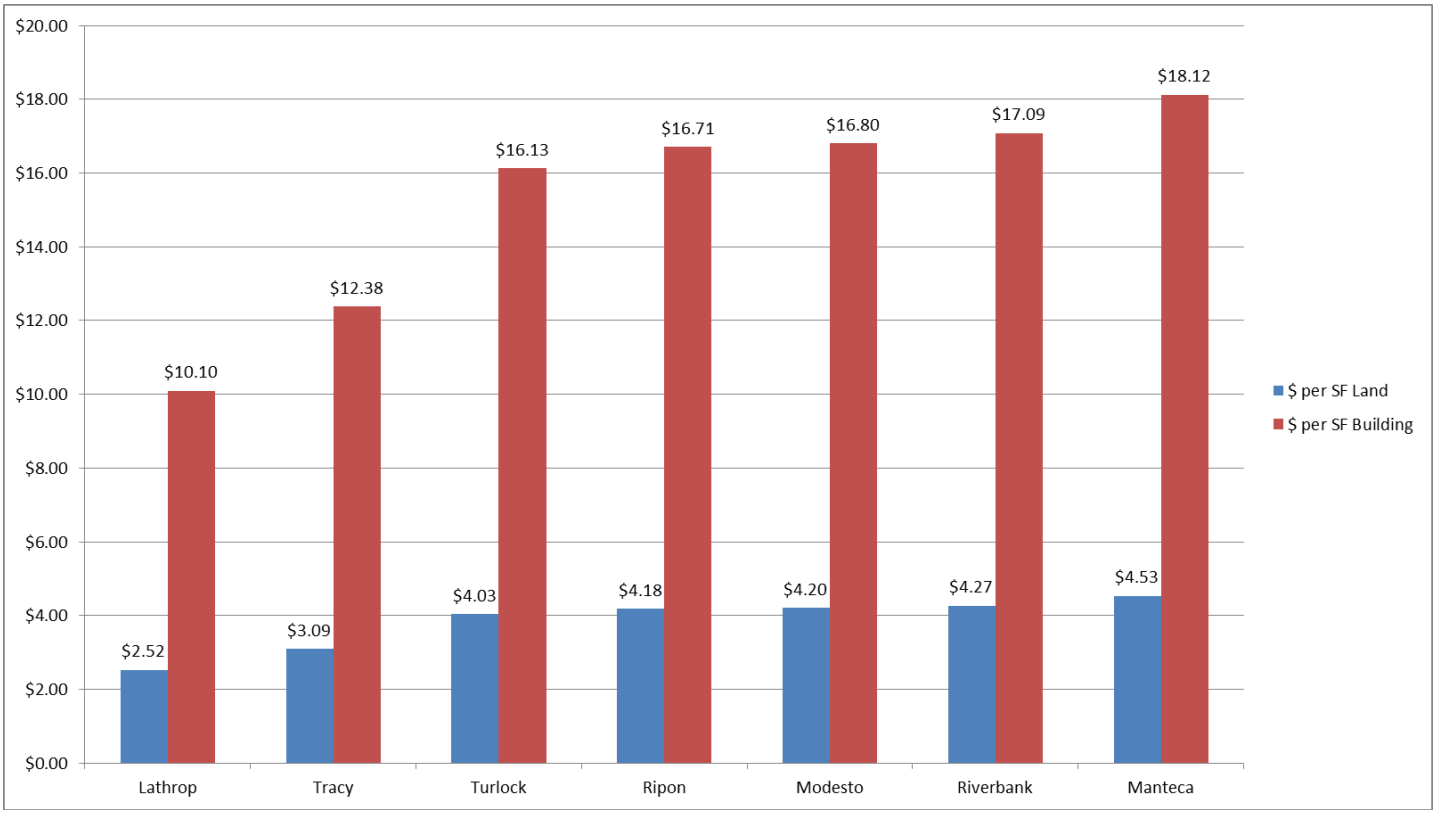
City:	Proposed Ripon Fees	Lathrop	Manteca	Tracy	Riverbank	Modesto	Turlock
Site Location:	*N/A*	*Mossdale Landing*	*N/A*	*Tracy Gateway*	*N/A*	*N/A*	*NW Triangle*
Public Facility Fees							
Public Buildings	$14,810	$53,909	$29,375	$14,770	$8,695	$21,808	$10,509
Parks/Recreation/Park Land	$0	$0	$0	$0	$0	$0	$0
AG Preservation	$0	$0	$5,283	$4,942	$0	$0	$0
Other Misc. PF Fees	$0	$8,386	$2,350	$0	$16,450	$0	$16,074
Subtotal	$14,810	$62,295	$37,008	$19,712	$25,145	$21,808	$26,583
Infrastructure							
Water	$40,075	$16,097	$40,260	$160,918	$48,645	$28,400	$20,575
Wastewater	$66,211	$8,372	$94,693	$56,352	$38,775	$43,028	$3,534
Storm Drainage	$32,234	$7,854	$28,270	$19,098	$99,875	$0	$33,413
Transportation/Street Improvements	$146,362	$132,540	$123,798	$73,904	$130,895	$232,885	$322,856
Traffic Signals	$0	$0	$0	$0	$0	$0	$0
Subtotal	$284,882	$164,863	$287,021	$310,272	$318,190	$304,313	$380,378
Other Agencies							
County Facilities Fee	$10,340	$0	$10,340	$10,340	$13,912	$13,912	$13,912
Regional Transportation Fee	$29,375	$29,375	$29,375	$29,375	$70,383	$70,383	$70,383
Habitat Mitigation	$15,614	$0	$15,614	$15,614	$0	$0	$0
School Districts	$12,690	$12,690	$12,690	$12,690	$12,690	$12,690	$12,690
Fire Districts	$39,178	$10,105	$4,700	$0	$7,520	$0	$0
Subtotal	$107,197	$52,170	$72,719	$68,019	$104,505	$96,985	$96,985
Total	**$406,890**	**$279,328**	**$396,748**	**$398,003**	**$447,840**	**$423,106**	**$503,946**
Total Fees/Building Sq. Ft	***$17.31***	***$11.89***	***$16.88***	***$16.94***	***$19.06***	***$18.00***	***$21.44***
Total Fees/Land Sq. Ft	***$4.67***	***$3.21***	***$4.55***	***$4.57***	***$5.14***	***$4.86***	***$5.78***
Increase/(Decrease) from Ripon Fees		*($127,562)*	*($10,142)*	*($8,887)*	*$40,950*	*$16,216*	*$97,056*
% Increase/ Decrease		*-31%*	*-2%*	*-2%*	*10%*	*4%*	*24%*



