



CITY COUNCIL MEETING

COUNCIL CHAMBERS, 33 SOUTH MAIN STREET, COLFAX, CA



MAYOR WILL STOCKWIN • MAYOR PRO TEM MARNIE MENDOZA
COUNCILMEMBERS • STEVE HARVEY • KIM DOUGLASS

REGULAR MEETING AGENDA

June 13, 2018

Regular Session 7:00 PM

1. OPEN SESSION

- 1A. **Call Open Session to Order**
- 1B. **Pledge of Allegiance**
- 1C. **Roll Call**
- 1D. **Approval of Agenda Order**

This is the time for changes to the agenda to be considered including removal, postponement, or change to the agenda sequence.

RECOMMENDED ACTION: By motion, accept the agenda as presented or amended.

2. PRESENTATION

- 2A. **Auburn Interfaith Food Closet**
Andy Hayes, Vice President

3. CONSENT CALENDAR

Matters on the Consent Agenda are routine in nature and will be approved by one blanket motion with a Council vote. No discussion of these items ensues unless specific items are pulled for discussion and separate action. If you wish to have an item pulled from the Consent Agenda for discussion, please notify the Mayor.

RECOMMENDED ACTION: Approve Consent Calendar

- 3A. **Minutes – Regular meeting May 23, 2018**

Recommendation: Approve the Minutes of the Regular Meeting of May 23, 2018.

- 3B. **Modify language in agreement with Safe Side Security**

Recommendation: Adopt Resolution 41-2018 authorizing staff to modify the language in the agreement for consultant services with Safe Side Security.

4. PUBLIC COMMENT

Members of the audience are permitted to address the Council on matters of concern to the public within the subject matter jurisdiction of the City Council that are not listed on this agenda. Please make your comments as brief as possible; not to exceed three (3) minutes in length. The Council cannot act on items not included on this agenda; however, if action is required it will be referred to staff.

5. COUNCIL, STAFF AND OTHER REPORTS

The purpose of these reports is to provide information to the Council and public on projects, programs, and issues discussed at committee meetings and other items of Colfax related information. No decisions will be made on these issues. If a member of the Council prefers formal action be taken on any committee reports or other information, the issue will be placed on a future Council meeting agenda.

- 5A. **Committee Reports and Colfax Informational Items - All Councilmembers**
- 5B. **City Operations Update – City staff**
- 5C. **Additional Reports – Agency partners**



Colfax City Council Meetings are ADA compliant. If you need special assistance to participate in this meeting, please contact the City Clerk at (530) 346-2313 at least 72 hours prior to make arrangements for ensuring your accessibility.

June 13, 2018

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6. PUBLIC HEARING

NOTICE TO THE PUBLIC: City Council will take the following actions when considering a matter scheduled for hearing:	
1. Open the public hearing	2. Presentation by staff
3. Statement from applicant (if applicable)	4. Council comments and questions
5. Accept public testimony	6. Council comments and questions
7. Close public hearing. (No public comment is taken after the hearing is closed)	8. City Council action
Public hearings that are continued will be announced. The continued public hearing will be listed on a subsequent Council Meeting Agenda and posting of that agenda will serve as notice.	

6A. Adopt Wastewater Rate Study and Establish Sewer Service Charges.

Staff Presentation: Alfred A. “Mick” Cabral, City Attorney

Recommendation: Conduct a public hearing, review and tabulate any valid protests received and, there is not a majority protest, adopt Resolution 42-2018 adopting the City of Colfax Wastewater Rate Study and Establishing Sewer Service Charges for Fiscal Years 2018/ 19, 2019/ 20, 2020/ 21, 2021/ 22, and 2022/ 23.

6B. Second Reading and Adoption of Ordinance 537 Establishing a Cannabis Business Tax.

Staff Presentation: Alfred A. “Mick” Cabral, City Attorney

Recommendation: Read the proposed ordinance by title only, conduct a public hearing, waive the second reading, and adopt Ordinance 537 an Ordinance of the City of Colfax Adopting Colfax municipal Code Chapter 5.14 Establishing a Cannabis Business Tax.

6C. Design and Site Plan Review for South Auburn Street Hotel.

Staff Presentation: Amy Feagans, Planning Director

Recommendation: Conduct a Public Hearing, discuss and consider adopting Resolution 43-2018 approving the Mitigated Negative Declaration and the Application (#DRSP-2017-03) Design Review and Site Plan Review for a three-story 69 room hotel on South Auburn Street.

7. COUNCIL BUSINESS

7A. Consolidation Election and Request for Election Services by the County

Staff Presentation: Alfred A. “Mick” Cabral, City Attorney

Recommendation: Discuss and consider adopting Resolution 44-2018 approving the ballot measure text to be submitted to the voters of the City imposing a cannabis business tax; declaring an election be held in the City of Colfax; requesting the Board of Supervisors to consolidate this election with any other election conducted on the same date; and requesting election services by the County Clerk.

8. GOOD OF THE ORDER - INFORMAL COUNCIL STATEMENTS REGARDING THE BUSINESS OF THE CITY

Informal observation reports and inquiries regarding the business of the City may be presented by Council members under this agenda item or requests for placement of items of interest on a future agenda. No action will be taken.

9. ADJOURNMENT

I, Lorraine Cassidy, City Clerk for the City of Colfax declare that this agenda was posted at Colfax City Hall and the Colfax Post Office. The agenda is also available on the City website at www.Colfax-ca.gov.


Lorraine Cassidy, City Clerk

Administrative Remedies must be exhausted prior to action being initiated in a court of law. If you challenge City Council action in court, you may be limited to raising only those issues you or someone else raised at a public hearing described in this notice/ agenda, or in written correspondence delivered to the City Clerk of the City of Colfax at, or prior to, said public hearing.



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June 13, 2018

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City of Colfax
 City Council Minutes
 Regular Meeting of Wednesday, May 23, 2018
 City Hall Council Chambers
 33 S. Main Street, Colfax CA

1 OPEN SESSION

1A. **Call to Order**

Mayor Stockwin called the meeting to order at 6:59PM.

1B. **Pledge of Allegiance**

Tim Cromartie of HdL led the Pledge of Allegiance.

1C. **Roll Call**

Council members present: Douglass, Harvey, Mendoza, Stockwin

1D. **Approval of Agenda Order**

On a motion by Councilmember Harvey, seconded by Mayor Pro Tem Mendoza, the City Council approved the agenda order.

AYES: Douglass, Harvey, Mendoza, Stockwin

2 CONSENT CALENDAR

2A. **Minutes - Regular Meeting May 9, 2018**

Recommendation: Approve the Minutes of the Regular Meeting of May 9, 2018.

2B. **City of Colfax Cash Summary: April 2018**

Recommendation: Accept and file the Cash Summary Report: April 2018.

2C. **Sierra Vista Community Center Union Pacific Foundation Grant Application**

Recommendation: Adopt Resolution 35-2018 in support of upgrading the Sierra Vista Community Center heating and cooling systems to meet evacuation center standards via a grant application to the Union Pacific Foundation for the sum of \$25,000.

2D. **Annual Review of Administrative Policies and Procedures**

Recommendation: Accept and file.

On a motion by Councilmember Harvey, seconded by Mayor Pro Tem Mendoza, the City Council approved the Consent Calendar.

AYES: Douglass, Harvey, Mendoza, Stockwin

3 PUBLIC COMMENT

Bill Roach, Humane Society Sierra Foothills - Investigator

- Mr. Roach reminded Council and the public to keep animals safe as the temperatures rise. Don't leave animals in vehicles because vehicles become super-heated quickly.

4 COUNCIL, STAFF, AND OTHER REPORTS

4A. **Committee Reports and Colfax Informational Items – All Councilmembers**

Councilmember Douglass

- Councilmember Douglass represented the City at the Pioneer Energy board meetings.
- He attended the Chamber Mixer, the Artwalk and Car Show, and the Skatepark presentation at the Sierra Vista Community Center.
- Councilmember Douglass also attended the Sierra Vista Community Center board meeting. He encourages the community to volunteer to serve on their board.

Mayor Pro Tem Mendoza

- Mayor Pro Tem Mendoza attended the Chamber Mixer and the Artwalk and Car Show.
- She also spent time with seniors encouraging their participation in the upcoming election.

Councilmember Harvey

- Councilmember Harvey represented Colfax on the Placer County Transportation Planning Agency (PCTPA) board. PCTPA will be adding one new trip to one day of bus service to Colfax.

Mayor Stockwin

- Mayor Stockwin also attended the Artwalk and Car Show.
- He represented the City on the Placer County Mosquito and Vector Control District (PCMVCD) board.
- Mayor Stockwin stated there has not been much rain to report this month.

4B. **City Operations – City Staff***City Manager Heathcock*

- City Manager Heathcock stated the roundabout design is on track. Staff is expecting to bring the bid package to Council for approval during the second meeting in July.
- He informed Council staff is following up with the request to the California Water Board for grants for improvements to the Wastewater Treatment Plant.
- A tenant has signed an agreement and will be moving into the office suite at the depot soon.

4C. **Additional Reports – Agency Partners***Sergeant Ty Conners, Commander Colfax Substation, Placer County Sheriff's Office*

- Sergeant Conners invited Council to attend the active shooter drill which will be held at the Colfax schools on May 30, 2018.
- He stated extra patrol will be in town to help with traffic control after the graduation this Saturday.
- He thanked staff for their help with presenting the idea of building the skate park at the Sierra Vista Community Center.

Chief Brian Eagan, Colfax Fire Department Battalion Chief

- Chief Eagan introduced the CalFire executive team, Chief Morris, Deputy Chief Estes and Assistant Chief Ten Eyck.
- Staff is processing several new volunteers for the Volunteer Fire Department.
- Burn permits are required, be sure to follow proper safety regulations. The property owner is responsible for any damages and the costs of suppression for fire requiring CalFire response.
- Fuel reduction is in progress at the landfill. City Manager Heathcock acknowledged the support from retired Chief Paulus to help with the boundary lines. Councilmember Harvey confirmed the landfill can be used for a helicopter staging site during fire events.
- Mayor Stockwin prompted Chief Eagan to discuss the heavy grass fuel load this year; about 2x the fuel load 2 years ago. This could be a very serious fire season.

Frank Klein, President of Colfax Area Chamber of Commerce

- Mr. Klein thanked Council for supporting the Chamber Mixer, and Foxey McCleary for coordinating the Artwalk and Car Show.
- He invited everyone to the next Chamber Mixer to be held at Homey Joes on June 19th from 5:30PM-7:30PM.

Foxy McCleary, Sierra Vista Community Center

- Ms. McCleary invited everyone to attend the next 3rd Friday Artwalk and Car Show event on June 15th which will be held downtown from 4-8PM.

5 COUNCIL BUSINESS

5A. Introduction and First Reading of an Ordinance of the City of Colfax Adopting Colfax Municipal Code Chapter 5.14 Establishing A Cannabis Business Tax

Staff Presentation: Alfred A. "Mick" Cabral, City Attorney

Recommendation: Introduce the proposed ordinance by title only, waive the first reading and continue for a second reading, public hearing and possible adoption at the June 13, 2018 regular meeting.

Tim Cromartie, representing HdL, gave a PowerPoint presentation explaining the proposed ordinance for a tax measure to be placed on the November 6, 2018 ballot.

Council asked for clarification of the auditing process, procedures for collecting tax obligations from an all-cash business, and placing a lien on the property owners if necessary.

Sheri Peterson, Colfax resident and Jim Dion, Colfax business owner asked for clarification regarding administration of the tax. They were informed medicinal cannabis products are not subject to sales tax and cannabis products may only be sold at businesses with a cannabis license.

On a motion by Councilmember Harvey, and a second by Mayor Stockwin, Council waived the first reading of the ordinance to be read by title only, and continued for a second reading and public hearing, and possible adoption at the June 13, 2018 regular meeting.

Ayes: Douglass, Harvey, Mendoza, Stockwin

5B. Rising Sun Road Pavement Resurfacing Project, Design Approval and Bid Authorization

Staff Presentation: Dane Schilling, City Engineer

Recommendation: Discuss and consider adopting Resolution 36-2018 approving Plans and Specifications for the rising Sun Road Pavement Resurfacing Project and authorizing the City Manger to advertise for construction bids.

City Engineer Schilling explained this project is funded mainly through state and federal grants. The federal funding process has slowed the timing of the project by a few weeks. Staff is recommending approval of the plans to repave Rising Sun as presented and authorize the City Manager to advertise for bids as soon as the federal funding process is cleared.

Council and staff discussed the project.

On a motion by Councilmember Harvey, and a second by Councilmember Douglass, Council approved Resolution 36-2018 by the following vote:

Ayes: Douglass, Harvey, Mendoza, Stockwin

5C. Animal Control Contract

Staff Presentation: Wes Heathcock, City Manager

Recommendation: Discuss and consider adopting Resolution 37-2018 authorizing the City Manager to execute an agreement with the Placer County Department of Health and Human Services for Animal Control and Care Services for a three year term in an amount not to exceed \$86,729.

City Manager Heathcock noted the costs of this contract are reduced from the previous contract for Animal Control Services. Even with the option to increase costs based on a Consumer Price Index for the next three years, the annual fees will be less than the current contract.

Councilmember Douglass asked to see the statistics for the animal control activity this year. Mayor Stockwin requested City Attorney Cabral look at the Colfax Municipal Code to see if the City could recover costs of animal control calls for service through abatement.

On a motion by Councilmember Douglass, and a second by Councilmember Harvey, Council approved Resolution 37-2018 by the following vote:

Ayes: Douglass, Harvey, Mendoza, Stockwin

5D. Proposed Budget Fiscal Years 2018-2019 and 2019-2020

Staff Presentation: Laurie Van Groningen, Finance Director

Recommendation: Discuss and consider adopting Resolution 38-2018 adopting the Annual Operation Budget for Fiscal Year 2018-2019 and Fiscal Year 2019-2020.

Finance Director Van Groningen stated the Council went through each page of the budget during the public workshop which was held May 14, 2018. Council added one item to the proposed budget at the workshop which has been included in the document before Council.

Mayor Stockwin handed out a diagram demonstrating the percentage of City funds which are restricted and can only be used as prescribed by their designation. Only a small amount of City funds are available for discretionary spending.

On a motion by Mayor Pro Tem Mendoza, and a second by Councilmember Harvey, Council approved Resolution 38-2018 by the following vote:

Ayes: Douglass, Harvey, Mendoza, Stockwin

5E. Fire Protection Agreement with the County of Placer for Fire Protection

Staff Presentation: Wes Heathcock, City Manager

Recommendation: Discuss and consider adopting Resolution 39-2018 authorizing the City Manager to execute a Fire Protection Agreement with County of Placer for Fire Management and Oversight Services from July 1, 2018 through June 30, 2021.

City Manager Heathcock explained the notable changes in the contract are not related to increases in salaries but reflect expanded services which will be offered through the contract. Under the new contract, the Volunteer Fire Department will be able to participate in Cal Fire training and the City will have unlimited services provided by the Fire Marshal for business inspection and event planning/review.

Councilmember Harvey is pleased the volunteers will be trained to Cal Fire standards.

Joe Fatula, Colfax business owner, mentioned the Fire Marshal inspection in his business was beneficial and suggested every business provide a building map of locations of hazardous material storage. This could be a good tool for fire personnel in the event of an emergency in a business building.

On a motion by Councilmember Harvey, and a second by Mayor Pro Tem Mendoza, Council approved Resolution 39-2018 by the following vote:

Ayes: Douglass, Harvey, Mendoza, Stockwin

5F. Quinns Lane One Way Street Designation

Staff Presentation: Chris Clardy, Community Services Director

Recommendation: Discuss and consider adopting Resolution 40-2018 authorizing staff to install permanent signage designating residential street Quinn's Ln., between Culver St. and S. Main St., as a one-way street.

Community Services Director Clardy explained the residents on Quinns Lane have signed a petition requesting the designation of Quinn's Lane as one-way street. Staff sites safety as the primary reason to allow only one-way traffic on the street. Temporary signs have been in place since March with no negative feedback.

Councilmember Harvey noted that Quinns Lane is the best way to exit the downtown area during large events such as the 3rd of July event.

On a motion by Mayor Pro Tem Mendoza, and a second by Councilmember Douglass, Council approved Resolution 37-2018 by the following vote:

Ayes: Douglass, Mendoza, Stockwin

Noes: Harvey

6 GOOD OF THE ORDER - INFORMAL COUNCIL STATEMENTS REGARDING THE BUSINESS OF THE CITY

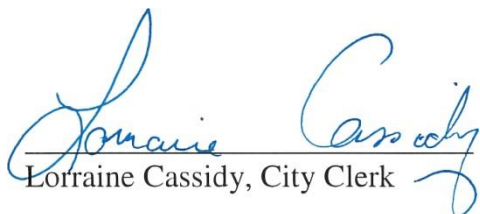
Councilmember Douglass commented that during the Memorial Day weekend, cross-country motorcycle riders will be stopping in Colfax as part of the annual Wyman ride.

Mayor Stockwin read a brief description of Mr. Wyman's 1903 ride which included a stopover in Colfax. The City erected a monument to Mr. Wyman a few years ago.

7 ADJOURNMENT

As there was no further business, Mayor Stockwin adjourned the meeting at 8:39PM.

Respectfully submitted to City Council this 13th day of June, 2018


Lorraine Cassidy, City Clerk



STAFF REPORT TO THE COLFAX CITY COUNCIL

FOR THE JUNE 13, 2018 COUNCIL MEETING

FROM: Wes Heathcock, City Manager
PREPARED BY: Chris J. Clardy, Community Services Director
DATE: May 29, 2018
SUBJECT: Modify Language in Agreement with Safe Side Security

<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	FUNDED	<input type="checkbox"/>	UN-FUNDED	AMOUNT:	FROM FUND:
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RECOMMENDED ACTION: Adopt Resolution No.41-2018 authorizing staff to modify language in the agreement for consultant services with Safe Side Security.

ISSUE STATEMENT AND DISCUSSION:

Staff offers apologies for the need to revisit this issue. In the future the required documents will be presented to consultants prior to Council approval. Although the amount approved in Resolution 33-2018 has not changed, the consultant had issues with Section 12 (Termination of Services) in the Agreement for Consultant Services. The first paragraph gives the City sole discretion to terminate all or any portion of the Agreement upon seven (7) days written notice. Staff would like to modify the Agreement to read “any time after 12 months” and “upon thirty (30) days written notice to Consultant. Please see the modified Section 12 below;

City may at any time, after 12 months, at its sole discretion, terminate all or any portion of the Services and this Agreement upon ~~seven (7)~~ thirty (30) day’s written notice to Consultant. Upon receipt of notice of termination, Consultant shall stop performance of the Services at the stage directed by City. Consultant shall be entitled to payment within thirty (30) days for Services performed up to the date of receipt of the written notice of termination. Consultant shall not be entitled to payment for any Services performed after the receipt of the notice of termination unless such payment is authorized in advance in writing by the City.

Should Consultant fail to perform any of the obligations required of Consultant within the time and in the manner provided for under the terms of this Agreement, or should Consultant violate any of the terms and conditions of this Agreement, City may terminate this Agreement by providing Consultant with ~~seven (7)~~ thirty (30) day’s written notice of such termination. The Consultant shall be compensated for all Services performed prior to the date of receipt of the notice of termination. However, the City may deduct from the compensation which may be owed to Consultant the amount of damage sustained or estimated by City resulting from Consultant’s breach of this Agreement.

Consultant’s obligations pursuant to Sections 5 and 6 of this Agreement shall survive termination, and continue in effect for as long as necessary to fulfill the purposes of Sections 5 and 6.

- ATTACHMENTS:
 a. Resolution 41-2018

City of Colfax City Council

Resolution № 41-2018

AUTHORIZING STAFF TO MODIFY LANGUAGE IN THE AGREEMENT FOR CONSULTANT SERVICES WITH SAFE SIDE SECURITY

WHEREAS, City staff recommends modifying Section 12 of the Consultants Services Agreement with Safe Side Security to read “any time after 12 months” and “upon thirty (30) days written notice to Consultant; and,

WHEREAS, Section 12 would read;

City may at any time, after 12 months, at its sole discretion, terminate all or any portion of the Services and this Agreement upon thirty (30) day’s written notice to Consultant. Upon receipt of notice of termination, Consultant shall stop performance of the Services at the stage directed by City. Consultant shall be entitled to payment within thirty (30) days for Services performed up to the date of receipt of the written notice of termination. Consultant shall not be entitled to payment for any Services performed after the receipt of the notice of termination unless such payment is authorized in advance in writing by the City.

Should Consultant fail to perform any of the obligations required of Consultant within the time and in the manner provided for under the terms of this Agreement, or should Consultant violate any of the terms and conditions of this Agreement, City may terminate this Agreement by providing Consultant with thirty (30) day’s written notice of such termination. The Consultant shall be compensated for all Services performed prior to the date of receipt of the notice of termination. However, the City may deduct from the compensation which may be owed to Consultant the amount of damage sustained or estimated by City resulting from Consultant’s breach of this Agreement.

Consultant’s obligations pursuant to Sections 5 and 6 of this Agreement shall survive termination, and continue in effect for as long as necessary to fulfill the purposes of Sections 5 and 6.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax approves the modification to the Agreement for Consultant Services with Safe Side Security.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at a regular meeting of the City Council of the City of Colfax held on the 13th day of June, 2018 by the following vote of the Council:

AYES:

NOES:

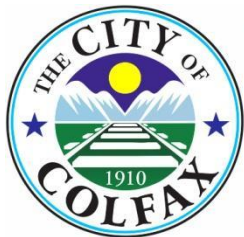
ABSENT:

ABSTAIN:

Will Stockwin, Mayor

ATTEST:

Lorraine Cassidy, City Clerk



STAFF REPORT TO THE COLFAX CITY COUNCIL

FOR THE JUNE 13, 2018 REGULAR COUNCIL MEETING

FROM: Wes Heathcock, City Manager
PREPARED BY: Alfred A. "Mick" Cabral, City Attorney
DATE: June 5, 2018
SUBJECT: Adopt Wastewater Rate Study and Establish Sewer Service Charges.

X	N/A	FUNDED	UN-FUNDED	AMOUNT: N/A	FROM FUND: N/A
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RECOMMENDED ACTION: Conduct a public hearing, review and tabulate any valid protests received and, if there is not a majority protest, adopt Resolution 42-2018 adopting the City of Colfax Wastewater Rate Study and Establishing Sewer Service Charges for Fiscal Years 2018/19, 2019/20, 2020/21, 2021/22 and 2022/23.

BACKGROUND AND SUMMARY:

The recommended action, if approved, will result in adjusting the City’s sewer service charges by 2.45% per year per Equivalent Dwelling Unit (EDU) for the next five years. This will produce the following monthly sewer service rates: (1) \$129.87 for fiscal year 2018/19 ; (2) \$133.05 for fiscal year 2019/20; (3) \$136.31 for fiscal year 2020/21; (4) \$139.65 for fiscal year 2021/22; and (5) \$143.07 for fiscal year 2022/23.

Adoption of the proposed fee adjustments is subject to the procedural and substantive requirements of California Constitution Article XIII D, Section 6, commonly known as Proposition 218, and related implementing statutes. The procedural requirements of Proposition 218 require the City to (1) identify all parcels upon which the sewer service charges will be imposed, (2) calculate the amount of the charges, (3) mail written notice to the record owner of all identified parcels, (4) conduct a public hearing on the proposed charges not less than 45 days after mailing the written notice, (5) consider all protests against the proposed rates and (6) decline to implement the proposed sewer service charges if a majority of the owners of the identified parcels file written protests.

The City timely complied with criteria (1) [identified affected parcels], (2) [calculated proposed rates] and (3) [mailed to written notice]. The process before Council this evening will involve conducting the public hearing, considering all valid written protests and, if a majority protest is not received, determining whether to adopt the proposed sewer service charges.

Proposition 218 and the Proposition 218 Omnibus Implementation Act provide guidance on how to calculate whether a majority protest exists: “One written protest per parcel, filed by an owner or tenant of the parcel, shall be counted in calculating a majority protest...”. See Government Code §53755. Staff will count the written protests received as of the close of the public hearing and determine whether a majority protest exists. If it does, there will be nothing more the Council can do on the proposed rates at this meeting. If a majority protest does not exist, Council will be asked to consider adopting the proposed sewer service charges.

The substantive provisions of Proposition 218 provide that (1) revenues derived from the rates cannot exceed the cost to provide the service, (2) revenues derived from the rates cannot be used for any purpose other than the purpose for which the rates are imposed, (3) the rates charged per parcel cannot exceed the proportional cost of sewer services attributable to the parcel, (4) the charge may not be imposed unless sewer service is actually used by or immediately available to the owner of the parcel, and (5) no sewer service charge can be imposed for general governmental services.

Colfax engaged the services of Rural Community Assistance Corporation (RCAC) to conduct an analysis of the City's current sewer service charges to determine whether they are sufficient to fund operations. The outcome of the analysis was thoroughly reviewed by staff and discussed at various public meetings. Staff, in cooperation with RCAC, was able to establish a very low 2.45% annual rate adjustment for five consecutive years. This rate is less than the 3.5% annual increase that has prevailed in Colfax for many years. RCAC's comprehensive rate analysis is submitted with this staff report.

Staff is available to answer any questions or provide additional information.

ATTACHMENTS:

1. RCAC Wastewater Rate Study (Item 6A 3 of 30)
2. Proposition 218 Notice (Item 6A Page 26 of 30)
3. Resolution 42-2018 (Item 6A Page 27 of 30)

City of Colfax Wastewater Rate Study

DRAFT



Prepared by: Mary Fleming

Rural Community
Assistance Corporation
3120 Freeboard Drive, Suite 201
West Sacramento, CA 95691



RCAC

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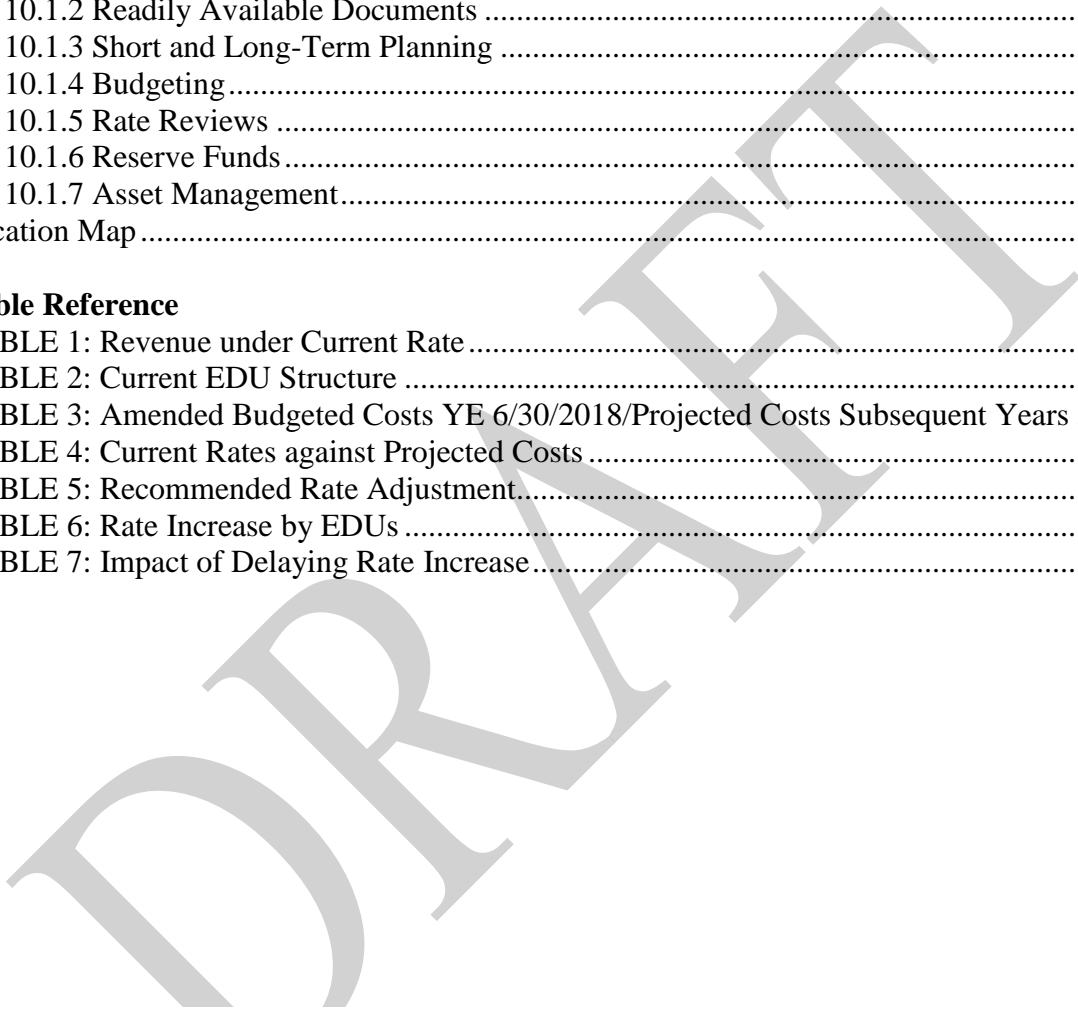
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GLOSSARY OF ACRONYMS

ACS – American Community Survey: An ongoing survey by the U. S. Census Bureau that regularly gathers information about the population such as income, education, and employment.

RCAC – Rural Community Assistance Corporation: A not for profit organization dedicated to assisting rural communities in the thirteen western states achieve their goals.

O&M – Operating and Maintenance Expenses: The usual day to day expenses of providing wastewater disposal to customers.

FY – Fiscal Year: A year as recognized for taxing or accounting purposes. The City's fiscal year runs from July 1 to June 30.

SWRCB – State Water Resources Control Board: One of six branches of the California Environmental Protection Agency. Besides regulatory authority, SWRCB provides financial assistance to local governments and non-profit agencies to build or rejuvenate wastewater treatment plants.

CWSRF - The Clean Water State Revolving Fund: A self-perpetuating loan assistance authority for water quality improvement projects in the United States. The fund is administered by the Environmental Protection Agency and state agencies. Congress established the fund in the Water Quality Act of 1987.

CIP RESERVE – Capital Improvement Reserve: A fund reserved by a utility for long-term replacement and improvement of the wastewater system assets as they become worn out or obsolete.

MHI – Median Household Income: A median household income refers to the income level earned by a given household where half of the homes in the area earn more and half earn less. It's used instead of the average or mean household income because it can give a more accurate picture of an area's actual economic status. Median household incomes are frequently used to determine a community's eligibility for grants and/or low interest loans.

EDU – Equivalent Dwelling Unit: An equivalent unit is established based on a single family dwelling. Each customer is charged based on the number of EDU's that have been assigned to his or her connection. For example a single family residence may be assigned one EDU while a laundromat, due to the nature of its business, may be assigned four EDU's.

BOD – Biochemical Oxygen Demand: Wastewater from sewage treatment plants often contains

organic materials that are decomposed by microorganisms which use oxygen in the process. The amount of oxygen consumed by these organisms in breaking down the waste is known as the biochemical oxygen demand or BOD.

DRAFT

PART I: INTRODUCTION

1.1 City of Colfax (The City)

Colfax, California is a city located in Placer County at the crossroads of interstate 80 and State Route 174. Originally inhabited by the Maidu and Miwok Tribes in the mid-19th century, The City has a long and noteworthy history. It became a hub for gold prospectors during the gold rush. Colfax was the site of the first gold country stagecoach robbery in 1852. It was renamed from Illinoistown to Colfax in honor of U.S. Vice President Schuyler Colfax (1869–73). The City is the site of the only known statue of Vice President Colfax. The Vice President visited the town in 1865 while inspecting the progress of construction of the Central Pacific Railroad, the western portion of the first transcontinental railroad. One of The City's prominent features is the restored Southern Pacific Railroad colonnade-style depot, which houses the Colfax Museum and Chamber of Commerce. Colfax is mentioned in Jules Verne's book, *Around the World in Eighty Days*.

The City incorporated in 1910, under the laws and regulations of the State of California. According to the 2016 American Community Survey (ACS) estimates, Colfax has an estimated population of 2,189 and a Median Household Income (MHI) of \$44,004. It currently operates under a Council-Manager form of government. The Council oversees a number of services including: public safety, highways and streets, sewer, culture-recreation, public improvements, planning and zoning, and general administrative services.

1.2 Rural Community Assistance Corporation (RCAC)

RCAC provides training, technical and financial resources and advocacy so rural communities can achieve their goals and visions. As a nonprofit organization established in 1978, RCAC has provided services to low-income residents of rural, Native American, Alaska Native and native Hawaiian communities in 13 western states and the Western Pacific. RCAC program areas include environmental infrastructure (drinking water, wastewater, solid waste), affordable housing, community development finance, and economic and leadership development.

PART II. PURPOSE AND OBJECTIVE

2.1 Wastewater System

The City owns and operates three sewer infrastructure systems that serve the community and some out of city limits residents. The systems include a wastewater treatment plant, a sewer collection system and sewer lift stations. The systems provide primary and secondary treatment of sanitary wastewater as well as treatment and conditioning of the solids removed at the treatment plant. RCAC was contracted by The City to complete a comprehensive analysis of the sewer enterprise current service rates. The analysis includes detailed review of historic and budgeted costs, with an eye toward cost savings.

2.2 Fiscal Sustainability

An accurate and useful rate analysis not only identifies the total annual revenue required by a utility to conduct its normal day-to-day operations, but it also anticipates and plans for future operating and capital needs. Furthermore, the analysis attempts to determine whether the projected revenue under existing rates will satisfy those needs. The primary objective of this process is to ensure community health and safety and that the utility has the ability to obtain sufficient funds to develop, construct, operate, maintain, and manage its sewer system on a continuing basis, in full compliance with federal, state and local requirements.

DISCLAIMER

The recommendations contained in this rate analysis are based on financial information provided to RCAC by The City. Although every effort was made to assure the reliability of this information, no warranty is expressed or implied as to the correctness, accuracy or completeness of the information contained herein.

PART III. FINANCIAL PLANNING

3.1 Objective of Financial Plan

The objective of developing a financial plan for a wastewater system is to determine cash needs, revenue requirements and anticipated timing of utility costs to ensure that adequate funds are available to meet operational and maintenance needs as they occur. These are necessary elements to ensure continued adherence to community health and safety standards and government regulations. Financial planning for a small wastewater system normally includes an examination of:

- Operating revenues,
- Operation and maintenance (O&M) expenses,
- Debt service (principal and interest payments) on borrowed funds, and
- Reserve requirements.

The financial plan calculates the minimum revenues necessary to maintain a viable and self-sustaining enterprise.

3.2 Operating Revenues:

Revenues are the main sources of income to a utility and are typically thought of as operating and non-operating. Operating revenue is the stable and reliable income that comes from customer rates or user charges. Non-operating revenue such as interest on checking and reserve accounts, connection fees, late payments, penalties and reconnection fees may also be considered operating revenue if they are stable and

dependable revenue sources. For example, a utility with consistent growth that is expected to continue may consider connection fees as an operating revenue source. In reviewing financial statements, it was determined that most of the sewer enterprise's revenue is from charges for services. Therefore, for purposes of this analysis, the FY 2017/2018 rates and number of equivalent dwelling units (EDUs) information was used for operating revenue.

3.3 Operating Expenses:

This is the first cost category that is considered when developing a financial plan. Operating and maintenance costs include the day-to-day expenses of providing wastewater disposal to customers. Expenses include labor, insurance, materials, electricity and chemicals. Historic actual costs and the approved budget for FY 2017-2018 were the sources for costs assumptions in this analysis. An assumed inflation rate of 3% was projected forward for a five year period.

3.4 Wastewater System Reserves:

Reserves are an accepted way to stabilize and support utility financial management. Small systems usually fund the operating expenses but don't often consider putting money aside for a specific upcoming financial need or project, or for an amount that can be used to provide rate stabilization in years when revenues are unusually low or expenditures are unusually high. The rationale for maintaining adequate reserve levels is two-fold. First, it helps to assure that the utility will have adequate funds available to meet its financial obligations in times of varying needs. Secondly, it provides a framework around which financial decisions can be made to determine when reserve balances are inadequate or excessive and what specific actions need to be taken to remedy the situation.

Utility reserve levels can be thought of as a savings account. Reserve balances are funds that are set aside for a specific cash flow requirement, financial need, project, task, or legal covenant. Common reserve balances are established around the following four areas: operating reserve, capital improvement and replacement reserve, emergency reserve, and debt service reserve. These balances are maintained in order to meet short-term cash flow requirements, and at the same time, minimize the risk associated with meeting financial obligations and continued operational needs under adverse conditions.

3.4.1 Debt Service Reserve:

Wastewater utilities that have issued debt to pay for capital assets will often have required reserves that are specifically defined to meet the legal covenants of the debt. Normally, debt service reserve represents an amount equal to one full annual loan payment and can be accumulated to this level over a period of five to ten years. The City has fully funded the required debt reserves.

On September 19, 2011, The City entered into a loan agreement with the California State Water Resources Control Board State Revolving Fund (CWSRF) in the amount of \$12,825,600 at an interest rate of 1%. Proceeds were utilized to

fund collection system inflow and infiltration repair and replace wastewater treatment plant reservoir pond lining and to restructure a prior CWSRF loan to provide resources for the district to acquire and construct capital improvements to the wastewater system. Subsequently \$3,319,000 of the debt was forgiven. Annual interest on the note accrues at a rate of 1.0 percent. Principal and interest payments are due annually in the amount of \$ 438,974. The debt service reserve in that amount has been fully funded. At June 30, 2017, the unpaid balance on the loan was \$8,630,391, scheduled to be paid in full in October, 2038.

3.4.2 Short Lived Asset Reserve:

Pursuant to USDA grant covenants in conjunction with the above referenced loan, The City is required to fund a reserve account in the amount of \$37,500 annually for short lived assets. The Community Services Director maintains a schedule of projected replacements for short lived assets for a five year period. Unlike the debt service reserve, the funds in this account may be utilized for those replacements.

3.4.3 Operating Reserve:

Operating reserves are established to provide the utility with the ability to withstand short term cash-flow fluctuations. There can be a significant length of time between when a system provides a service and when a customer pays for that service. In addition, a system's cash flow can be affected by weather and seasonal demand patterns. A 45-day operating reserve is a frequently used industry norm. Because of potential delays in collecting payment many utilities attempt to keep an amount of cash equal to at least 45 days or one-eighth of their annual cash operating and maintenance (O&M) expenses in an operating reserve to mitigate potential cash flow problems. Because The City bills on a bi-monthly basis, a larger operating reserve, perhaps 90 days (or 25 percent) is recommended. The City has funded operating reserves at 17 percent of annual operating costs.