Office Fee Comparison:

Project Assumptions:	
Site Acreage:	1.0 acres
Building Sq Ft:	10,890 SF
FAR:	0.25

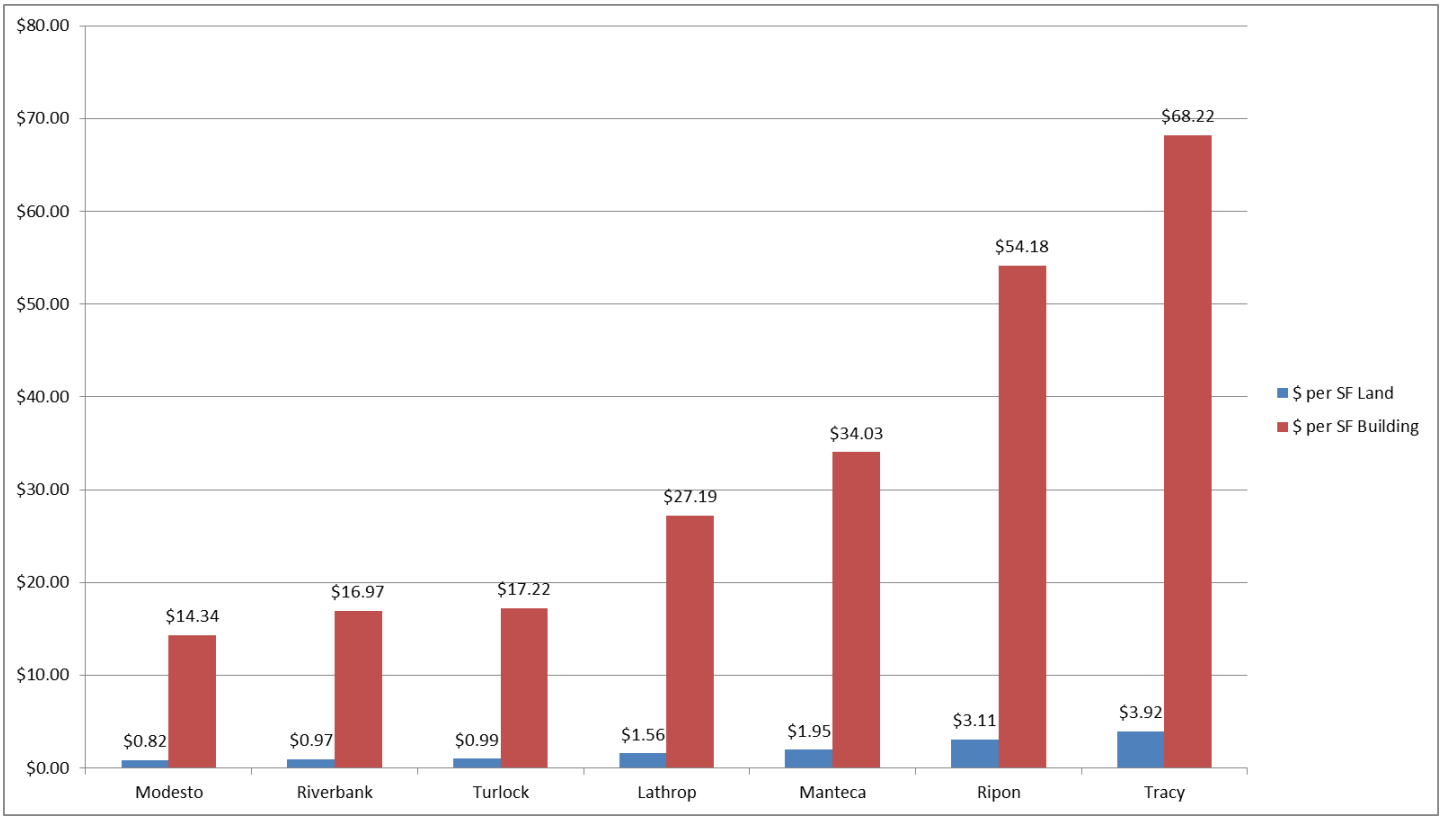
City:	Proposed Ripon Fees	Lathrop	Manteca	Tracy	Riverbank	Modesto	Turlock
Site Location:	*N/A*	*Mossdale Landing*	*N/A*	*Tracy Gateway*	*N/A*	*N/A*	*NW Triangle*
Public Facility Fees							
Public Buildings	$7,405	$14,789	$17,860	$17,806	$5,554	$6,959	$7,305
Parks/Recreation/Park Land	$0	$0	$0	$0	$0	$0	$0
AG Preservation	$0	$0	$2,642	$2,471	$0	$0	$0
Other Misc. PF Fees	$0	$3,279	$871	$0	$6,207	$4,312	$6,578
Subtotal	$7,405	$18,068	$21,372	$20,277	$11,761	$11,271	$13,882
Infrastructure							
Water	$20,038	$11,496	$25,353	$72,302	$22,107	$19,131	$17,868
Wastewater	$33,106	$5,233	$46,206	$1,106	$14,048	$34,577	$3,534
Storm Drainage	$16,117	$3,927	$14,135	$4,350	$44,431	$0	$16,706
Transportation/Street Improvements	$48,787	$43,484	$52,276	$1,626	$38,224	$65,972	$71,681
Traffic Signals	$0	$0	$0	$0	$0	$0	$0