3.4.4 Emergency Reserve:

In addition to operating reserves, emergency reserves are an important tool for financial sustainability. Emergency reserves are intended to help utilities deal with short-term emergencies which arise from time to time, such as main breaks or pump failures. The appropriate amount of emergency reserves will vary greatly with the size of the utilities and should depend on major infrastructure assets. An emergency reserve is intended to fund the immediate replacement or reconstruction of the system's single most critical asset; an asset whose failure will result in an immediate threat to public safety. The City Community Services Director has stated that \$50,000 in emergency reserves would be adequate for the facility. This has been funded in full.

3.4.5 Capital Improvement Reserve (CIP):

A capital improvement reserve is intended to be used for replacing system assets that have become worn out or obsolete. Annual depreciation is frequently used to

estimate the minimum level of funding for this capital reserve, but it is important to understand that depreciation expense is an accounting concept for estimating the decline in useful life of an asset and does not represent the current replacement cost of that asset. As an example, a brand new system with a construction cost of \$1 million and a service life of 100 years should (in theory) be setting aside \$10,000 per year to fully capitalize the replacement cost of the infrastructure as it wears out. Many smaller systems find this to be impossible because of the effect on rates, which explains the large number of small systems that are falling into disrepair.

To initiate a capital improvement plan (CIP), a small sewer system will start with a list of assets that includes the remaining service life, theoretical replacement costs in today's dollars and the remaining service life. It then calculates the monthly and annual reserve that must be collected from each customer to fully capitalize the replacement cost of each asset. In reality, the assets will fail and be replaced gradually, but the replacement cost of sewer system assets is often a shock to small systems who are struggling to keep rates reasonable. Larger systems often have sufficient non-operating revenue to fund these reserve levels without affecting rates, but smaller systems often do not, leaving them to fund their CIP reserves from rates alone. The City periodically reviews and updates its reserve policy and budgeted reserve amounts to ensure that the Wastewater Enterprise has sufficient resources to adequately provide for capital projects and unforeseen emergencies. The equipment depreciation schedule indicates total purchase costs of \$22,210,322 as of June 30, 2017. The following assumptions were made to calculate the annual CIP contribution that should be made for the sewer plant, collection system, disposal facilities, subsurface lines and other equipment:

- Future replacement costs will have a 2 percent inflation factor.
- 20 percent of the replacement costs will be funded through grants.
- 60 percent of replacement costs will be funded with loans.
- 20 percent of replacement costs will be funding by CIP reserves.
- The annual CIP contribution should be \$265,247.
- Due to the impact on the customers' rates, an alternative budget was created assuming only \$100,000 annual contribution to CIP reserves. Funding the reserves in that amount will be dependent on estimated growth. It is anticipated the sewer enterprise will incur losses for the first few years which will be recovered in subsequent years. Non-operating revenues, not included in this analysis, may be available to offset the reserve funding shortfall.

PART IV: AFFORDABILITY INDEX

4.1 Median Household Income

The affordability index measures the burden of costs passed from the utility to the users against the median household income (MHI) for the area and is used by funding agencies to determine grant and low interest loan eligibility. Many funding organizations look for an affordability ratio of a minimum of 1.5 percent before approving grant money to low income communities. According to 2016 American Community Surveys (ACS), Colfax had an estimated MHI of \$44,004. The City currently has a sewer service rate of \$126.76 monthly. This would put the current rate affordability index at 3.46 percent.

Affordability Index = average annual residential bill for wastewater/annual MHI.

PART V: WASTEWATER RATE BASICS

5.1 Rate Structures

The following are types of rates structures common to wastewater systems:

- 5.1.1 Uniform Flat Rate:** All customers pay the same amount. This type of rate is easiest to administer; however, it may not be fair to those producing less waste.
- 5.1.2 Equivalent Dwelling Unit (EDU):** In this type of structure, customers are charged by the number of EDUs determined by the type or size of the specific class of connection. An equivalent unit is established based on a single family dwelling. Each customer is charged based on the number of EDU's that have been assigned to his or her connection. For example a single family residence may be assigned one EDU while a laundromat which, by the nature of its business, may be assigned four EDU's.
- 5.1.3 Biochemical Oxygen Demand (BOD):** BOD is the amount of dissolved oxygen needed by aerobic biological organisms in a body of water to break down organic material present. In this type of rate structure the rate is based on waste strength commonly associated with a particular type of connection and the necessary effort to break down the waste.
- 5.1.4 Water Usage:** Wastewater rates are often based on water usage. The assumption in this case is that the more water that is used by a connection, the more wastewater that connection will produce. With this type of rate a base rate is established and a commodity rate is charged base on water usage. Because The City does not provide the water service to the community and does not have access to usage records, this method is not an option.

5.2 Colfax's Rate Structure

The City's current rate structure is based on EDUs. One EDU is billed at \$126.76 per month. Commercial and other non-residential users are based on standard strength characteristics and average sewer flows provided by the State Water Resources Control

Board. In comparing The City's EDU schedule with EPA's suggested schedule, RCAC found the EDU assignments very similar. The City's EDU structure is listed on Table 2 on following page.

5.3 Colfax EDUs

Based on 1,161.05 EDU's at the current rate of \$126.76, the wastewater enterprise can expect service revenue in the amount of \$1,766,096 annually as illustrated in Table 1 on the next page.

5.4 Potential Growth

The City anticipates growth in the short-term and long-term future. Based on conservative estimates of planned development, the EDUs are expected to increase in 2019 to 1,189.75 and to 1,205.75 in 2020. Further growth is expected beyond 2023.

TABLE 1: Revenue under Current Rate

Current rate	# EDU's	Monthly Rate	Average Bi-Monthly Revenue - Sewer	Average Annual Revenue - Sewer
Single Family Residential	818.20	\$ 126.76	\$207,430.06	\$ 1,244,580.38
Multi-Family Residential	21.40	\$ 126.76	\$ 5,425.33	\$ 32,551.97
Church	15.00	\$ 126.76	\$ 3,802.80	\$ 22,816.80
Commercial	202.77	\$ 126.76	\$ 51,406.25	\$ 308,437.50
Government	8.08	\$ 126.76	\$ 2,048.44	\$ 12,290.65
Schools	58.30	\$ 126.76	\$ 14,780.22	\$ 88,681.30
Railroad Property	35.50	\$ 126.76	\$ 8,999.96	\$ 53,999.76
Other	1.80	\$ 126.76	\$ 456.34	\$ 2,738.02
Total Revenue	1,161.05		\$294,349.40	\$ 1,766,096.38

TABLE 2: Current EDU Structure

Customer Type	Base	Add'l	Description for Additional Charges:
Single Family Dwelling	1.0	0.8	Additional "Granny House"
Apartments/Duplex/Triplex	1.0	0.8	For each additional dwelling unit
Bed & Breakfast, Boarding House	1.0	0.4	For each additional rental/sleeping room
Convalescent Homes, Community	1.0	0.6	For each additional rental/sleeping room
Hotels, Motels, Resorts	1.0	0.3	Per Unit
Trailer Parks, Mobile Home Parks	1.0	0.8	Per Pad or Space
Auto Dealership (New & Used)	1.0	0.2	1.0 EDU min, to 1,000 sq. ft.; 0.2 EDU each additional 1,000 sq. ft. gross floor area
Banks & Financial Institutions	1.0	0.3	1.0 EDU min., to 1,000 sq. ft.; 0.3 EDU each additional 1,000 sq. ft. gross floor area
Bakeries	2.0	1.7	2.0 EDU min to 1,000 sq. ft.; 1.7 EDU each additional 1,000 sq. ft. gross floor area
Bars & Taverns	1.0	1.0	1.0 EDU min. to 1,000 sq. ft.; 1.0 EDU each additional 1,000 sq. ft.
Bowling Alleys	1.0	0.4	1.0 EDU min; plus 0.4 EDU each additional 1,000 sq. ft. gross floor area
Car Wash	1.0		1.0 EDU min. (if stand alone) plus:
Self Service		1.0	1.0 EDU per stall
Automatic		3.0	3.0 EDU per wash rack
Dry Cleaners, Commercial/Industrial Laundries	1.7	1.7	1.7 EDU per 1,000 sq. ft. floor space
Fire Stations	1.0	0.6	1 EDU up to 1,000 sq. ft.; 0.6 EDU each additional 1,000 sq. ft.
Garages & Equipment Rental/Service yard	1.0	1.0	1 EDU min. (if stand alone), plus 1.0 EDU per 10 repair bays
Halls, Lodges, Auditoriums	1.0	0.3	1.0 EDU min. plus 0.3 each 1,000 sq. ft. floor space
Health Studios, Beauty Salons, Spas & Gyms	2.0	1.0	2.0 EDU up to 1,000 sq. ft.; 1.0 EDU each additional 1,000 sq. ft.
Hospitals, Medical Clinics, EMT Facilities	2.0	1.0	2.0 EDU min. (if stand alone) plus 1.0 EDU per 10 licensed beds or equivalent care stations
Laundries; Self-Service Laundromats	1.0	0.3	1 EDU min. (if stand alone), plus 0.3 EDU per washing machine
Markets & Mini-Marts	1.0	0.5	1.0 EDU min, plus 0.5 EDU each additional 1,000 sq. ft.
Medical & Dental Offices	1.0	0.5	1.0 EDU min, plus 0.5 EDU each additional 1,000 sq. ft.
Mortuaries	1.0	1.0	1.0 EDU min plus 1.0 EDU per "slumber room"
Office Buildings	1.0	0.2	1.0 EDU min (if stand alone) plus 0.2 EDU per 1,000 sq. ft. gross floor area
Parks & Fairgrounds	1.0	1.0	1.0 EDU min plus 1.0 EDU per restroom, comfort room & janitor supply
Places of Worship	2.0	0.2	2.0 EDU per facility up to 10,000 sq. ft gross floor space, plus 0.2 EDU per each additional 1,000 equ ft. 1.0 additional EDU per each residence on site
Take Out Only	1.0	1.0	1.0 EDU per 1,000 sq. ft. gross floor areas
Full Service	2.0	2.0	2.0 EDU per 1,000 sq. ft. gross floor space
Retail Stores	1.0	0.5	1.0 EDU min; .05 EDU additional per each 1,000 sq. ft. floor area
Elementary School	1.0	1.0	1.0 EDU min, 1.0 EDU per 20 students (ADA) plus staff
High School	2.0	1.0	2.0 EDU min, 1.0 EDU per 10 students (ADA) plus staff
Service Stations	1.0	0.1	1.0 EDU min.; plus 0.1 EDU per pump
Theaters	1.0	0.4	1.0 EDU min, plus 0.4 EDU per 1,000 sq. ft. - Snack Bar included in base allocation
Warehouses & Storage Facilities	1.0	1.0	1.0 EDU per 10,000 sq. ft. plus 1.0 EDU if manager's quarters on-site
Non-defined Commercial	1.0		1.0 EDU min. plus additional allocation on per-case basis
Industrial & Manufacturing	2.0		2.0 EDU min plus additional allocation on per-case basis, plus additional applicable industrial wastewater fees

Part VI: BUDGETED COSTS

6.1 Amended Budget

The Council approved budgeted costs for the wastewater utility for fiscal year ended (FYE) June 30, 2018, was in the amount of \$2,060,968. To calculate operating costs, capital expenditures were eliminated as it was assumed those would be paid from the Capital Improvement Reserve Fund. In reviewing the projected equipment repairs and maintenance schedule, it was determined that \$67,187 of those repairs were eligible for payment by the Short Lived Asset Reserve Fund. Those items reduced the operating budget to \$1,746,301. The required Short Lived Asset Reserve Fund in the amount of \$37,500 and Capital Improvement Reserve Fund in the amount of \$100,000 were then added to the budget to bring the true costs for providing wastewater service to \$1,883,531, a shortfall in revenue of \$117,435 in FYE 6/30/2018. Subsequent years assume a 3% inflation factor except equipment repairs and maintenance, which are based on the Community Services Director's schedule.

6.2 Significant Costs

Typically the highest costs for operating a wastewater facility are usually salaries and utilities. The City's costs follow that convention.

6.2.1 Electricity

Beginning in 2018, The City will be purchasing electricity from an alternate provider, Pioneer Energy. The new provider is expected to bill at a minimum of 3 percent below the current provider. That savings is reflected in FYE 2019 projections. It is assumed that the costs will rise due to inflation but will remain at 3% below the current provider.

6.2.2 Salaries

Salaries and employee benefits for the enterprise are assumed to increase by 3 percent annually. The enterprise is exceptionally well managed and no reduction and/or addition in staff is anticipated. To account for all direct and indirect activities, The City utilizes an allocation system to record salaries and benefit expenses. Current staff allocations to the wastewater enterprise are:

- Chief Plant Operator – 100%
- (2) Sewer Operator II – 100%
- City Manager – 45% (after revised March 2018)
- Community Services Director – 45%(after revised March 2018)
- City Clerk – 50%
- Customer Service Rep – 50%
- Accounting Technician – 50%
- Public Works Supervisor – 15%
- (4) Maintenance Worker I's – 25% each

6.2.3 Debt

The City has formally requested the state consider an amendment to the existing debt owed to CWSRF. The request includes a decrease to the current interest rate of 1 percent, forgiving a portion of the loan principal and an extension of the maturity date. The impact an amendment will have on the rates will depend on to what extent the state will reduce the debt and/or interest rate.

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**TABLE 3: AMENDED BUDGETED COSTS FYE 6/30/2018 and PROJECTED COSTS
SUBSEQUENT YEARS**

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Budgeted/Projected Costs:	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023
Salaries & Wages	\$ 437,995	\$ 451,135	\$ 464,669	\$ 478,609	\$ 492,967	\$ 507,756
Social Security Taxes	\$ 33,506	\$ 34,511	\$ 35,547	\$ 36,613	\$ 37,711	\$ 38,843
Unemployment & Training Taxes	\$ 2,924	\$ 3,012	\$ 3,102	\$ 3,195	\$ 3,291	\$ 3,390
Workers' Comp	\$ 20,728	\$ 21,350	\$ 21,990	\$ 22,650	\$ 23,330	\$ 24,029
Health Insurance	\$ 102,198	\$ 105,264	\$ 108,422	\$ 111,675	\$ 115,025	\$ 118,475
Uniform/Shoe Allowance	\$ 1,500	\$ 1,545	\$ 1,591	\$ 1,639	\$ 1,688	\$ 1,739
Retirement	\$ 30,123	\$ 31,027	\$ 31,957	\$ 32,916	\$ 33,904	\$ 34,921
Materials/Supplies	\$ 46,000	\$ 47,380	\$ 48,801	\$ 50,265	\$ 51,773	\$ 53,327
Copy Machine	\$ 2,000	\$ 2,060	\$ 2,122	\$ 2,185	\$ 2,251	\$ 2,319
Equip. Repairs/ Maintenance	\$ 35,550	\$ 65,400	\$ 61,750	\$ 55,550	\$ 62,000	\$ 38,200
Vehicle Repairs/Maintenance	\$ 2,000	\$ 2,060	\$ 2,122	\$ 2,185	\$ 2,251	\$ 2,319
Gas & Oil	\$ 5,000	\$ 5,150	\$ 5,305	\$ 5,464	\$ 5,628	\$ 5,796
Chemicals	\$ 110,000	\$ 113,300	\$ 116,699	\$ 120,200	\$ 123,806	\$ 127,520
Postage	\$ 2,750	\$ 2,833	\$ 2,917	\$ 3,005	\$ 3,095	\$ 3,188
Telephone	\$ 2,500	\$ 2,575	\$ 2,652	\$ 2,732	\$ 2,814	\$ 2,898
Cell Phones/Pagers	\$ 3,200	\$ 3,296	\$ 3,395	\$ 3,497	\$ 3,602	\$ 3,710
Internet/Website	\$ 1,200	\$ 1,236	\$ 1,273	\$ 1,311	\$ 1,351	\$ 1,391
Printing/Advertising	\$ 1,000	\$ 1,030	\$ 1,061	\$ 1,093	\$ 1,126	\$ 1,159
City Engineering Services	\$ 7,500	\$ 7,725	\$ 7,957	\$ 8,195	\$ 8,441	\$ 8,695
Software Maintenance Contract	\$ 2,500	\$ 2,575	\$ 2,652	\$ 2,732	\$ 2,814	\$ 2,898
Auditors	\$ 10,100	\$ 10,403	\$ 10,715	\$ 11,037	\$ 11,368	\$ 11,709
Professional Services	\$ 33,020	\$ 34,011	\$ 35,031	\$ 36,082	\$ 37,164	\$ 38,279
Legal Fees	\$ 7,500	\$ 7,725	\$ 7,957	\$ 8,195	\$ 8,441	\$ 8,695
Memberships/dues	\$ 2,000	\$ 2,060	\$ 2,122	\$ 2,185	\$ 2,251	\$ 2,319
Education/Training	\$ 7,000	\$ 7,210	\$ 7,426	\$ 7,649	\$ 7,879	\$ 8,115
Travel/Mileage	\$ 500	\$ 515	\$ 530	\$ 546	\$ 563	\$ 580
Rents/Leases	\$ 500	\$ 515	\$ 530	\$ 546	\$ 563	\$ 580
Utilities	\$ 195,000	\$ 195,000	\$ 200,850	\$ 206,876	\$ 213,082	\$ 219,474
Water	\$ 500	\$ 515	\$ 530	\$ 546	\$ 563	\$ 580
Building Repairs/Maintenance	\$ 20,000	\$ 20,600	\$ 21,218	\$ 21,855	\$ 22,510	\$ 23,185
Miscellaneous	\$ 750	\$ 773	\$ 796	\$ 820	\$ 844	\$ 869
Medical Expenses	\$ 1,000	\$ 1,030	\$ 1,061	\$ 1,093	\$ 1,126	\$ 1,159
Sludge Removal	\$ 30,000	\$ 30,900	\$ 31,827	\$ 32,782	\$ 33,765	\$ 34,778
Payments to Other Agencies	\$ 23,500	\$ 24,205	\$ 24,931	\$ 25,679	\$ 26,449	\$ 27,243
Bonds/Insurance	\$ 35,250	\$ 36,308	\$ 37,397	\$ 38,519	\$ 39,674	\$ 40,864
Bacteria/Lab Test Supplies	\$ 68,000	\$ 70,040	\$ 72,141	\$ 74,305	\$ 76,535	\$ 78,831
Total Operating Expenses	\$ 1,284,794	\$ 1,346,271	\$ 1,381,047	\$ 1,414,426	\$ 1,461,643	\$ 1,479,832
Short -Lived Asset Reserves	\$ 37,500	\$ 37,500	\$ 37,500	\$ 37,500	\$ 37,500	\$ 37,500
Capital Replacement/Improvement Reserves	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
Debt Service	\$ 461,237	\$ 466,804	\$ 450,477	\$ 438,974	\$ 438,974	\$ 438,974
Total Costs	\$ 1,883,531	\$ 1,950,575	\$ 1,969,024	\$ 1,990,900	\$ 2,038,117	\$ 2,056,306

Part VII: RATE ANALYSIS

7.1 Current Rates

In reviewing the current rate against the projected costs, it is clear the rates will not cover the costs, even with the reduction in CIP reserve funding and assumption of EDU growth. Table 4, below, compares current rates to projected costs.

TABLE 4: CURRENT RATES AGAINST PROJECTED COSTS

Assumes: Growth for Years 2019 &2020; Current Rate against Budgeted Costs; Funding CIP Reserves at \$100,000 Annually Plus S/L Asset Reserves at \$37,500	# EDU's 2018	# EDU's 2019	# EDU's 2020	2018 Monthly Rate	Average Annual Revenue 2018	Average Annual Revenue 2019	Average Annual Revenue 2020 thru 2022
Single Family Residential	818.20	818.20	818.20	\$ 126.76	\$ 1,244,580	\$ 1,244,580	\$ 1,244,580
Multi-Family Residential	23.20	23.20	23.20	\$ 126.76	\$ 35,290	\$ 35,290	\$ 35,290
Church	15.00	15.00	15.00	\$ 126.76	\$ 22,817	\$ 22,817	\$ 22,817
Commercial	202.77	202.77	202.77	\$ 126.76	\$ 308,438	\$ 308,438	\$ 308,438
Government	8.08	8.08	8.08	\$ 126.76	\$ 12,291	\$ 12,291	\$ 12,291
Schools	58.30	58.30	58.30	\$ 126.76	\$ 88,681	\$ 88,681	\$ 88,681
Railroad Property	35.50	35.50	35.50	\$ 126.76	\$ 54,000	\$ 54,000	\$ 54,000
Estimated Growth		28.70	44.70	\$ 126.76	\$ -	\$ 43,656	\$ 67,994
Total Revenue	1,161.05	1,189.75	1,205.75		\$ 1,766,096	\$ 1,809,753	\$ 1,834,090
Budget Assuming 3% Inflation per year	6/30/2018	6/30/2019	6/30/2020	6/30/2021	6/30/2022	6/30/2023	
Total Monthly Required Reserves Fund	\$ 11,458	\$ 11,458	\$ 11,458	\$ 11,458	\$ 11,458	\$ 11,458	
Total yearly required reserve fund (Reduced)	\$ 137,500	\$ 137,500	\$ 137,500	\$ 137,500	\$ 137,500	\$ 137,500	
Debt Service	\$ 461,237	\$ 466,804	\$ 450,477	\$ 438,974	\$ 438,974	\$ 438,974	
Total Operating Budget	\$ 1,284,794	\$ 1,346,271	\$ 1,381,047	\$ 1,414,426	\$ 1,461,643	\$ 1,479,832	
Total Budget (Including Reserve Funding and Debt Service)	\$ 1,883,531	\$ 1,950,575	\$ 1,969,024	\$ 1,990,900	\$ 2,038,117	\$ 2,056,306	
	6/30/2018	6/30/2019	6/30/2020	6/30/2021	6/30/2022	6/30/2023	
Estimated Annual Revenue From Sewer Service	\$ 1,766,096	\$ 1,809,753	\$ 1,834,090	\$ 1,834,090	\$ 1,834,090	\$ 1,834,090	
Net Revenue Over/(under) Costs	\$ (117,435)	\$ (140,823)	\$ (134,934)	\$ (156,810)	\$ (204,026)	\$ (222,216)	

7.2 Recommended Rate Adjustment

In analyzing the information, a number of alternatives and cost cutting measures were discussed with City management. The revised budget reflects the result of these endeavors. While it would normally be recommended that a much higher amount in CIP reserves be funded, the impact to the rates was prohibitive. To fund the true costs of providing sewer service with reduced CIP reserves, an annual increase of 2.45 percent for the next five years is necessary. It is expected the first few years will be operated at a loss that will be recovered in subsequent years. Table 5 on the next page illustrates this recommendation.

TABLE 5: RECOMMENDED RATE ADJUSTMENT

Adjusted Rate - Assumes increased EDUs and 2.45% Rate Increase Each Year for Five Years; CIP Reserves Funded at \$100,000 annually, Short Lived Assets Funded at \$37,500 Annually	Estimated #EDU's 2018/2019	Estimated #EDU's 2019/2020 Through 2022/2023	Current Monthly Rate	Monthly Rate 2018/2019	Monthly Rate 2019/2020	Average Annual Revenue 2018/2019	Average Annual Revenue 2019/2020
				2.45%	2.45%		
Single Family Residential	818.20	818.20	\$ 126.76	\$ 129.87	\$ 133.05	\$ 1,275,072.60	\$ 1,306,311.88
Multi-Family Residential	23.20	23.20	\$ 126.76	\$ 129.87	\$ 133.05	\$ 36,154.59	\$ 37,040.38
Church	15.00	15.00	\$ 126.76	\$ 129.87	\$ 133.05	\$ 23,375.81	\$ 23,948.52
Commercial	202.77	202.77	\$ 126.76	\$ 129.87	\$ 133.05	\$ 315,994.22	\$ 323,736.08
Government	8.08	8.08	\$ 126.76	\$ 129.87	\$ 133.05	\$ 12,591.77	\$ 12,900.27
Schools	58.30	58.30	\$ 126.76	\$ 129.87	\$ 133.05	\$ 90,853.99	\$ 93,079.91
Railroad Property	35.50	35.50	\$ 126.76	\$ 129.87	\$ 133.05	\$ 55,322.75	\$ 56,678.16
Estimated Growth	28.70	44.70	\$ 126.76	\$ 129.87	\$ 133.05	\$ 44,725.72	\$ 71,366.59
Total Revenue	1,189.75	1,205.75				\$1,854,091.46	\$ 1,925,061.78
Budget Assuming 3% Inflation per year	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023		
Total Monthly Required Reserves Fund	\$ 11,458	\$ 11,458	\$ 11,458	\$ 11,458	\$ 11,458		
Reserve Funding	\$ 137,500	\$ 137,500	\$ 137,500	\$ 137,500	\$ 137,500		
Debt Service	\$ 466,804	\$ 450,477	\$ 438,974	\$ 438,974	\$ 438,974		
Total Operating Budget	\$ 1,346,271	\$ 1,381,047	\$ 1,414,426	\$ 1,461,643	\$ 1,479,832		
Total Budget (Including Reserve Funding and Debt Service)	\$ 1,950,575	\$ 1,969,024	\$ 1,990,900	\$ 2,038,117	\$ 2,056,306		
	6/30/2019	6/30/2020	6/30/2021	6/30/2022	6/30/2023		
Estimated Annual Revenue From Sewer Service	\$ 1,854,091	\$ 1,925,062	\$ 1,972,226	\$ 2,020,545	\$ 2,070,049		
Revenue Over/(Under) Costs	\$ (96,484)	\$ (43,963)	\$ (18,675)	\$ (17,571)	\$ 13,743		

TABLE 6: MONTHLY RATES INCREASE BY EDUs *

# EDU's	Current Monthly Rate	Monthly Rate 2018	Monthly Rate 2019	Monthly Rate 2020	Monthly Rate 2021	Monthly Rate 2022
1.00	\$ 126.76	\$ 129.87	\$ 133.05	\$ 136.31	\$ 139.65	\$ 143.07
1.20	\$ 152.11	\$ 155.84	\$ 159.66	\$ 163.57	\$ 167.58	\$ 171.68
1.30	\$ 164.79	\$ 168.83	\$ 172.96	\$ 177.20	\$ 181.54	\$ 185.99
1.40	\$ 177.46	\$ 181.81	\$ 186.27	\$ 190.83	\$ 195.51	\$ 200.29
1.50	\$ 190.14	\$ 194.80	\$ 199.57	\$ 204.46	\$ 209.47	\$ 214.60
1.60	\$ 202.82	\$ 207.78	\$ 212.88	\$ 218.09	\$ 223.43	\$ 228.91
1.70	\$ 215.49	\$ 220.77	\$ 226.18	\$ 231.72	\$ 237.40	\$ 243.22
1.80	\$ 228.17	\$ 233.76	\$ 239.49	\$ 245.35	\$ 251.36	\$ 257.52
2.00	\$ 253.52	\$ 259.73	\$ 266.09	\$ 272.61	\$ 279.29	\$ 286.14
2.10	\$ 266.20	\$ 272.72	\$ 279.40	\$ 286.24	\$ 293.26	\$ 300.44
2.20	\$ 278.87	\$ 285.70	\$ 292.70	\$ 299.88	\$ 307.22	\$ 314.75

* Rate Increases are effective July first of each year.

7.3 Impact of Delaying Rate Increases

Often a utility will avoid a rate increase due because it is felt the utility is doing the community a service by keeping rates artificially low. In fact, it is a disservice to the community. Besides the inability to fund necessary repairs and replacements, the rates will ultimately be higher if they are delayed. Table 7 below, demonstrates the impact rate delays will have on rates. It is assumed the year one rate is \$126.76. The table is color coded to indicate each scenario. In the first scenario, the rates are increased by 2.45 percent annually beginning in year two. This resulted in a 16 percent increase from year one to year seven. In the last scenario, the rates increase is not implemented until year seven. This resulted in a 54 percent increase from year one to year seven. The total amount of dollars collected is the same for each scenario. However, the rates are substantially higher in year seven if the increase is delayed.

TABLE 7: Inflationary Impact on Rates

Assume \$126.76 Base Monthly Rate with an annual 2.45% Compounded Increase								
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Accumulated Dollars Collected
Implementing Rate Increase Immediately - 16% Increase From Year 1 to Year 7								
Rate	\$ 126.76	\$ 129.87	\$ 133.05	\$ 136.31	\$ 139.65	\$ 143.07	\$ 146.57	\$ 955.27
Waiting 4 Years to Increase Rates - 21.16% From Year 1 to Year 7								
Rate	\$ 126.76	\$ 126.76	\$ 126.76	\$ 126.76	\$ 145.54	\$ 149.11	\$ 153.58	\$ 955.27
Waiting 5 Years to Increase Rates - 28.34% From Year 1 to Year 7								
Rate	\$ 126.76	\$ 126.76	\$ 126.76	\$ 126.76	\$ 126.76	\$ 158.79	\$ 162.68	\$ 955.27
Waiting 6 Years to Increase Rates - 54% From Year 1 to Year 7								
Rate	\$ 126.76	\$ 126.76	\$ 126.76	\$ 126.76	\$ 126.76	\$ 126.76	\$ 194.71	\$ 955.27

PART VIII: PROPOSITION 218

California approved Proposition 218 in 1996 requiring agencies to adopt property fees and charges in accordance with a defined public process found in article XIII D or by associated court decision. Water and wastewater rates are user fees under the definition and must meet the following requirements:

- Revenues derived from the fee or charge must not exceed the funds required to provide the property-related service.
- Revenue from the fee or charge must not be used for any purpose other than that for which the fee or charge is imposed.
- No fee or charge may be imposed for general governmental services, such as police, fire, ambulance, or libraries, where the service is available to the public in substantially the same manner as it is to property owners.
- The amount of a fee or charge imposed upon any parcel or person as an incident of property ownership must not exceed the proportional cost of the service attributable to the parcel.
- The fee or charge may not be imposed for service, unless the service is actually used by, or immediately available to, the owner of the property in question.

Written notice should be given to both the record owners and customers within the area subject to the fee or charge. The notice shall include the following:

- The formula or schedule of charges by which the property owner or customer can easily calculate their own potential charge.
- The basis upon which the amount of the proposed fee or charge is to be imposed on each parcel. An explanation of the costs which the proposed fee will cover and how the costs are allocated among property owners.
- Date, time and location of a public hearing on the rate adjustment. The public hearing must occur 45 or more days after the mailing of the notice.

California's Proposition 218 provides that a customer of the District or owner of record of a parcel or parcels subject to the proposed rate increases may submit a protest against any or all of the proposed rate increases by filing a written protest with the District at or before the time the public hearing has concluded. Only one protest per parcel is counted. If written protests are filed by a majority of the affected parcels, the proposed rate increases will not be imposed.

PART IX: CONCLUSIONS AND RECOMMENDATIONS

9.1 Key points to remember with any rate adjustment:

- 9.1.1** Successful utilities are those that strive to be transparent. In day-to-day operations, The City should strive to promote its services (highlights and the low points), and continuously educate residents on why it is necessary to raise and adjust rates.
- 9.1.3** In order to achieve and maintain long-term viability, wastewater systems should review rates annually, or no less than a minimum of every two years.
- 9.1.4** The City should raise rates immediately to provide sufficient revenues for funding operations, adequately fund reserves and ensure continued service that promotes community health and safety and adheres to governmental regulations.
- 9.1.5** The City should establish policies for reserve accounts as recommended in this analysis and note the individual reserve accounts in the accounting records. While a separate bank account is not necessary for the individual reserves, they should be noted and tracked individually.

PART X: RCAC OBSERVATIONS

- 10.1** In working with City management, RCAC observed a high level of commitment toward providing the best possible services to the community at the most affordable rates.
 - 10.1.1** The City operates in a discernibly professional and organized manner.
 - 10.1.2** All requested documents were readily available for review.
 - 10.1.3** Short-term and long-term planning regarding sustainability of the utility was evident.
 - 10.1.4** Budgets were well thought out and transparent.
 - 10.1.5** The City reviews rates annually when budgets are prepared.
 - 10.1.6** The City has established reserve funds for operations and emergencies and has a significant amount of the CIP reserves funded.
 - 10.1.7** The City maintains a schedule of projected equipment repairs and maintenance, an essential part of extending the life of the equipment.

LOCATION MAP



City Colfax
Notice of Proposition 218 Public Hearing of Proposed Sewer Rate Adjustments

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on June 13, 2018, beginning at 7:00PM, or as soon thereafter as the matter can be heard, at Colfax City Hall, City Council Chambers, 33 S. Main Street, Colfax, California at which time the City Council will consider a proposal for a five year sewer rate program adjustment for all residential and commercial customers. Copies of the Draft Wastewater (Sewer) Rate Study may be inspected or obtained from the City Clerk at 33 South Main Street, Colfax, California or reviewed on line at www.colfax.ca-gov

The City is required by State law and City policy to collect revenues sufficient to fund current and future costs of operating, maintaining and administering the existing sewer facilities as well as to fund the sewer system capital improvements and infrastructure replacement program. The City may not collect more revenue than is necessary to recover the costs of providing services. The proposed rates were developed through a comprehensive Wastewater Rate Study designed to meet all legal requirements and fairly and equitably determine fees necessary to recover the required revenue.

Owners or customers of record may submit a written protest against the proposed rate changes. California Constitution Article XIII D, Section 6, (Proposition 218) prohibits the City from implementing new rates if a majority of the affected property owners file written protests opposing the rates before the end of the public hearing. In the event of a majority protest defined in Article XIII D, Section 6, the fees will not be imposed. Only one written protest per affected property will be counted toward the majority protest. Written protests must be received by the City Clerk via mail (PO Box 702, Colfax CA 95713) or in person (33 S Main Street, Colfax CA 95713) before the end of the public hearing which is scheduled for 7:00PM, June 13, 2018. All protests will be tabulated at that time. In compliance with Proposition 218, no email or fax letters will be counted. Although the City Council welcomes input from the community, oral comments at the public hearing will not qualify as formal protests unless accompanied by a written protest from the property owner.

Each protest must include an original (wet) signature and date, name typed or printed under the signature, address of the property and affirmation of ownership of, or customer of record for the property.

After the close of the Public Hearing, the City Council will adopt the rates unless time is needed to verify and count the letters of protest.

For additional information you may contact City Hall at 33 S. Main Street call 530-346-2313.

Dated this 9th day of May, 2018

Lorraine Cassidy, City Clerk

City of Colfax

City Council

Resolution № 42-2018

ADOPTING THE CITY OF COLFAX WASTEWATER RATE STUDY AND ESTABLISHING SEWER SERVICE CHARGES FOR FISCAL YEARS 2018/19, 2019/20, 2020/21, 2021/22, AND 2022/23

WHEREAS, the rates required to be charged to each user of City sewer service for City capital and operating and maintenance purposes in order to raise sufficient revenue for the City to provide sewer service will be referred to herein as the City's Sewer Service Charges; and

WHEREAS, the City prepared and filed with the City Clerk a written report containing a description of each and every parcel of real property receiving sewer service from the City and the amount or rate of the City's Sewer Service Charges for each City customer for the forthcoming fiscal years; and

WHEREAS, the City Clerk has duly and timely given notice of filing of said written report and the City's intention to collect said Sewer Service Charges and of the time and place of hearing thereon ; and

WHEREAS, on June 13, 2018, after due and proper notice was given, the City Council conducted a public hearing at which it heard all oral comments in favor of and in opposition to, and received and tallied all written protests in opposition to the City's proposed Sewer Service Charges for City Fiscal Years 2018/19 through 2022/2023, inclusive; and

WHEREAS, the City received only written protests in opposition to the City's proposed Sewer Service Charges for City Fiscal Years 2018/2019 through 2022/2023, inclusive, which number did not constitute a majority of the City's customers eligible to submit written protests; and

WHEREAS, the City Council hereby makes the following findings and determinations pursuant to the California Environmental Quality Act, Public Resources Code §21000 et seq ("CEQA") and the Guidelines for Implementation of the California Environmental Quality Act published by the State of California Office of Planning and Research ("CEQA Guideline"):

1. Adopting this Resolution and the City's Sewer Service Charges does not constitute a "Project" as that term is defined by or use in CEQA, the CEQA Guidelines or any court or attorney general opinion construing the same, that the provisions of CEQA and the CEQA Guidelines are not applicable.

2. Adopting this Resolution and the City's Sewer Service Charges is covered, if at all, by Public Resources Code §21080(b)(8) and Section 15273 of the CEQA Guidelines which provide that CEQA does not apply to the establishment, modification, structuring,

restructuring or approval of rates, tolls, fares or other charges by public agencies which the public agency finds are for the purpose (1) meeting operating expenses, including employee wage rates and fringe benefits, (2) purchasing or leasing supplies, equipment or materials, (3) meeting financial reserve needs and requirements, or (4) obtaining funds for capital projects necessary to maintain service within existing service areas. Adopting this Resolution and the City's Sewer Service Charges is for the purpose (1) meeting operating expenses, including employee wage rates and benefits, (2) purchasing or leasing supplies, equipment or materials, (3) meeting financial reserve needs and requirements, or (4) obtaining funds for capital projects necessary to maintain service within existing service areas.

3. Adopting this Resolution and the Sewer Service Charges fall within the "common sense" CEQA exemption provided in 14 CCR 15061(b)(3) in that CEQA applies only to projects which have the potential for causing a significant effect on the environment and, where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the action is not subject to CEQA. In this case, it can be seen with certainty that that there is no possibility that the proposed rate adjustment may have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED AND THE CITY COUNCIL OF THE CITY OF COLFAX HEREBY FINDS, DETERMINES AND RESOLVES:

1. The City has adopted an approved revenue program as the basis for instituting the Sewer Service Charges to finance operation and maintenance costs, including replacement and certain capital costs as necessary to operate, maintain and repair the City's sewer system.
2. The City has adopted Colfax Municipal Code Chapter 13.08, which provides for the implementation of Sewer Service Charges and their collection.
3. The City Council, after due notice, public hearing and protests heard and received in an open and public meeting hereby finds that the City of Colfax Wastewater Rate Study prepared by Rural Community Assistance Corporation (RCAC) relating to the Sewer Service Charges for Fiscal Years 2018/19 through 2022/2023 are fair and correctly calculated and are hereby adopted and approved.
4. The attached Sewer Service Charges for Fiscal Years 2018/19, 2019/20, 2020/21, 2021/22 and 2022/23, as attached to this Resolution, accurately reflect the reasonable costs of providing the services for which the fees are charged.
5. The Sewer Service Charges adopted by this Resolution are for the purpose of:
 - meeting operational and maintenance expenses, including employee wage rates and benefits,
 - purchasing or leasing supplies, equipment or material,
 - meeting financial reserve needs and requirements, and
 - obtaining funds for capital projects necessary to maintain service within existing areas.

6. All notices, hearings and public data required by law have been duly given, provided and held.
7. The Sewer Service Charges for the various properties of City sewer service customers receiving the benefits from the City, by categories of users, to be applied and collected attached hereto and incorporated herein and are hereby adopted.
8. The above recitals are true and correct statements of fact and are incorporated into this Resolution by this reference.