Subtotal	$118,048	$64,140	$137,970	$79,384	$118,810	$119,680	$109,790
Other Agencies							
County Facilities Fee	$4,247	$0	$4,247	$4,247	$7,677	$7,677	$7,677
Regional Transportation Fee	$17,206	$17,206	$17,206	$17,206	$38,453	$38,453	$38,453
Habitat Mitigation	$7,807	$0	$7,807	$7,807	$0	$0	$0
School Districts	$5,881	$5,881	$5,881	$5,881	$5,881	$5,881	$5,881
Fire Districts	$21,359	$4,683	$2,831	$0	$3,485	$0	$0
Subtotal	$56,500	$27,770	$37,972	$35,141	$55,495	$52,011	$52,011
Total	**$181,953**	**$109,977**	**$197,315**	**$134,802**	**$186,067**	**$182,962**	**$175,683**
Total Fees/Sq. Ft	***$16.71***	***$10.10***	***$18.12***	***$12.38***	***$17.09***	***$16.80***	***$16.13***
Total Fees/Land Sq. Ft	***$4.18***	***$2.52***	***$4.53***	***$3.09***	***$4.27***	***$4.20***	***$4.03***
Increase/(Decrease) from Ripon Fees		*($71,976)*	*$15,362*	*($47,151)*	*$4,114*	*$1,009*	*($6,270)*
% Increase/ Decrease		*-40%*	*8%*	*-26%*	*2%*	*1%*	*-3%*