9. The City Clerk is hereby authorized to file a Notice of Exemption from CEQA with the County Clerk of the County of Placer, California regarding this Resolution and the Sewer Service Charges hereby adopted.

PASSED APPROVED AND ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 13th day of June, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Will Stockwin, Mayor

ATTEST:

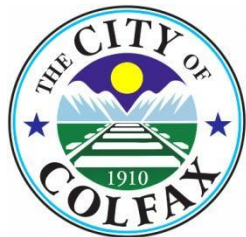
Lorraine Cassidy, City Clerk

Attachment to Resolution 42-2018

MONTHLY RATE ADJUSTMENTS BY EDUs *

# EDU's	Current Monthly Rate	Monthly Rate 2018	Monthly Rate 2019	Monthly Rate 2020	Monthly Rate 2021	Monthly Rate 2022
1.00	\$ 126.76	\$ 129.87	\$ 133.05	\$ 136.31	\$ 139.65	\$ 143.07
1.20	\$ 152.11	\$ 155.84	\$ 159.66	\$ 163.57	\$ 167.58	\$ 171.68
1.30	\$ 164.79	\$ 168.83	\$ 172.96	\$ 177.20	\$ 181.54	\$ 185.99
1.40	\$ 177.46	\$ 181.81	\$ 186.27	\$ 190.83	\$ 195.51	\$ 200.29
1.50	\$ 190.14	\$ 194.80	\$ 199.57	\$ 204.46	\$ 209.47	\$ 214.60
1.60	\$ 202.82	\$ 207.78	\$ 212.88	\$ 218.09	\$ 223.43	\$ 228.91
1.70	\$ 215.49	\$ 220.77	\$ 226.18	\$ 231.72	\$ 237.40	\$ 243.22
1.80	\$ 228.17	\$ 233.76	\$ 239.49	\$ 245.35	\$ 251.36	\$ 257.52
2.00	\$ 253.52	\$ 259.73	\$ 266.09	\$ 272.61	\$ 279.29	\$ 286.14
2.10	\$ 266.20	\$ 272.72	\$ 279.40	\$ 286.24	\$ 293.26	\$ 300.44
2.20	\$ 278.87	\$ 285.70	\$ 292.70	\$ 299.88	\$ 307.22	\$ 314.75

* Rate Adjustments are effective July first of each year.



STAFF REPORT TO THE COLFAX CITY COUNCIL

FOR THE JUNE 13, 2018 REGULAR COUNCIL MEETING

FROM: Alfred A. "Mick" Cabral, City Attorney
PREPARED BY: City Attorney
DATE: June 6, 2018
SUBJECT: Second Reading and Adoption of Ordinance 537 Establishing a Cannabis Business Tax.

X	N/A		FUNDED		UN-FUNDED	AMOUNT: N/A	FROM FUND: N/A
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RECOMMENDED ACTION: Read the proposed ordinance by title only, conduct a public hearing, waive the second reading and adopt Ordinance 537, an Ordinance of the City of Colfax Adopting Colfax Municipal Code Chapter 5.14 Establishing A Cannabis Business Tax.

BACKGROUND AND SUMMARY:

This proposed ordinance was introduced at the May 23, 2018 regular meeting by title only. The first reading was waived, and the ordinance was continued for a second reading, public hearing and adoption at the June 13, 2018 meeting.

No substantive comments have been received on this ordinance since its introduction. There does not appear to be any remarkable opposition to its adoption. If Council wants to adopt the proposed cannabis business tax, it is appropriate to read the ordinance by title only, conduct a public hearing, waive the second reading and adopt the ordinance.

The remainder of this staff report reiterates the May 23 staff report and is included for the convenience of the public, the Council and City staff.

On February 28, 2018, the City Council adopted Ordinance 536 which added Chapter 5.32 to the Colfax Municipal Code and established comprehensive commercial cannabis regulations. Ordinance 536 allows two categories of retail cannabis licenses which may be approved by the City Council after an extensive application and review process.

Ordinance 536 did not establish specific fees or taxes but contemplated that fees and taxes would be established. A fee schedule was adopted by Resolution 13-2018 on February 28, 2018. The proposed ordinance, if adopted and approved by the voters at the November 6, 2018 election, will establish a cannabis business tax.

California Government Code §§ 37101 and 37100.5 authorize the City establish a license tax upon every kind of lawful business transacted in the City. Any license tax the City establishes is subject to approval pursuant to California Constitution Article XIII A (Proposition 13).

The proposed ordinance will establish the following initial annual tax rates on commercial cannabis businesses operating in Colfax: (1) \$7.00 per square foot on cultivation that uses exclusively artificial

lighting; (2) \$4.00 per square foot on cultivation that uses a combination of natural and artificial lighting; (3) \$2.00 per square foot on cultivation that uses no artificial lighting; (4) \$1.00 per square foot for any nursery; (5) 1% of gross receipts on testing laboratories; (6) 4% of gross receipts on gross receipts of retail cannabis sales; (7) 2% of gross receipts on cannabis distribution; and (8) 2.5% on cannabis manufacturing, processing, microbusiness and other types of cannabis businesses.

The proposed ordinance establishes the following maximum tax rates on commercial cannabis businesses operating in Colfax: (1) \$10.00 per square foot on cultivation that uses exclusively artificial lighting; (2) \$7.00 per square foot on cultivation that uses a combination of natural and artificial lighting; (3) \$4.00 per square foot on cultivation that uses no artificial lighting; (4) \$2.00 per square foot for any nursery; (5) 2.5% of gross receipts on testing laboratories; (6) 6% of gross receipts on gross receipts of retail cannabis sales; (7) 3% of gross receipts on cannabis distribution; and (8) 4% on cannabis manufacturing, processing, microbusiness and other types of cannabis businesses.

The maximum tax rate for cannabis business taxes based on square footage will increase by the annual change in the Consumer Price Index for All Urban Consumers for the San Francisco-Oakland-Hayward area. This area typically has the greatest increase so using it will probably maximize the amount of cannabis business taxes the City can collect.

The proposed ordinance also provides that the actual cannabis business tax rates can be set by Council resolution so long as the maximum tax rate, as adjusted by the annual CPI, is not exceeded.

The proposed ordinance contains extensive reporting, enforcement and penalty provisions. The initial penalty is 10% of the tax due plus interest at the rate of 1% per month. Taxes that are more than one-month delinquent carry penalties of 25% of the amount of the tax due plus interest at the rate of 1% per month. All cannabis taxes can become a lien against the property upon which the cannabis business is operated whether or not the property owner is also the owner or operator of the cannabis business that owes the tax. The City's tax administrator will have the authority to revoke any permit for a cannabis-related business for failure to timely pay taxes. Violators can also be subject to criminal misdemeanor prosecution.

The proposed ordinance contains remedial provisions to make sure that the City collects no more taxes than it is owed. Individuals and entities subject to the cannabis business tax may appeal any tax determination to the City Council.

Although California has conditionally legalized medicinal and adult-use cannabis and taxation of cannabis business activities, cannabis is still illegal under the federal Controlled Substances Act ("CSA": 21 USC §811). Legally permitted and licensed commercial cannabis facilities remain subject to prosecution under the CSA. It is not clear whether or how federal enforcement of the CSA will affect the City's ability to collect taxes on cannabis-related businesses.

Although the City Council has the authority under California law to adopt the proposed ordinance, the proposed tax must be submitted to the voters for approval before it can take effect. A ballot measure will be submitted to the City's electorate at the November 6, 2018 election. The ordinance proposes a general tax so it will need more than 50% approval to become effective.

Staff is available to answer any questions or provide additional information.

ATTACHMENTS:

Proposed Ordinance

CITY OF COLFAX

ORDINANCE NO. 537

AN ORDINANCE OF THE CITY OF COLFAX, CALIFORNIA ADDING CHAPTER 5.14 (CANNABIS BUSINESS TAX) TO TITLE 5 OF THE COLFAX MUNICIPAL CODE

The City Council of the City of Colfax does ordain as follows:

Section 1:

Colfax Municipal Code Chapter 5.14 is hereby added to the Colfax Municipal Code in the form and substance contained in the Ordinance attached hereto as Exhibit A which is incorporated herein by this reference.

Section 2. Superceding Provisions

The provisions of this Ordinance and any resolution adopted pursuant hereto shall supersede and repeal any previous Ordinance or resolution to the extent the same is in conflict herewith.

Section 3. Severability

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by the final judgment of any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision; and such holding shall not affect the validity of the remaining portions hereof.

Section 4. California Environmental Quality Act Findings

The City of Colfax finds that, if the provisions of the California Environmental Quality Act, Public Resources Code §21000 et seq (hereinafter "CEQA") apply, the title of this ordinance would constitute a brief description of the "Project" as required by Section 15062(a)(1) of the Guidelines for Implementation of the California Environmental Quality Act published by the State of California Office of Planning and Research (the "CEQA Guidelines").

FINDING OF NO PROJECT

The City of Colfax finds that adoption of this ordinance does not constitute a "Project" as that term is defined by or used in CEQA, the CEQA Guidelines or any court or attorney general opinion construing the same. Accordingly, the City of Colfax finds that the provisions of CEQA and the CEQA Guidelines are not applicable to said action.

FINDING OF EXEMPTION

In the event that it is found that the said action constitutes a "Project" as defined by or used in CEQA or the CEQA Guidelines, which finding would be contrary to the City's opinion of its action, the City of Colfax hereby finds that said action is exempt from compliance with CEQA and the CEQA Guidelines, for the following reasons: The action falls within the exemptions provided by Senate Bill 94, and within the "common sense" CEQA exemption provided in 14

CCR 15061(b)(3) in that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the action may have a significant effect on the environment, the action is not subject to CEQA. CEQA Guidelines, Section 15061(b)(3). It can be seen with certainty that adoption of this ordinance and its provisions cannot possibly have a significant effect on the environment.

Section 5. Effective Date

This Ordinance, and all of its provisions, shall take effect only if approved at the November 6, 2018 General Election by not less than a 50% vote. If 50% of those electors voting on this Ordinance vote in favor of the same, it shall be adopted upon a declaration of the result of such ballot by the City Council and within 15 days thereafter, it shall be published or posted in accordance with Section 36933 of the Government Code of the State of California with the names of those City Council members voting for and against it.

The foregoing Ordinance was introduced at a duly held regular meeting of the City Council of the City of Colfax held on the 23th day of May 2018, and passed subject to approval at the November 6, 2018 election as provided above, at a duly held regular meeting of the City Council held on the 13th day of June, 2018, by the following vote:

AYES:
NOES:
ABSENT:

Will Stockwin, Mayor

APPROVED AS TO FORM:

ATTEST:

Alfred Cabral
City Attorney

Lorraine Cassidy
City Clerk

Exhibit A**ORDINANCE NO. 537****AN ORDINANCE OF THE CITY OF COLFAX, CALIFORNIA ADDING CHAPTER 5.14 (CANNABIS BUSINESS TAX) TO TITLE 5 OF THE COLFAX MUNICIPAL CODE****THE CITY COUNCIL OF THE CITY OF COLFAX DOES ORDAIN AS FOLLOWS:**

SECTION 1. CODE AMENDMENT. Chapter 5.14 of Title 5 of the Colfax Municipal Code to read as follows:

**CHAPTER 5.14
CANNABIS BUSINESS TAX****Sections:**

5.14.010	Title.
5.14.020	Authority and Purpose.
5.14.030	Intent.
5.14.040	Definitions.
5.14.050	Tax imposed.
5.14.060	Reporting and remittance of tax.
5.14.070	Payments and communications – timely remittance.
5.14.080	Payment – when taxes deemed delinquent.
5.14.090	Notice not required by City.
5.14.100	Penalties and interest.
5.14.110	Refunds and credits.
5.14.120	Refunds and procedures.
5.14.130	Personal cultivation not taxed.
5.14.140	Administration of the tax.
5.14.150	Appeal procedure.
5.14.160	Enforcement –action to collect.
5.14.170	Apportionment.
5.14.180	Constitutionality and legality.
5.14.190	Audit and examination of premises and records.
5.14.200	Other licenses, permits, taxes or charges.
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5.14.010 Title.

This ordinance shall be known as the Cannabis Business Tax Ordinance.

5.14.020 Authority and Purpose.

The purpose of this Ordinance is to adopt a tax for revenue purposes pursuant to Sections 37101 and 37100.5 of the California Government Code upon Cannabis Businesses that engage in business in the City of Colfax. The Cannabis Business Tax is levied based upon business gross receipts and square footage of plant canopy. It is not a sales and use tax, a tax upon income, or a tax upon real property.

The Cannabis Business Tax is a general tax enacted solely for general governmental purposes of the City of Colfax and not for specific purposes. All of the proceeds from the tax imposed by this Chapter shall be placed in the City's general fund and be available for any legal municipal purpose.

5.14.030 Intent.

The intent of this Ordinance is to levy a tax on all Cannabis Businesses that operate in the City regardless of legality of such business at the time this Ordinance was adopted. Nothing in this Ordinance shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

5.14.040 Definitions.

The following words and phrases shall have the meanings set forth below when used in this Chapter:

A. "Business" shall include all activities engaged in or caused to be engaged in within the City including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his or her employer.

B. "Canopy" means all areas occupied by any portion of a cannabis plant whether contiguous or noncontiguous on any one site. When plants occupy multiple horizontal planes (as when plants are placed on shelving above other plants) each plane shall be counted as a separate canopy area.

C. "Cannabis" means all parts of a plant of *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code and is not limited to medical cannabis.

D. “Cannabis Product” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, an edible product, or a topical product. “Cannabis product” also means marijuana products as defined by Section 11018.1 of the California Health and Safety Code and is not limited to medical cannabis products.

E. “Cannabis Business” means any business activity involving cannabis, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis, of cannabis products or of ancillary products and accessories, whether or not carried on for gain or profit.

F. “Cannabis Business Tax” or “Business Tax,” means the tax due pursuant to this Chapter for engaging in cannabis business in the City.

G. “Commercial Cannabis Cultivation” means cultivation in the course of conducting a cannabis business.

H. “City Permit” means a permit issued by the City to a person to authorize that person to operate or engage in a cannabis business.

I. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis and includes, but is not limited to, the operation of a nursery.

J. “Employee” means each and every person engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter or any other form of compensation.

K. “Engaged in Business as a Cannabis Business” means the commencing, conducting, operating, managing or carrying on of a cannabis business, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, whether operating from a fixed location in the City or coming into the City from an outside location to engage in such activities. A person shall be deemed engaged in business within the City if:

1. Such person or person's employee maintains a fixed place of business within the City for the benefit or partial benefit of such person;
2. Such person or person's employee owns or leases real property within the City for business purposes;
3. Such person or person's employee regularly maintains a stock of tangible personal property in the City for sale in the ordinary course of business;
4. Such person or person's employee regularly conducts solicitation of business within the City; or
5. Such person or person's employee performs work or renders services in the City.

The foregoing specified activities shall not be a limitation on the meaning of “engaged in business.”

L. “Evidence of Doing Business” means evidence such as, without limitation, use of signs, circulars, cards or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business in the City including but not limited to purchasing, renting or leasing premise, or obtaining a business license, or any other indication of operating a business within the City limits.

M. “Calendar Year” means January 1 through December 31 of the ? calendar year.

N. “Gross Receipts,” except as otherwise specifically provided, means, whether designated a sales price, royalty, rent, commission, dividend, or other designation, the total amount (including all receipts, cash, credits, services and property of any kind or nature) received or payable for sales of goods, wares or merchandise or for the performance of any act or service of any nature for which a charge is made or credit allowed (whether such service, act or employment is done as part of or in connection with the sale of goods, wares, merchandise or not), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or service costs, interest paid or payable, losses or any other expense whatsoever. However, the following shall be excluded from Gross Receipts:

1. Cash discounts where allowed and taken on sales;
2. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
3. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;
4. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures, machinery or other equipment used by the taxpayer in the regular course of the taxpayer's business;
5. Cash value of sales, trades or transactions between departments or units of the same business;
6. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proves uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period in which they are collected;
7. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar;
8. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the City’s Finance Department with the names and the addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agent or trustees.
9. Retail sales of t-shirts, sweaters, hats, stickers, key chains, bags, books, posters or other personal tangible property which the Tax Administrator has excluded in writing by issuing an administrative ruling per Section 5.14.140 shall not be subject to the

cannabis business tax under this chapter. However, any business activities not subject to this Chapter as a result of the administrative ruling shall be subject to the appropriate business tax provisions of Chapter 5.04 or any other Chapter or Title as determined by the Tax Administrator.

O. “Lighting” means a source of light that is primarily used for promoting the biological process of plant growth. Lighting does not include sources of light that primarily exist for the safety or convenience of staff or visitors to the facility, such as emergency lighting, walkway lighting, or light admitted via small skylights, windows or ventilation openings.

P. “Nursery” means a facility or part of a facility that is used only for producing clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

Q. “Person” means an individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, whether organized as a nonprofit or for-profit entity, and includes the plural as well as the singular number.

R. “Sale” means and includes any sale, exchange, or barter.

S. “State” means the State of California.

T. “State License,” “license,” or “registration” means a state license issued pursuant to California Business & Professions Code Sections 19300, *et seq.* or other applicable state law.

U. “Tax Administrator” means the Finance Director of the City of Colfax or his or her designee.

V. “Testing Laboratory” means a cannabis business that (i) offers or performs tests of cannabis or cannabis products, (ii) offers no service other than such tests, (iii) sells no products, excepting only testing supplies and materials, (iv) is accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state and (v) is registered with the State Department of Public Health.

5.14.050 Tax imposed.

A. Beginning January 1, 2019, there is imposed upon each person who is engaged in business as a cannabis business a cannabis business tax. Such tax is payable regardless of whether the business has been issued a permit to operate lawfully in the City or is operating unlawfully. The City’s acceptance of a cannabis business tax payment from a cannabis business operating illegally will not constitute the City’s approval or consent to such illegal operations. All taxes required to be paid pursuant to this Chapter shall constitute a lien upon each lot or parcel of land upon which the cannabis business which owes the cannabis business tax is located or operated, whether or not the cannabis business owner or operator also owns or has an ownership interest in such lot or parcel of land.

B. The initial rate of the cannabis business tax shall be as follows:

1. For every person who is engaged in commercial cannabis cultivation in the City:
 - a. Seven dollars (\$7.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.
 - b. Four dollars (\$4.00) annually per square foot of canopy space in a facility that uses a combination of natural and supplemental artificial lighting.
 - c. Two dollars (\$2.00) annually per square foot of canopy space in a facility that uses no artificial lighting.
 - d. One dollar (\$1.00) annually per square foot of canopy space for any nursery.

C. For purposes of this subdivision, the square feet of canopy space for a business shall be rebuttably presumed to be the maximum square footage of canopy allowed by the business's City permit for commercial cannabis cultivation, or, in the absence of a City permit, the square footage shall be the maximum square footage of canopy for commercial cannabis cultivation allowed by the state license type. Should a City permit be issued to a business which cultivates only for certain months of the year, the City shall prorate the tax as to sufficiently reflect the period in which cultivation is occurring at the business. In no case shall canopy square footage which is authorized by the City commercial cannabis permit but not utilized for cultivation be deducted for the purpose of determining the tax for cultivation, unless the Tax Administrator is informed in writing and authorizes such reduction for the purpose of relief from the tax prior to the period for which the space will not be used,.

1. For every person who engages in the operation of a testing laboratory: one percent (1%) of gross receipts.
2. For every person who engages in the retail sales of cannabis as a retailer (dispensary) or non-store front retailer (delivery) or microbusiness (retail sales): four percent (4%) of gross receipts.
3. For every person who engages in a cannabis distribution business: two percent (2%) of gross receipts.
4. For every person who engages in a cannabis manufacturing, processing, or microbusiness (non-retail), or any other type of cannabis business not described in Section (C) (1), (2), (3) or (4): two and half percent (2.5%) of gross receipts.

D. The City Council may, by resolution or ordinance, adjust the rate of the cannabis business tax. However, in no event may the City Council set any adjusted rate that exceeds the maximum rate calculated pursuant to Subdivision (E) of this Section for the date on which the adjusted rate will commence.

E. The maximum rate shall be calculated as follows:

1. For every person who is engaged in commercial cannabis cultivation in the City:
 - a. Through January 1, 2021, the maximum rate shall be:
 - i. Ten dollars (\$10.00) annually per square foot of canopy space in a facility that uses exclusively artificial lighting.

- ii. Seven dollars (\$7.00) annually per square foot of canopy space in a facility that uses a combination of natural and supplemental artificial lighting.
 - iii. Four dollars (\$4.00) annually per square foot of canopy space in a facility that uses no artificial lighting.
 - iv. Two dollars (\$2.00) annually per square foot of canopy space for any nursery.
 - b. On January 1, 2022 and on each January 1 thereafter, the maximum annual tax rate per square foot of each type of canopy space shall increase by the percentage change between January of the calendar year prior to such increase and January of the calendar year of the increase in the Consumer Price Index (“CPI”) for all urban consumers in the San Francisco-Oakland-Hayward area as published by the United States Government Bureau of Labor Statistics. However, no CPI adjustment resulting in a decrease of any tax imposed by this subsection shall be made.
2. For every person who engages in the operation of a testing laboratory, the maximum tax rate shall not exceed two and a half percent (2.5%) of gross receipts.
3. For every person who engages in the retail sales of cannabis as a retailer (dispensary) or non-store front retailer (delivery business), or microbusiness (retail sales activity) the maximum tax rate shall not exceed six percent (6%) of gross receipts.
4. For every person who engages in a cannabis distribution business, the maximum tax rate shall not exceed three percent (3%) of gross receipts.
5. For every person who engages in a cannabis manufacturing, processing, or microbusiness (non-retail activity) or any other type of cannabis business not described in Section (C) (1), (2), (3) or (4), the maximum tax rate shall not exceed four percent (4%) of gross receipts.

5.14.060 Reporting and remittance of tax.

A. The cannabis business tax imposed by this Chapter shall be paid, in arrears, on a quarterly basis. For commercial cannabis cultivation, the tax due for each calendar quarter shall be based on the square footage of the business’s canopy space during the quarter and the rate shall be twenty-five percent (25%) of the applicable annual rate. For all other cannabis businesses activities, the tax due for each calendar quarter shall be based on the gross receipts for the quarter.

B. Each person owing cannabis business tax for a calendar quarter shall, no later than the last day of the month following the close of the calendar quarter, file with the Tax Administrator a statement of the tax owed for that calendar quarter and the basis for calculating that tax. The Tax Administrator may require that the statement be submitted on a form prescribed by the Tax Administrator. The tax for each calendar quarter shall be due and payable on that same date that the statement for the calendar quarter is due.

C. Upon cessation of a cannabis business, tax statements and payments shall be immediately due for all calendar quarters up to the calendar quarter during which cessation occurred.

D. The Tax Administrator may, at his or her discretion, establish shorter report and payment periods for any taxpayer as the Tax Administrator deems necessary to ensure collection of the tax. The Tax Administrator may also require that a deposit, to be applied against the taxes for a calendar quarter, be made by a taxpayer at the beginning of that calendar quarter. In no event shall the deposit required by the Tax Administrator exceed the tax amount he or she projects will be owed by the taxpayer for the calendar quarter. The Tax Administrator may require that a taxpayer make payments via a cashier's check, money order, wire transfer, or similar instrument.

E. For purposes of this section, the square feet of canopy space for a business shall be rebuttably presumed to be no less than the maximum square footage of canopy allowed by the business's City permit for commercial cannabis cultivation, or, in the absence of a City permit, the square footage shall be the maximum square footage of canopy for commercial cannabis cultivation allowed by the state license type. In no case shall canopy square footage which is authorized by the permit or license but not utilized for cultivation be excluded from taxation unless the Tax Administrator is informed in writing, prior to the period for which the space will not be used, that such space will not be used.

5.14.070 Payments and communications – timely remittance.

Whenever any payment, statement, report, request or other communication is due, it must be received by the Tax Administrator on or before the final due date. A postmark will not be accepted as timely remittance. If the due date would fall on a Saturday, Sunday or a holiday observed by the City, the due date shall be the next regular business day on which the City is open to the public.

5.14.080 Payment - when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this Chapter, the taxes required to be paid pursuant to this Chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in Sections 5.14.060 and 5.14.070.

5.14.090 Notice not required by the City.

The City may as a courtesy send a tax notice to the business. However, the Tax Administrator is not required to send a delinquency or other notice or bill to any person subject to the provisions of this Chapter. Failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this Chapter.

5.14.100 Penalties and interest.

A. Any person who fails or refuses to pay any cannabis business tax required to be paid pursuant to this Chapter on or before the due date shall pay penalties and interest as follows:

1. A penalty equal to ten percent (10%) of the amount of the tax, in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent (1.0%) per month.

2. If the tax remains unpaid for a period exceeding one calendar month beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax, plus interest at the rate of one percent (1.0%) per month on the unpaid tax and on the unpaid penalties.
3. Interest shall be applied at the rate of one percent (1.0%) per month on the first day of the month for the full month and will continue to accrue monthly on the tax and penalty until the balance is paid in full.

B. Whenever a check or electronic payment is submitted in payment of a cannabis business tax and the payment is subsequently returned unpaid by the bank for any reason, the taxpayer will be liable for the tax amount due plus any fees, penalties and interest as provided for in this Section, and any other amount allowed under state law.

5.14.110 Refunds and credits.

A. No refund shall be made of any tax collected pursuant to this Chapter, except as provided in Section 5.14.120.

B. No refund of any tax collected pursuant to this Chapter shall be made because of the discontinuation, dissolution, or other termination of a business.

5.14.120 Refunds and procedures.

A. Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City under this Chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within one (1) year of the date the tax was originally due and payable.

B. The Tax Administrator, his or her designee or any other City officer charged with the administration of this Chapter shall have the right to examine and audit all the books and business records of the claimant in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after a request by the Tax Administrator to do so.

C. In the event that the cannabis business tax was erroneously paid, and the error is attributable to the City, the City shall refund the amount of tax erroneously paid up to one (1) year from the date that the tax was paid.

5.14.130 Personal Cultivation Not Taxed.

The provisions of this Chapter shall not apply to personal cannabis cultivation as defined in the "Medicinal and Adult Use Cannabis Regulation and Safety Act". This Chapter shall not apply to personal use of cannabis that is specifically exempted from state licensing requirements, that meets the definition of personal use or equivalent terminology under state law, and for which the individual receives no compensation whatsoever related to that personal use.

5.14.140 Administration of the tax.

A. It shall be the duty of the Tax Administrator to collect the taxes, penalties, fees, and perform the duties required by this Chapter.

B. For purposes of administration and enforcement of this Chapter generally, the Tax Administrator may from time to time promulgate such administrative interpretations, rules, and procedures consistent with the purpose, intent, and express terms of this Chapter as he or she deems necessary to implement or clarify such provisions or aid in enforcement.

C. The Tax Administrator may take such administrative actions as needed to administer the tax, including but not limited to:

1. Provide to all cannabis business taxpayers forms for the reporting of the tax;
2. Provide information to any taxpayer concerning the provisions of this Chapter;
3. Receive and record all taxes remitted to the City as provided in this Chapter;
4. Maintain records of taxpayer reports and taxes collected pursuant to this Chapter;
5. Assess penalties and interest to taxpayers pursuant to this Chapter;
6. Determine amounts owed and enforce collection pursuant to this Chapter.

5.14.150 Appeal procedure.

Any taxpayer aggrieved by any decision of the Tax Administrator with respect to the amount of tax, interest, penalties and fees, if any, due under this Chapter may appeal to the City Council by filing a notice of appeal with the City Clerk within thirty (30) calendar days of the serving or mailing of the determination of tax due. The City Clerk, or his or her designee, shall fix a time and place for hearing such appeal, and the City Clerk, or his or her designee, shall give notice in writing to such operator at the last known place of address. The finding of the City Council shall be final and conclusive and shall be served upon the appellant in the manner prescribed by this Chapter for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of the notice.

5.14.160 Enforcement - action to collect.

Any taxes, penalties and/or fees required to be paid under the provisions of this Chapter shall be deemed a debt owed to the City. Any person owing money to the City under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this Section shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil and equitable actions, based upon the failure to pay the tax, penalties and/or fees imposed by this Chapter or the failure to comply with any of the provisions of this Chapter.

5.14.170 Apportionment.

If a business subject to the tax is operating both within and outside the City, it is the intent of the City to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in the City. To the extent federal or state law requires that any tax due from any taxpayer be apportioned, the taxpayer may indicate said apportionment on his or her tax return. The Tax Administrator may promulgate administrative procedures for apportionment as he or she finds useful or necessary.

5.14.180 Constitutionality and legality.

This tax is intended to be applied in a manner consistent with the United States and California Constitutions and State law. None of the tax provided for by this Chapter shall be applied in a manner that causes an undue burden upon interstate commerce, a violation of the equal protection or due process clauses of the Constitutions of the United States or the State of California or a violation of any other provision of the California Constitution or State law. If a person believes that the tax, as applied to him or her, is impermissible under applicable law, he or she may request that the Tax Administrator release him or her from the obligation to pay the impermissible portion of the tax.

5.14.190 Audit and examination of premises and records.

A. For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any taxpayer to the City in support of his or her tax calculation, the Tax Administrator shall have the power to inspect any location where commercial cannabis cultivation occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, state and federal income tax returns, and other records relating to the gross receipts of the business) of persons engaged in cannabis businesses. In conducting such investigation, the tax administrator shall have the power to inspect any equipment, such as computers or point of sale machines that may contain such records.

B. It shall be the duty of every person liable for the collection and payment to the City of any tax imposed by this Chapter to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax as he or she may have been liable for the collection of and payment to the City, which records the Tax Administrator or his/her designee shall have the right to inspect at all reasonable times.

5.14.200 Other licenses, permits, taxes, fees or charges.

A. Nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other Chapter of this code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other Chapter of this code or any other ordinance or resolution of the City. Any references made or contained in any other Chapter of this code to any licenses, license taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the licenses, license taxes, fees or charges, or schedule of license

fees, provided for in other Chapter of this Code.

B. Notwithstanding subdivision A of this Section a cannabis business shall not be required to pay the license tax fee required by Chapter 5.04 of Title 5 of this Code so long as all of business's activities within the City that would require payment of a license fee are activities subject to the cannabis business tax.

C. The Tax Administrator may revoke or refuse to renew the license required by Chapter 5.04 of this Code for any business that is delinquent in the payment of any tax due pursuant to this Chapter or that fails to make a deposit required by the Tax Administrator pursuant to Section 5.14.060. All taxes required to be paid pursuant to this Chapter shall constitute a lien upon each lot or parcel of land upon which the cannabis business which owes the cannabis business tax is located or operated, whether or not the cannabis business owner or operator also owns such lot or parcel of land. The Tax Administrator is authorized to cause a lien to be recorded against such lot or parcel of land in the Official Records of Placer County, California and to enforce such lien as authorized by law.

5.14.210 Payment of tax does not authorize unlawful business.

A. The payment of a cannabis business tax required by this Chapter, and its acceptance by the City, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this Code and all other applicable state laws.

B. No tax paid under the provisions of this Chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any local or state law.

5.14.220 Deficiency determinations.

If the Tax Administrator is not satisfied that any statement filed as required under the provisions of this Chapter is correct, or that the amount of tax is correctly computed, he or she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession within three (3) years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a business, a deficiency determination may be made at any time within three (3) years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Section 5.14.240.

5.14.230 Failure to report—nonpayment, fraud.

A. Under any of the following circumstances, the Tax Administrator may make and give notice of an assessment of the amount of tax owed by a person under this Chapter at any time:

1. If the person has not filed a complete statement required under the provisions of this Chapter;
2. If the person has not paid the tax due under the provisions of this Chapter;
3. If the person has not, after demand by the Tax Administrator, filed a corrected statement, or furnished to the Tax Administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this Chapter; or
4. If the Tax Administrator determines that the nonpayment of any business tax due under this Chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this Chapter and any other penalties allowed by law.

B. The notice of assessment shall separately set forth the amount of any tax known by the Tax Administrator to be due or estimated by the Tax Administrator, after consideration of all information within the Tax Administrator's knowledge concerning the business and activities of the person assessed, to be due under each applicable section of this Chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

5.14.240 Tax assessment - notice requirements.

The notice of assessment shall be served upon the person either by personal delivery, by overnight delivery by a nationally-recognized courier service, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he or she shall register with the Tax Administrator for the purpose of receiving notices provided under this Chapter; or, should the person have no address registered with the Tax Administrator for such purpose, then to such person's last known address. For the purposes of this Section, a service by overnight delivery shall be deemed to have occurred one (1) calendar day following deposit with a courier and service by mail shall be deemed to have occurred three (3) days following deposit in the United States mail.

5.14.250 Tax assessment - hearing, application and determination.

Within thirty (30) calendar days after the date of service the person may apply in writing to the Tax Administrator for a hearing on the assessment. If application for a hearing before the City is not made within the time herein prescribed, the tax assessed by the Tax Administrator shall become final and conclusive. Within thirty (30) calendar days of the receipt of any such application for hearing, the Tax Administrator shall cause the matter to be set for hearing before him or her no later than thirty (30) calendar days after the receipt of the application, unless a later date is agreed to by the Tax Administrator and the person requesting the hearing. Notice of such hearing shall be given by the Tax Administrator to the person requesting such hearing not later than five (5) calendar days prior to such hearing. At such hearing said applicant may appear and offer evidence why the assessment as made by the Tax Administrator should not be confirmed

and fixed as the tax due. After such hearing the Tax Administrator shall determine and reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 5.14.240 for giving notice of assessment.

5.14.260 Relief from taxes -disaster relief.

A. If a business is unable to comply with any tax requirement due to a disaster, the business may notify the Tax Administrator of this inability to comply and request relief from the tax requirement;

1. A request for relief must clearly indicate why relief is requested, the time period for which the relief is requested, and the reason relief is needed for the specific amount of time.

B. The cannabis business agrees to grant the tax collector or his/her designee access to the location where the cannabis business has been impacted due to a disaster.

C. The Tax Administrator, in his/her sole discretion, may provide relief from the cannabis business tax requirement for businesses whose operations have been impacted by a disaster of such tax liability does not exceed five thousand (\$5,000) dollars. If such tax liability is five thousand one (\$5,001) dollars or more than such relief shall only be approved by the City Council;

D. Temporary relief from the cannabis tax may be granted for a reasonable amount of time as determined by the Tax Administrator or the City Council, as applicable in order to allow the cannabis business time to recover from the disaster;

E. The Tax Administrator or City Council, as applicable may require that certain conditions be followed in order for a cannabis business to receive temporary relief from the cannabis business tax requirement;

F. For purposes of this section, “disaster” means fire, flood, storm, tidal wave, earthquake, or similar public calamity, whether or not resulting from natural causes.

5.14.270 Conviction for violation - taxes not waived.

The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this Chapter or of any state law requiring the payment of all taxes.

5.14.280 Violation deemed misdemeanor.

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor.

5.14.290 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is determined

by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

5.14.300 Remedies cumulative.

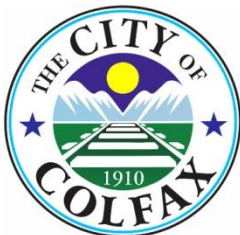
All remedies and penalties prescribed by this Chapter or which are available under any other provision of the Colfax Municipal Code and any other provision of law or equity are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

5.14.310 Amendment or repeal.

This Chapter may be repealed or amended by the City Council without a vote of the people to the extent allowed by law. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter. The people of the City of Colfax affirm that the following actions shall not constitute an increase of the rate of a tax:

- A. The restoration or adjustment of the rate of the tax to a rate that is no higher than that set by this Chapter, if the City Council has acted to reduce the rate of the tax or incrementally implement an increase authorized by this Chapter;
- B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or
- C. The collection of the tax imposed by this Chapter even if the City had, for some period of time, failed to collect the tax.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.



STAFF REPORT TO THE COLFAX CITY COUNCIL

FOR THE JUNE 13, 2018 REGULAR COUNCIL MEETING

FROM: Wes Heathcock, City Manager
PREPARED BY: Amy Feagans, and Jim Carney, City Planners
DATE: June 7, 2018
SUBJECT: Design and Site Plan Review for South Auburn Street Hotel.

<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	FUNDED	<input type="checkbox"/>	UN-FUNDED	AMOUNT:	FROM FUND:
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RECOMMENDED ACTION: Conduct a public hearing, discuss, and consider adopting Resolution No. 43-2018 approving the Mitigated Negative Declaration and the Application (#DRSP-2017-03) for Design Review and Site Plan Review for a three-story 69 room hotel on South Auburn Street.

PROJECT NOTICE

This hearing has been noticed in accordance with the requirements of California Planning and Zoning Law, Title 17, Chapter 65000, Government Code, as amended.

PROJECT SUMMARY:

Project Title: South Auburn Street Hotel
 Applicant/Owner: R and R Partners, Rajinder Singh
 Location: S. Auburn Street, just north of Dollar General
 Land Use (existing): Vacant
 Surrounding Uses:
 North: Two homes, a commercial building, vacant parcel, Whitcomb Avenue
 South: Dollar General Store
 East: Auburn Street, I-80
 West: Mink Creek Subdivision
 Assessor Parcel No: 100-230-023, 024, 022 (portion)
 Zoning District: CH – Highway Commercial
 General Plan: Commercial

SURROUNDING LAND USES AND SETTING:

The project site is located on the west side of South Auburn Street, west of Interstate 80, south of Whitcomb Avenue. The Dollar General store is immediately south of the project. The Mink Creek single family subdivision is to the west, beyond the hilltop above the project site. The site is vacant and slopes to the east and south. The westerly half (rear) slopes at 30 percent to the east and is covered with pine trees. The remainder of the project site has been cleared recently and is covered with brush piles, grasses and weeds.

PROJECT DESCRIPTION:

The applicants are proposing a 69-room, three-story hotel on a 2.07 acre parcel. The site plan includes the three story building with a total floor area of 31,879 square feet and a building footprint of 10,935 square feet of Parcel C. The hotel first floor would include a lobby, office/reception area, dining area and other amenities, as well as 14 standard rooms and 3 ADA rooms. The second and third floors will have 26 standard rooms each.

The site plan includes a swimming pool and patio, stepped concrete retaining walls and landscaping on the west side. On the east facing side looking toward South Auburn Street and Interstate 80, will be a covered entrance (porte cochere) and 76 parking spaces consisting of 3 ADA spaces, 12 compact spaces and 7 oversized stalls. The project includes a landscaping plan with planted islands and perimeter trees, shrubs and ground cover, as well as planting along South Auburn Street. Area lighting and fire hydrants are placed as required.

A drainage plan calls for collection of storm water runoff on-site and through the storm interceptor to the existing storm drain for the project area. The project plan also includes new curbs, gutters and sidewalks along the property frontage of South Auburn Street.