Light Industrial Fee Comparison:

Project Assumptions:	
Site Acreage:	2.0 acres
Building Sq Ft:	5,000 SF
FAR:	0.06

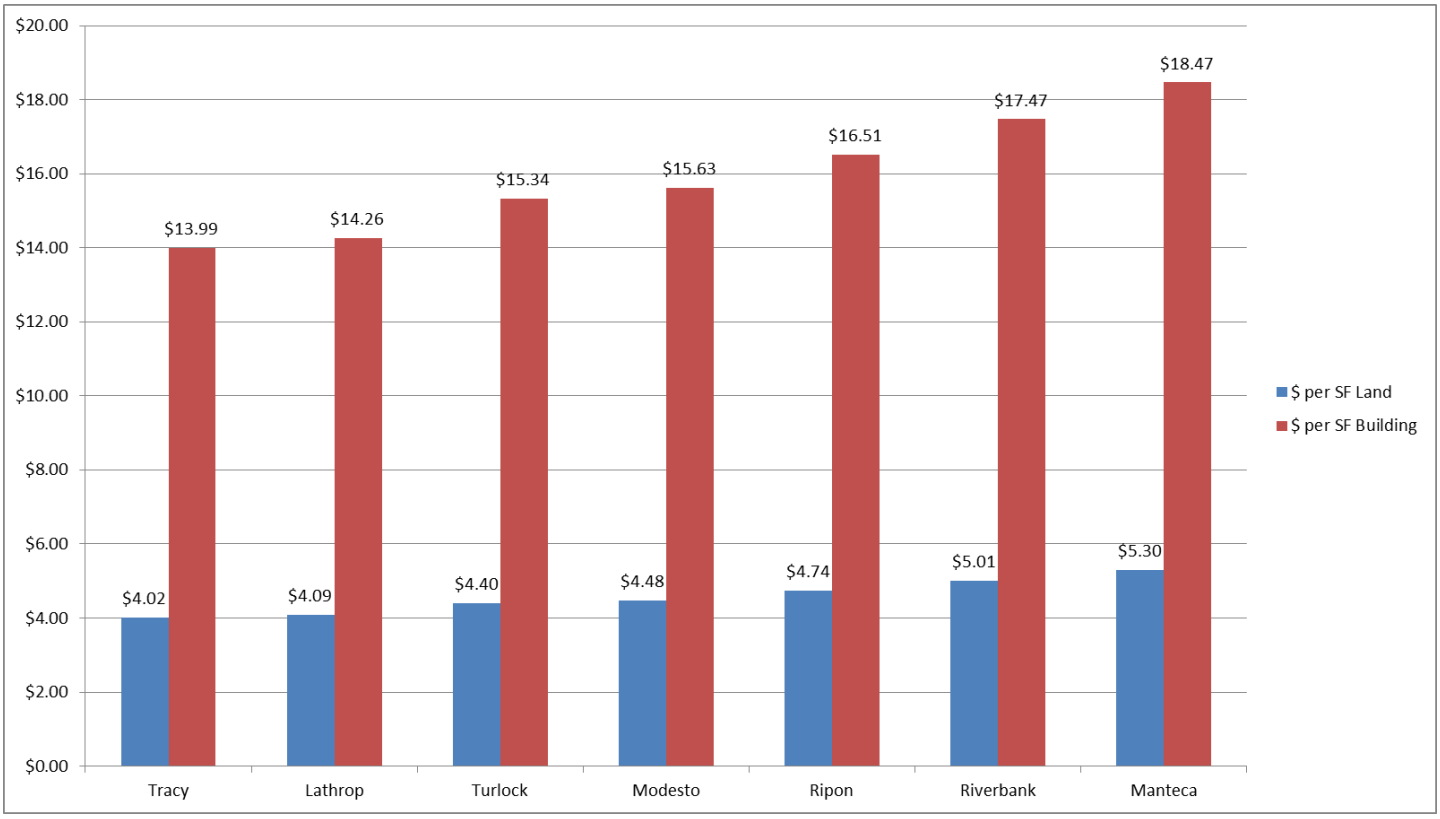
City:	Proposed Ripon Fees	Lathrop	Manteca	Tracy	Riverbank	Modesto	Turlock
Site Location:	*N/A*	*East Lathrop*	*N/A*	*NEI Phase 2*	*N/A*	*N/A*	*Westside Industrial*
Public Facility Fees							
Public Buildings	$14,810	$6,940	$3,250	$5,906	$1,350	$1,375	$1,007
Parks/Recreation/Park Land	$0	$0	$0	$0	$0	$0	$0
AG Preservation	$0	$0	$5,283	$4,942	$0	$0	$0
Other Misc. PF Fees	$0	$3,193	$300	$0	$3,400	$790	$850
Subtotal	$14,810	$10,133	$8,833	$10,848	$4,750	$2,165	$1,857
Infrastructure							
Water	$40,075	$40,968	$40,260	$35,278	$10,300	$28,400	$21,703
Wastewater	$66,211	$41,119	$65,760	$69,422	$7,000	$17,838	$9,626
Storm Drainage	$32,234	$10,774	$21,988	$72,194	$20,800	$0	$33,413
Transportation/Street Improvements	$87,991	$6,640	$8,695	$126,392	$28,800	$11,740	$7,937
Traffic Signals	$0	$0	$0	$2,824	$0	$0	$0