A lot line adjustment for the project (parcel C) and adjoining two parcels, combining 2.95 acres, has been approved recently to relocate the lot lines of three parcels allowing new parcel dimensions, including one parcel (C) for the hotel site, and two parcels (A and B) that are 19,111 sq. ft. each. There are no current plans for parcels A and B.

The hotel will face South Auburn Street with excellent visibility to and from Interstate 80.

Although the owners have not selected an operator for the hotel, it is designed to accommodate a number of hoteliers such as Holiday Inn, Best Western, Quality Inn, etc. The design is geared toward the freeway traveler with basic amenities including the lobby, an outdoor pool, a small fitness room, and a dining area for breakfast and a porte cochere. A fence-enclosed pool area is located on the West side of hotel structure. The hotel does not accommodate a conference room or a business center.

On May 31, 2018, the applicant submitted a revised plan for the hotel roof based on a request by Best Western, an apparent candidate for the operator and/or owner of the planned 69 unit hotel. The initial project plan indicated a roof with a gable raised design. A recent subsequent roof design submitted plan indicates a flat roof design based upon Best Western hotel design needs with a slight slope and drainage to the back side of the subject site. Pending project approval, the applicant is required by a Condition of Approval prior to submission for a building permit to submit to the City calculations and detailed descriptions of the flat roof design that assures compliance with building codes regarding snow load construction requirements considering the property elevation (2,400 ft.) and site conditions.

PROJECT ANALYSIS:**City Engineer Site Plan Review Comments:**

- Show and/or describe how existing overhead telephone/communication lines and poles will be relocated, undergrounded or adjusted to accommodate the project and how project improvements will be designed around existing facilities. Overhead lines shall be elevated, if necessary, to provide vertical clearance for highway vehicles in accordance with the Caltrans Highway Design Manual.

- Provide secondary access to the hotel site and two adjacent parcels from Whitcomb Avenue along the westerly property line.
- Relocate the existing PCWA pressure reducing station to an area outside of ultimate sidewalk area or modify to an underground facility. Provide adequate access to satisfy PCWA and provide visual screening for aesthetics.

General Plan/Zoning Consistency:

The General Plan designation for the subject property is Commercial.

The planned hotel (Parcel C) has a zoning designation as Commercial Highway (C-H). The two newly created parcels (A and B) that resulted from the approved Lot Line Adjustment are zoned Commercial Retail (C-R).

The proposed hotel project is in compliance with the City of Colfax General Plan and Zoning Code.

Architecture – As illustrated in the project plans of elevations, the three story hotel exterior is depicted with architecture designed to complement the wooded backdrop setting of the site. The exterior of the three story building will be primarily stucco with a ledgerstone rock veneer 9' high across the front elevation. Above the stucco the color scheme is fairly neutral with ground floor walls painted in an earthy brown, and upper two-story exterior walls are to be covered with a light beige-brown tone.

Site Design:

- Neighborhood Compatibility – With the site located on South Auburn Street, the hotel and property will be directly visible from Interstate 80 to the east and vice versa. Therefore, the hotel's planned location will attract visitors to stay in the hotel and potentially shop in adjoining retail businesses. There are other motels and retail businesses located along South Auburn Street, and along Whitcomb Avenue northwest of the site. The project site is adjacent to the Dollar General Store to the south, and has the professional offices and multi-family residences to the northwest. The Mink Creek single-family subdivision is situated to the west on top of the hillside behind the planned hotel building, and the residential area is somewhat shaded by trees. Overall, the planned hotel and site amenity plan is compatible with the surrounding land uses, streets, and highway.
- Parking – The parking plan for the hotel, as described herein, is in conformance with the parking requirements of City Municipal Code.
- Signage – A sign will be placed on the upper façade of the hotel and a monument sign structure will be placed near the hotel parking lot entrance. A Sign Permit Application will be submitted to the City for approval prior to installation.
- Landscaping – the site plan submitted with the application indicates a landscaping plan that is compatible with the hotel use and surrounding neighborhood.

Project Review by Outside Agencies:

The proposed map, site plan, and project description were submitted to interested/affected outside agencies for informal consultation. Comments from agencies have either been addressed through the Project design or have been included in the proposed Conditions of Approval. Comments received include the following:

- The Placer Union High School District submitted comments and a proposed condition regarding the current per square foot fee for commercial/industrial development and other information about schools fees.
- The United Auburn Indian Community of the Auburn Rancheria submitted a comment letter requesting any archaeological and environmental reports.
- PG&E submitted a letter containing general information about gas and electric facilities.
- Central Valley Regional Water Quality Control Board submitted a letter of general comments.
- The County of Placer submitted a letter, with comments from two County organizations:
 - The Flood Control and Water Conservation District “...looks forward to reviewing plans the project improvement plans can corresponding drainage report when they are available.”
 - Health & Human Services Environmental Health Division provided comments regarding additional conditions included in the project Conditions of Approval.

ENVIRONMENTAL ANALYSIS:

An Initial Study was prepared to determine if the project may have a significant adverse effect on the environment. Special studies, assessments and/or documents were prepared or utilized for cultural resources, traffic, air quality and greenhouse gas, noise, and other potential impacts. On the basis of this Initial Study, staff concluded that the proposed project, as conditioned and with mitigation measures, will not have a significant adverse effect on the environment, and will not require the preparation of an Environmental Impact Report. Therefore, in accordance with CEQA requirements, a Mitigated Negative Declaration has been prepared (Attachment 3). The required mitigation measures have been incorporated into the conditions of approval for the project.

The proposed Initial Study/Mitigated Negative Declaration was circulated for public review for a period of at least 20 days (May 21, 2018 to June 10, 2018). No comments were received during the initial 20-day review period (from May 21, 2018 to June 10, 2018). The Initial Study/Mitigated Negative Declaration is attached to the report (Attachment 3) but due to the large size and number of pages, the complete document with appendices and special studies is available on the City’s website at www.colfax-ca.gov.

STAFF RECOMMENDATION:

Staff recommends City Council adopt the attached Resolution to: 1- Adopt the Mitigated Negative Declaration; 2– Approve the Design Review of 69-room 3 story hotel.

ATTACHMENTS:

1. Resolution No 43-2018 (Item 6C Page 5 Of 81)
2. Conditions of Approval (Item 6C Page 7of 81)
3. Initial Study and Mitigated Negative Declaration without Attachments (Item 6C Page 21 of 81)
4. Site and landscape plan (Item 6C Page 79 of 81)
5. Elevations (Item 6C Page 80 of 81)
6. Sample Photo of similar hotel (Item 6C Page 81 of 81)

City of Colfax

City Council

Resolution № 43-2018

APPROVING THE MITIGATED NEGATIVE DECLARATION AND THE APPLICATION (#DRSP-2017-03) FOR DESIGN REVIEW AND SITE PLAN REVIEW FOR A THREE STORY 69 ROOM HOTEL ON SOUTH AUBURN STREET

WHEREAS, the applicant, R and R Partners, has submitted an application for a Design Review and Site Plan Review for a three story 69 room hotel on parcels on South Auburn Street in the Highway Commercial (CH) zone; and

WHEREAS, the project is consistent with the General Plan Commercial designation and the Highway Commercial zoning of the site; and

WHEREAS, a notice of public hearing has been given at the time and in the manner required by State Law and City Code; and

WHEREAS, the City Council has reviewed and considered the staff report, any and all written comments received during the public review process and any and all oral and written comments submitted at the public hearing and finds:

WHEREAS, the City prepared an Initial Study consistent with California Environmental Quality Act ("CEQA") Guidelines and determined that a Mitigated Negative Declaration ("MND") was required in order to analyze the potential for significant impacts of the Project; and

WHEREAS, the MND and other environmental documents for the Project that constitute the record of proceedings for the Project are in the custodial location and available for review during normal business hours in the office of the City Clerk, City Hall, 33 S. Main Street, Colfax, CA 95713; and

WHEREAS and the CEQA Mitigations have been included in conjunction with the conditions of approval regarding any Project approval; and

WHEREAS the conditions of approval have been prepared for the project as outlined in Exhibit "A" attached to this resolution.

NOW THEREFORE, BE IT RESOLVED that the City Council finds that the Project qualifies for a Mitigated Negative Declaration and recommends that the City Council certify and adopt the Project Mitigated Negative Declaration, and approves the Design Review and Site Plan Review (DRSP 2017-03) for the development of the 69 room hotel on South Auburn Street.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 13th day of June, 2018 by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Will Stockwin, Mayor

ATTEST:

Lorraine Cassidy, City Clerk

EXHIBIT A
DR-SP2017-03
SOUTH AUBURN STREET HOTEL
CONDITIONS OF APPROVAL

Planning:

1. This approval shall expire twenty-four months from the date of approval, June 13, 2018, unless an extension is granted by the approving authority. (CMC section 17.36.140).
2. Plans submitted for Building Permits shall be in substantial compliance with plans approved by this action and as modified by these conditions. Any modifications to the approved plans or project description shall be subject to the approval of the Planning Department and may require a separate Planning entitlement review process.
3. The conditions of approval set forth herein shall run with the land and shall apply to the Project Applicant and to all future owners of the property.
4. Plans submitted to the Building Department shall include a cover letter identifying the sheet numbers that correspond to each condition of approval.
5. The project shall comply with the City of Colfax Noise Ordinance (CMC chapter 8.28). If substantiated (as determined by the Planning Department) noise complaints resulting from the hotel are received by the City, the applicant/operator may be required to prepare a Noise Analysis to confirm compliance with the City Noise Ordinance, or perform other on-site improvements to remedy any substantiated noise complaints.
6. Permanent signs shall be placed in the parking lot requesting that patrons respect the privacy of the adjoining residential neighbors by being quiet in the parking lot during the evening and nighttime hours. The design, locations and text of the sign shall be subject to the review and approval of the Department.
7. The ledgestone wainscot on the side and rear elevations shall be a minimum of nine feet in height.
8. All pedestrian pathways shall be stamped decorative concrete, subject to review and approval of the Department.
9. The outdoor pool and patio area shall be enclosed with a six (6') foot tall wall or fence. The base of the wall or fence shall include evergreen vines or equivalent evergreen climbing plants to screen the pool area, subject to review and approval by the Department.
10. Parking lot light poles shall be decorative, low profile (low height) design, and shall be designed and operated to shield the adjoining residential units from lighting and glare, subject to review and approval by the Department.

11. All exterior building light fixtures shall be a decorative design, subject to review and approval by the Department.
12. Specific signage is not approved with this action. All signage for the building shall be subject to separate sign permit application through the Planning Department.
13. The hotel shall provide a minimum of 76 parking spaces including of 3 ADA spaces, 12 compact spaces and 7 oversized stalls. All on-site parking stalls shall comply with the Colfax Municipal Code including dimensions and back-out space.
14. The hotel site plan shall include one bicycle rack with not less than 6 spaces for bicycles. The rack shall be conveniently located near the main entrance to the building and shall not interfere with parking or pedestrian areas.
15. Plans submitted for building permits shall show the entire project site and shall include details of the hotel roof structure and calculations are in compliance with snow-load requirements for the site elevation and local snow/ice condition.
16. Plans submitted for building permits shall show the entire project site and shall include details of the hotel trash enclosure.
17. Ground mounted equipment, including, but not limited to, air conditioning units, electrical equipment, communications antennas, gas meters, storage tanks, and other such equipment shall be screened by walls, fencing or landscaping to the satisfaction of the Planning Department.
18. No construction or grading equipment shall be operated nor any outdoor construction or repair work shall be permitted within 200 feet of any occupied residence between dusk (one half-hour after sunset) and 7:00 AM Monday through Saturday, and no such grading or construction activities shall be allowed on Sundays or holidays except as provided below:
 - a. Interior work which would not create noise or disturbance to a reasonable person of normal sensitivity in the surrounding neighborhood shall not be subject to these restrictions.
 - b. A request for an exception to the permitted construction hours and days may be granted by the Building Official for emergency work, to offset project delays due to inclement weather, for 24-hour construction projects, or similar occurrences.
19. Roof-mounted equipment shall not exceed the height of any parapet or equipment well. Plans submitted for building permits shall include: 1) building cross-sections; 2) maximum height of units; 3) maximum height of equipment pads/curbs; 4) low and high parapet heights; and 5) a statement confirming that no roof units will exceed the height of the lowest parapet. A statement by the mechanical engineer shall be placed on the plans verifying that the roof units shall not exceed the height of the low or high parapets. It shall be the responsibility of the property owner to ensure equipment curbing and final unit sizes do not result in visible roof units/equipment.

Engineering:

General Requirements:

20. All grading and improvements shall be designed in conformance with the City of Colfax Design and Improvement Standards and all subsequent revisions, the City of Colfax Hillside Development Guidelines (Resolution No. 29-93), the Placer County Land Development Manual, latest edition, the Placer County Stormwater Management Manual, latest edition, the Placer County Water Agency Standard Specifications, latest edition, and the conditions of approval for this project. Where conflicts exist, the more stringent requirements, in the opinion of the City Engineer, shall prevail.
21. No private utilities or structures are allowed within public right-of-way or existing public utility easements. All construction within public rights-of-way shall meet City Standards and be reviewed and approved by the City Engineer. An encroachment permit is required for all construction within public rights-of-way.
22. The applicant shall obtain any off-site easements that may be required, or if unsuccessful, shall reimburse City for costs of condemnation acquisition.
23. The developer shall prepare and submit improvement plans for the construction of all public improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, detached sidewalks, parkway strips, signing, striping and streetlights. All design and construction shall conform to the latest edition of the standards referenced herein.
24. Improvement plans must be approved and signed by the City Engineer prior to the issuing of an Encroachment Permit, Grading Permit or Building Permit.
25. Plan check and inspection fees shall be paid prior to the signature of the improvement plans.
26. All broken or sunken curb, gutter and sidewalks along the project frontage shall be repaired or replaced as part of the improvements for this project. As well, all nonconforming pedestrian ramps and driveway approaches shall be brought up to current accessibility standards.
27. Deviations from City Standards and applicable Code requirements shall be approved by the City Engineer. The applicant's engineer shall request all design exceptions in writing.
28. Project benchmarks shall be based on a City approved USGS benchmark.
29. Improvement plans shall be approved by the California Department of Forestry and Fire Protection ("CAL FIRE") Fire Marshal assigned to the City of Colfax.
30. In the event that the City is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer shall fund the cost of

condemnation or acquisition, including but not to be limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition and all fees, including attorney's fee and/or other expenses necessary to prosecute the condemnation action, including expert witness and appraisal fees.

31. In the event that the City elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the developer shall, within 60 days of written notice by the City, deposit with the City, as an advance, the full estimated cost of such acquisition or condemnation. The developer shall prepare any easements or deeds necessary for off-site improvements.
32. Parcel maps, improvement plans and other items submitted to the City shall be delivered in hardcopy formats as well as electronically including drawings in AutoCAD and in PDF formats.
33. Required Improvement Plan Notes:
 - a. "Any excess materials shall be considered the property of the contractor and shall be disposed of away from the job side in accordance with applicable local, state and federal regulations."
 - b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work."
 - c. "In the event that archeological site indicators (chipped chert, obsidian tools, waste flakes, grinding implements, darkened soil containing bone fragments and shellfish remains, or ceramics, glass or metal fragments) are uncovered, the City shall be contacted for an evaluation of the site. All ground disturbing work shall cease in the vicinity of any discovery until an archeologist completes an evaluation of significance."
 - d. "Construction work shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 p.m. on Saturdays. No work is permitted on Sundays."
 - e. "If hazardous materials are encountered during construction, the contractor will halt construction immediately, notify the City, and implement remediation (as directed by the City or its agent) in accordance with any requirements of the Central Regional Water Quality Control Board."
 - f. "The contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The contractor shall be required to follow traffic safety measures in accordance with the California Department of Transportation ("Caltrans") California Manual on Uniform Traffic Control Devices ("CA-MUTCD"). The City's emergency service providers shall be notified of proposed construction scheduled by the contractor(s). The project specifications will require that the contractor(s) notify

emergency service providers in writing at least 24 hours in advance of its proposed schedule of work."

Water Quality:

34. This project will comply with current National Pollutant Discharge Elimination System (NPDES) requirements, as covered in the State of California General Permit for Storm Water Discharges Associated with Construction Activity and subsequent modifications, which includes requirements for sampling and analysis during construction.
35. A Notice of Intent will be filed with the State Water Resources Control Board (SWRCB) prior to the onset of construction. A Storm Water Pollution Prevention Plan (SWPPP), Monitoring Program and Inspection Plan shall be prepared and submitted to the City Engineer for approval. The developer will solely be responsible for implementation of the SWPPP, Monitoring Program and Inspection Plan during construction.

Grading:

36. A final design geotechnical report shall be prepared with recommendations pertinent to the facilities being proposed, including site and building pad preparation, engineered fill, slope construction, foundations, subgrade preparation for pavements and slabs-on-grade, asphalt concrete pavements, and retaining walls.
37. Onsite grading shall be limited to the locations shown on the approved plans or on subsequent City approvals. No clearing, grubbing, demolition or grading activities will be allowed prior to final approval of the site improvement plans by the City Engineer and issuance of a Grading Permit.
38. A maximum of 6,000 square ft and 200 ft of depth, measured normal to the sidewalk, is allowed to sheet flow to the street. If the surface area and depth exceeds these criteria, an on-site drainage collection system is required.
39. No grading will be performed during the rainy season, between October 15th and April 15th. If improvements will not be completed by October 15, or are scheduled to start prior to April 15, a winterization plan must also be prepared in accordance with City requirements. One hundred percent (100%) bonding or other security shall be provided to assure implementation of the winterization plan.
40. A California registered Structural or Civil Engineer shall design retaining walls exceeding 36" in height. Calculations shall be submitted with the improvement plans for approval.
41. The Geotechnical Engineer shall provide certification to the City that all grading work has been placed and compacted in compliance with the improvement plans. Certification of each building pad will be submitted to the building official prior to issuance of a building permit.
42. The geotechnical report for the project shall include an investigation of the existing retaining wall system on the property south of the project and provide recommendations

to either avoid impacts to the existing structure or remove portions of the existing wall to facilitate the proposed grading on the subject site.

Storm Drainage:

43. A detailed hydrology study will be prepared in accordance with the current edition of the Placer County Stormwater Management Manual. The proposed project shall not increase the rate of storm water runoff leaving the site beyond pre-development rates.
44. Plans and certifications shall demonstrate compliance of all improvements, including building pads and finished floor elevations, with the City's Flood Plain Ordinance, to the satisfaction of the Building Official and City Engineer. Pad elevations shall be constructed at a minimum of 1 foot above the 100-year Floodplain as determined by the City and certified by the project engineer.
45. All runoff that leaves the site must meet current Regional Water Quality Control Board clean water standards. These may be accomplished with permanent Best Management Practices (BMPs), such as oil/water separators, clarifiers, infiltration systems, bio-swales, or other methods as approved by the City Engineer. Bio-swales and other natural elements incorporated into the landscape design for the project will be submitted with the improvement plans for approval. The property owner will be responsible for the ongoing maintenance of the systems.
46. Minimum size for storm drain piping will be 12" unless otherwise approved by the City Engineer.
47. The Applicant must perform a geotechnical field investigation and prepare a report that addresses the soil conditions and stability of the existing storm drain pipe that traverses the site. The report shall examine the adequacy of soil cover over the pipe along its entire alignment, the suitability of backfill down to the spring line of the pipe, and the structural adequacy of the pipe to support the loads from proposed improvements and vehicular traffic including semi-truck loads in accordance with the Caltrans Highway Design Manual.