Subtotal	$226,512	$99,501	$136,703	$306,110	$66,900	$57,979	$72,679
Other Agencies							
County Facilities Fee	$1,100	$1,100	$1,100	$1,100	$825	$825	$825
Regional Transportation Fee	$4,750	$4,750	$4,750	$4,750	$8,050	$8,050	$8,050
Habitat Mitigation	$15,614	$15,614	$15,614	$15,614	$0	$0	$0
School Districts	$2,700	$2,700	$2,700	$2,700	$2,700	$2,700	$2,700
Fire Districts	$5,394	$2,150	$450	$0	$1,600	$0	$0
Subtotal	$29,558	$26,314	$24,614	$24,164	$13,175	$11,575	$11,575
Total	**$270,880**	**$135,948**	**$170,150**	**$341,122**	**$84,825**	**$71,719**	**$86,111**
Total Fees/ Sq. Ft	***$54.18***	***$27.19***	***$34.03***	***$68.22***	***$16.97***	***$14.34***	***$17.22***
Total Fees/Land Sq. Ft	**$3.11**	**$1.56**	**$1.95**	**$3.92**	**$0.97**	**$0.82**	**$0.99**
Increase/(Decrease) from Ripon Fees		*($134,932)*	*($100,730)*	*$70,242*	*($186,055)*	*($199,162)*	*($184,769)*
% Increase/ Decrease		*-50%*	*-37%*	*26%*	*-69%*	*-74%*	*-68%*



Hotel Fee Comparison:

Project Assumptions:	
Site Acreage:	2.0 acres
Building Sq Ft:	25,000 SF
FAR:	0.29

City:	Proposed Ripon Fees	Lathrop	Manteca	Tracy	Riverbank	Modesto	Turlock
Site Location:	*N/A*	*North Harlan*	*N/A*	*Tracy Gateway*	*N/A*	*N/A*	*NW Triangle*
Public Facility Fees							
Public Buildings	$14,810	$57,350	$31,250	$7,654	$9,250	$26,750	$10,068
Parks/Recreation/Park Land	$0	$0	$0	$0	$0	$0	$0
AG Preservation	$0	$0	$5,283	$4,942	$0	$0	$0
Other Misc. PF Fees	$0	$7,993	$2,250	$0	$17,500	$0	$12,720
Subtotal	$14,810	$65,343	$38,783	$12,596	$26,750	$26,750	$22,787
Infrastructure							
Water	$40,075	$43,797	$77,989	$176,426	$51,750	$28,400	$36,900
Wastewater	$66,211	$41,119	$116,055	$61,784	$41,250	$115,339	$5,642
Storm Drainage	$32,234	$11,406	$28,270	$10,398	$106,250	$0	$33,413
Transportation/Street Improvements	$146,362	$112,750	$131,700	$17,303	$139,250	$171,350	$221,041
Traffic Signals	$0	$0	$0	$0	$0	$0	$0
Subtotal	$284,882	$209,072	$354,014	$265,910	$338,500	$315,089	$296,996
Other Agencies							
County Facilities Fee	$11,000	$11,000	$11,000	$11,000	$14,800	$0	$14,800
Regional Transportation Fee	$31,250	$31,250	$23,750	$31,250	$35,300	$35,300	$35,300
Habitat Mitigation	$15,614	$15,614	$15,614	$15,614	$0	$0	$0
School Districts	$13,500	$13,500	$13,500	$13,500	$13,500	$13,500	$13,500
Fire Districts	$41,679	$10,750	$5,000	$0	$8,000	$0	$0
Subtotal	$113,043	$82,114	$68,864	$71,364	$71,600	$48,800	$63,600
Total	**$412,736**	**$356,529**	**$461,661**	**$349,870**	**$436,850**	**$390,639**	**$383,383**
Total Fees/Building Sq. Ft	***$16.51***	***$14.26***	***$18.47***	***$13.99***	***$17.47***	***$15.63***	***$15.34***
Total Fees/Land Sq. Ft	***$4.74***	***$4.09***	***$5.30***	***$4.02***	***$5.01***	***$4.48***	***$4.40***
Increase/(Decrease) from Ripon Fees		*($56,207)*	*$48,926*	*($62,866)*	*$24,114*	*($22,096)*	*($29,353)*
% Increase/ Decrease		*-14%*	*12%*	*-15%*	*6%*	*-5%*	*-7%*



City of Ripon
POLICE DEPARTMENT

259 N. Wilma Ave. Ripon, CA 95366

Business (209)599-2102
Animal Services (209)599-3067
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E-Mail rpdmail@cityofripon.org

Edward F. Ormonde, Chief of Police

To: City Administrator Kevin Werner

From: Dan Brannon

Date: Wednesday, July 27, 2016

Re: Proposed upgrades to City Council Chambers

Kevin,

At the direction of council, I began researching upgrades to the City Council Chambers audio-visual systems to resolve several continual problems. Two of the biggest areas of concern are the touchscreen voting system, and the poor visual quality of presentations projected and displayed on the council dais.

As part of this process, I engaged one of the original system builders to make recommendations for improvements. I also joined a group of city staff on a tour of the San Joaquin Board of Supervisors chambers, which recently underwent an upgrade of similar scope to ours. Below, I enumerate my recommendations for upgrades to our current system, which should remedy many of the problems we've had.

Accela Digital Boardroom and Automated Agenda System - $14,920.00 annually

The Board of Supervisors found the same thing we did; the AMX (Touchscreen) system previously installed is not reliable. Each system is custom-built for the installation, and thus never gets updates over time. The result is a system which frequently has intermittent failures, and unpredictable behavior. I recommend we replace this with Accela Software's Digital Boardroom and Automated Agenda suite. This system automates the agenda-building process, greatly reducing the burden on the Deputy City Clerk, and streamlining the meeting process. This is an annual subscription for the software package, and includes agenda preparation, minute-taking, live voting results, and agenda-progress.

Add/Replace aging computers supporting meetings - $4,450.00

With the removal of the touchscreen system, the voting, request to speak, and minute-taking functions will be carried out on computers. I recommend replacing the aging laptop used by the Deputy City Clerk, and Meeting Operator (myself). Additionally, I recommend replacing the presentation computer, which is out of date, and adding a computer to display the current agenda item, vote results, and current speaker.

Replace Touch Panel Displays - $1,330.00

When the touch-screen displays are removed, I recommend replacing them with monitors which will mirror the room's projector and TVs. These screens will not require user intervention, and will always display the current agenda item, or the current PowerPoint/Map/etc. Each of the 7 touchscreens on the dais will be replaced.

Install Speaker-Timer System- $1,400.00

I recommend adding a dedicated speaker-timer system. The touchscreen system had a limited speaker-timer system, but a dedicated system offers much more flexibility and utility. The proposed system includes a green-yellow-red indicator system, and a customizable time allotment.

Miscellany - $2,400

I am reserving roughly $2,400 for miscellany, such as adapters, cabling, and video/network switching components as needed.

Notably missing from this list of recommendations are the Projector and Screen components. The County is still determining what they plan to install for a projector, and given that our chambers rooms are lit similarly, I believe it is in our best interest to wait for their installation, and evaluate their solution, before moving forward with our own.

I would be happy to answer any questions.

Recommendation: Approve proposed upgrades to Council Chambers facilities at a one-time cost of $9,580 and annual fee of $14,920.00.

Thank You,

Dan Brannon

MEMO

TO: Honorable City Council

FROM: Kevin Werner

SUBJECT: Councilmember Zuber's Alcohol Ordinance Proposal

DATE: July 27, 2016

The Ripon Municipal Code currently prohibits any person to consume or have in their possession alcohol (a) in or upon any public street, (b) in or upon any public sidewalk, (c) in or upon any public parking lot, (d) within 50 feet of any public street, parking lot, sidewalk while on private property open to the public view without express permission of the owner, or (e) in or upon any park in the City of Ripon.

Councilmember Zuber has requested an item be added to the City Council agenda to discuss possible changes to the current alcohol ordinance. Chief Ormonde and I have had an opportunity to meet with Councilmember Zuber to discuss his proposal and the comments discussed during that meeting have been incorporated into the attached proposal from Councilmember Zuber.

At this point in the process, staff has no additional comments or concerns related to the proposal itself, but would like to point out that various details of implementing such a change still need to be addressed, which can be done as the ordinance language is prepared.

Fiscal Impact
Based on the proposal submitted, staff does not foresee any additional cost to the City.

City Council Action
With direction from the City Council, staff can bring back language modifying the current ordinance.

Alcohol Ordinance Proposal

The ordinance would permit possession and consumption of alcoholic beverages at two locations: (a) the community amphitheater at Mistlin Sports Park and (b) outdoors in the downtown business district. Possession and consumption would be subject to the following conditions.

Community Amphitheater

Possession and consumption would be limited to the confines of the amphitheater. Possession and consumption would not be permitted in any other areas of Mistlin Sports Park, including parking areas and adjacent streets.

Possession and consumption would only be permitted as part of an organized performance-based event sponsored by a community-based nonprofit organization. The focus of the event is to be on the performance, not the availability of alcoholic beverages. The nonprofit organization would have to secure an approved use permit for the event.

Alcoholic beverages would be limited to wine and beer.

If participants are able to bring their own alcohol to the event, there shall be a process in place to ensure that only permitted types of alcohol are brought into the venue and the amount of alcohol is not excessive. If alcohol is to be sold by the sponsoring organization, a process has to be in place to keep outside alcohol from being brought into the event. Also, a process has to be in place to ensure that individual participants do not consume an excessive amount of alcohol. An approved event may either allow outside alcohol to be brought into the venue or sell alcohol to participating individuals. Both practices will not be permitted. The requesting sponsor shall describe the appropriate processes as part of the application for a special event permit.

Any activity that serves alcohol will not be permitted to have attendees under the age of 21.

Consumption of alcohol will be limited to the designated time for the scheduled event. No alcohol will be served before or after the event.

The sponsor of the event will be responsible for hiring approved private security for the event. The number of security personnel will be determined at the time the special event permit is granted.

Limits on the number of attendees may be included in the special event permit.

Events in the amphitheater may not be scheduled at the same time there are any other scheduled events within the boundaries of Mistlin Sports Park or combined with, in conjunction, or part of any other event within the boundaries of Mistlin Sports Park. City staff will work with applicants to identify possible dates for events, either on dates where community access is guaranteed or dates where conflicts may be possible but could be avoided.

Downtown Dining

Outdoor dining will be limited to restaurants located on Main Street. Restaurants may apply for a permit once each year to set up outdoor dining in the parking spaces in front of the restaurant. Dining areas will be limited to the parking spaces on Main Street and would remain in place for the months of May, June, July, August and September.

Restaurants desiring to participate in this program will submit a plan for the seating areas to the City prior to implementing the program at their place of business. This plan will indicate how the outdoor dining area will be identified and how access to the area will be controlled.

ADA accessibility to the outdoor dining area will be maintained.

Alcoholic beverages served in the outdoor dining area will be limited to beer and wine.

Outdoor dining areas will close at 9:00 pm.