Water Supply:

48. Provide written evidence of adequate domestic water supply from Placer County Water Agency ("PCWA").
49. The water system and supply shall be capable of providing the required fire flow as determined by a fire protection system engineer or California registered civil engineer and subject to the review and approval of the Fire Chief and the City Engineer.
50. Fire hydrants serving the project shall be located within an approved distance of the building, and shall be spaced no more than 300-ft apart along any fire access route.
51. Construction of water facilities is subject to the approval of PCWA, the Colfax Fire Chief and the City Engineer.

Wastewater:

52. Design of the sanitary sewer connection to the City's wastewater system is subject to the approval of the City Engineer. Each building shall have a separate connection to the public system unless otherwise approved by the City Engineer.
53. The existing 15-inch diameter PVC sewer main running west to east through the site is constructed with very little slope and its capacity is limited. Provide an engineering analysis of the sewer flows contributed by the project and an analysis of the capacity of the existing sewer mains ability to convey current, project and future flows. Provide analysis and design concepts of the proposed sewer system improvements, which may include re-routing of existing sewer main(s) and/or a pump station, to the City Engineer for review, comment and approval before developing improvement plans for the site.
54. Provide any required easements for public sewer improvements and for the abandonment of any old easements as determined by the City Engineer.
55. Sewer grades must be designed such that ultimate finished floors are a minimum of 12" above upstream manhole or clean-out rim elevations. Inadequate elevation differentials or grade on private SS mains and laterals, as determined by the City, must be mitigated by either raising finished floor elevation(s) or installing privately owned and operated sanitary sewer lift station(s) with grinder/ejector pump(s) on site.

Street Improvements:

56. Road frontages along South Auburn Street and Whitcomb Avenue shall be widened with frontage improvements including sidewalks, curbs, gutters, pedestrian ramps, roadway drainage facilities and pavement widening consistent with the existing street cross-sections in the vicinity of the project site as determined by the City Engineer.
57. Road rights-of-way along South Auburn Street and Whitcomb Avenue shall be dedicated to widths consistent with existing recent dedications for each street segment to the satisfaction of the City Engineer.
58. The Developer shall grind and overlay the existing travel lanes immediately adjacent to the project (southbound lane of S. Auburn Street, eastbound lane of Whitcomb Avenue, and the corner of S. Auburn Street and Whitcomb Avenue). The depth and other details of grinding and asphalt overlay shall be reviewed and approved by the City Engineer.
59. In conjunction with the widening and paving of southbound S. Auburn Street and Whitcomb Avenue, the Developer shall grind and overlay the outside travel lanes (northbound lane of S. Auburn Street, westbound lane of Whitcomb Avenue, and the corner of S. Auburn Street and Whitcomb Avenue). The City will reimburse the Developer for the construction costs associated with this work upon the City's acceptance of said work.

60. Improvement plans shall include the following off-site roadway and traffic related improvements:
- a. Re-striping of S. Auburn Street from as far as 300-ft north of Whitcomb Avenue to the southerly limits of the project site
 - b. Striping for a two-way left turn lane in S. Auburn Street along the project frontage with a dedicated left-turn pocket at Whitcomb Avenue.
 - c. Bike lane striping along southbound S. Auburn Street from Whitcomb Avenue to the southerly limits of the adjacent property to the south (Dollar General).
 - d. Any transitional striping requested by the City Engineer to make safe transitions to the existing conditions beyond the project frontages.
61. The structural section of all on- and off-site road improvements shall be designed based upon a geotechnical investigation which provides the basement soils R-value and expansion index (if expansive soils are encountered). A copy of soils report and pavement structural section calculations shall also be submitted with the first improvement plan check.
62. Onsite driveways and parking areas shall be concrete or asphalt concrete pavement. The structural design of the pavement shall be determined based on R-value testing and shall be designed in accordance with 16.56.050 - Structural design of pavement of the Colfax Municipal Code, but will not be less than 2"AC on 6"AB.
63. Ramps for disabled persons shall be provided at all intersections and crosswalks where sidewalks are proposed.
64. ADA accessible paths of travel shall be indicated on the improvement plans showing a path of travel from public sidewalks to each proposed building.
65. Sidewalk warps shall be provided to allow a clear five-foot walkway at all locations, including areas where mailboxes, streetlights, street signs and fire hydrants are present.
66. All driveways shall have an approach grade of no greater than four percent within twenty feet of the public right-of-way.
67. Accessible parking spaces, access to buildings, and driveways at sidewalks shall be designed to meet Title 24 ADA requirements (State and Federal).
68. All paved surfaces designated for fire access by the Colfax Fire Chief and/or the City Engineer shall be designed to accommodate a Type 1 vehicle with a turning radius of 54 ft.
69. Submittal Requirements:
- The following will be submitted to the City Engineer and be approved, prior to issuance of a grading permit.

- All plans, reports and calculations will be stamped and signed by an engineer registered in California to practice civil, structural or geotechnical engineering, as appropriate.
 - Five (5) copies of the site improvement plans.
 - Five (5) copies of temporary erosion and sediment control plan. If grading will not be completed by October 15, or is scheduled to start prior to April 15, a winterization plan shall be included in accordance with City guidelines.
 - Two (2) copies of the SWPPP, Monitoring Program and Inspection Plan.
 - Two (2) copies of a detailed hydrology study prepared in accordance with the current edition of the Placer County Stormwater Management Manual.
 - Two (2) copies of a final design geotechnical investigation report.
 - Engineer's estimate of probable construction cost.
 - Plan check fees.
 - Any bonds required.
70. Prior to Acceptance of Public Improvements and Bond Exoneration, the Following Conditions Shall Be Satisfied:
- a. All improvements shown on the Improvement Plans shall be completed and accepted by the City.
 - b. Prior to acceptance of improvements or occupancy of building, existing curb, gutter and sidewalk to remain shall be inspected by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced.
 - c. The developer shall provide a written statement signed by his or her engineer verifying that the grading and/or drainage improvements are completed in accordance with the plans approved by the City Engineer, and the Building Official.
 - d. A complete set of As-Built or Record, improvement plans showing all constructive changes from the original plans, shall be provided to the Public Works Department prior to final acceptance of the public improvements.

Fire:

71. This project is within Placer County/City of Colfax Fire Departments jurisdiction and will be served by this Department. The City of Colfax has adopted the 2016 California Fire Code and any variance to said code shall be approved by this office.
72. Fire hydrants are required for this project. Fire flow shall be determined using the California Fire code appendix B. The *minimum* flow shall be 1500 gallons per minute; the serving water agency shall provide evidence that they can provide the *required* fire flow.
73. Hydrant spacing shall be a minimum of 300 feet. Hydrant placement shall be approved by this office. Fire hydrants shall be clearly identified to prevent obstruction by parking or other obstructions.

74. Fire department connections (FDC) shall be installed within 20 feet of a fire hydrant and be approved by this department. All valves controlling the water supply to automatic sprinkler systems shall be electrically supervised. (Water flow). A fire lane shall be provided for engine placement to the FDC.
75. All buildings exceeding 3,600 square feet shall be provided with an approved fire sprinkler system. Fire sprinkler systems shall be designed using the latest edition of NFPA.
76. This project will require a fire alarm system in addition to a fire sprinkler system designed in accordance to NFPA 72. The riser room shall have an exterior door.
77. Fire Department access lanes for commercial buildings shall be a minimum of 26 feet wide. Fire Department access shall be provided to within 150 feet of all portions of all buildings.
78. Ground ladder placement shall require an 8 ft concrete or other material serving the same practical effect. Dead end fire access roads exceeding 150 feet shall be provided with an approved turnaround.
78. Roadways and water supplies for fire protection shall be installed and made serviceable prior to and during the time of construction. Grading, slab and foundation construction shall not be included for this requirement.
79. Building numbers shall be visible from the Access Street or road fronting the property, clearly visible from both directions of travel on the road/street. Said numbers shall contrast with their background.

Schools:

80. Construction on the property is subject to statutory fees currently authorized by Education Code Section 17620 and government code 65885 are established by the State Allocation Board known as "Level 1" feeds. The current per square foot fee for commercial/industrial development for PUHSD is \$0.22. Additional fees are paid to the feeder elementary school districts.

Initial Study/Mitigations Measures:

81. BIO-1 Prior to ground disturbance, the Applicant shall have a California Department of Fish and Wildlife protocol-level floristic survey conducted during the May through July blooming period for the Brandegee's clarkia (*Clarkia biloba* ssp, brandegeae) species. If the specie is found on the project site, California Department of Fish and Wildlife shall be contacted to determine appropriate avoidance measures.
82. BIO-2 If any tree removal or adjacent construction activity takes place during the associated breeding/nesting season for raptors (typically February to August), a pre-construction survey shall be conducted by a qualified biologist within 14 days of the start of construction activities. If active nests are found on or the immediate adjacent site,

California Department of Fish and Wildlife shall be contacted to determine appropriate avoidance measures. If no nesting is found to occur, necessary tree removal could then proceed. This survey shall not be necessary if tree removal and vegetation clearing occur outside of the nesting period.

83. BIO-3 Wetlands may occur on the site.
- a. Prior to construction, the Applicant shall prepare a wetland delineation, in accordance with the U.S. Army Corps of Engineers “Minimum Standards for Acceptance of Preliminary Wetlands Delineations” and “Final Map and Drawing Standards for the South Pacific Division Regulatory Program,” and submit it to the U.S. Corps of Engineers Sacramento District Office for review.
 - b. If the U.S. Army Corps of Engineers verifies that wetlands and/or other waters of the U.S. are present on the project site, the Applicant shall follow through with permitting required by the regulatory agencies with jurisdiction over the verified wetlands/waters of the U.S. If the U.S. Corps of Engineers verifies that wetlands and/or other waters of the U.S. are not present on the project site, no further action shall be needed and construction may begin.
84. CUL-1 If archaeological or paleontological resources are discovered during ground disturbing activities for the project, work shall be halted in that area within 50 feet of the find and a qualified paleontologist shall be notified immediately to evaluate the find. If the discovery proves to be significant, additional work, such as data or fossil recovery excavation, may be warranted and would be discussed in consultation with the Applicant, the City of Colfax, or any other relevant regulatory agency, as appropriate.
85. CUL-2 if human remains are discovered during ground disturbing activities for the project, the work shall be halted and the County Coroner shall be notified of the find immediately. No further work shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. If the human remains are determined to be of Native American origin, the County Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify the Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Health & Human Services Division, County of Placer:

86. A Phase 1 Environmental Site Assessment performed to ASTM Standard E 1527-13 is required. This will need to be reviewed by the Health & Human Services Environmental Health Division to determine if potential environmental concerns occur on site. If so, a Phase 2 limited soil investigation should be completed in accordance with the California EPA, Department of Toxic Substances Control (DTSC).
87. Prior to approval of a Building Permit for the kitchen and public swimming pool/spa, contact Health & Human Services Environmental Health Division, pay required fees, and apply for a plan check. Submit to Health & Human Services Environmental Health

Division, for review and approval, complete construction plans and specifications as specified by the Division.

88. Contact the Health & Human Services Environmental Health Division. pay required fees and obtain a permit to operate a food establishment prior to opening for business. All food handling operations shall comply with the requirements of Placer County Code and California Retail Food Code.
89. Submit to Health & Human Services Environmental Health Division a "Will-Serve" letter from the sewer district indicating that the district can and will provide sewerage service to the project. The project shall connect the project to this public sewer.
90. Submit to Health & Human Services Environmental Health Division, for review and approval, a "Will-Serve" letter or a "Letter of Availability¹" from the water district for domestic water service. The applicant shall connect the project to this treated domestic water supply.
91. Submit to Health & Human Services Environmental Health Division a "Will-Serve" letter from the franchised refuse collector for weekly or more frequent refuse collection service. The dumpster location and enclosure shall be reviewed and approved by the Placer County Development Review Committee and the solid waste collection franchise holder.

COLFAX HOTEL PROJECT
Initial Study/Mitigated Negative Declaration

Prepared for:

May 2018

**City of Colfax
Planning Department
33 S Main Street
Colfax, CA 95713**

Prepared by:

**RCH Group
11060 White Rock Road, Suite 150-A
Rancho Cordova, CA 95670
916.782.4427**

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ENVIRONMENTAL CHECKLIST

Initial Study/Mitigated Negative Declaration

1. **Project Title:** Colfax Hotel Project
2. **Lead Agency Name and Address:** City of Colfax
Planning Department
33 S Main Street
Colfax, CA 95713
3. **Contact Person and Phone Number:** Amy Feagans
Planning Director
(530) 346-2313
4. **Project Location:** APN 100-230-022, 023 & 024
South Auburn Street
Colfax, CA 95713
5. **Project Sponsor's Name and Address:** R&R Partners
7858 Cook-Riolo Road
Antelope, CA 95843
6. **General Plan Designation:** Commercial
7. **Zoning:** Commercial Highway (C-H) for 100-230-023 & -024 and a portion of -022. Commercial Retail (C-R) for portion of 100-230-022.

8. Description of Project:

R&R Partners (the Applicant) proposes to develop on a 2.07-acre portion of three undeveloped parcels (Placer County APN 100-230-013-022, 023 & 024) totaling approximately 2.95 acres southwest of the intersection of South Auburn Street and Whitcomb Avenue in Colfax, CA. The project includes the development of a 69-room, three-story hotel and associated parking lot. South Auburn Street would serve the project for entry/exit. **Figure 1** shows the project location and **Figure 2** shows the site plan. **Figure 3** shows the proposed exterior elevations.



SOURCE: Google Earth Pro and RCH Group, 2018

Colfax Hotel Initial Study/ Mitigated Negative Declaration

Figure 1
Project Location

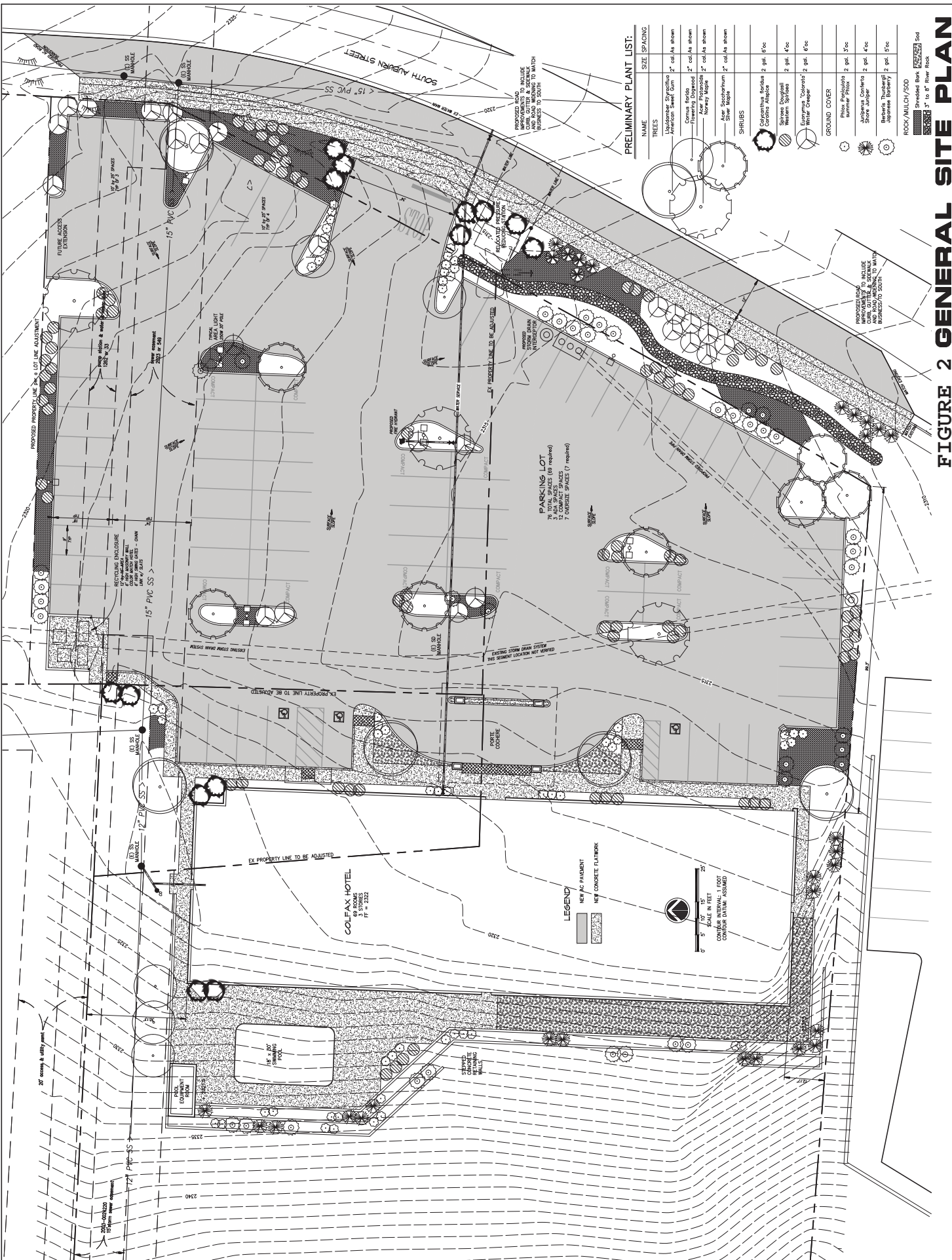
Revisions:

Engineer: _____

Project Title:
 HOTEL PLANS FOR
 COLFAX PLAZA
 SOUTH ALBANY STREET
 COLFAX PLAZA
 ALBANY COUNTY, CALIFORNIA
 APR. (580) 257-5173, 22, 23, 24 & 24

NST ENGINEERING, INC.
 Engineering • Planning • Surveying
 1425 Riverside Drive • Susanville, CA 96150
 Phone: (580) 257-5173 Fax: (580) 257-6212

Date: 11/01/17
 Drawn: SWS
 Checked: _____
 Sheet No: 22
 Project No: 17-030
 Scale: 1" = 40'
 24" x 36" Sheets
 11/01/17



PRELIMINARY PLANT LIST:

NAME	SIZE	SPACING
TREES		
Liquidambar styraciflua	2" cal As shown	
American Sweet Gum	2" cal As shown	
Comus florida	2" cal As shown	
Flowering Dogwood	2" cal As shown	
Honey Maple	2" cal As shown	
Acer Saccharinum	2" cal As shown	
Slaw Maple	2" cal As shown	
SHRUBS		
Colantheus Barbars	2 gal 6" c	
Coronilla Alliole	2 gal 6" c	
Shorea Douglasii	2 gal 4" c	
Western Spirea	2 gal 4" c	
Eurythmus Coccato	2 gal 6" c	
Winter Creeper	2 gal 6" c	
GROUND COVER		
Rhio Penstemon	2 gal 3" c	
Summer Phlox	2 gal 3" c	
Shrimp Plant	2 gal 4" c	
Berberis Thunbergii	2 gal 5" c	
Agapanthus Lily	2 gal 5" c	
ROCK/MULCH/500		
Shredded Bark		
2" to 8" River Rock		

FIGURE 2 GENERAL SITE PLAN

The project includes a lot line adjustment and a conditional use permit (CUP) because there are two zoning districts on APN 100-230-022 (Parcel 1). **Figure 4** shows existing property lines of the three parcels (Parcels 1, 2 and 3) and **Figure 5** shows proposed property lines after the lot line adjustment (Parcels A, B and C). The project would be developed on proposed Parcel C (2.07 acres). Development on proposed Parcels A and B is unknown at this time and is not part of this project. The project proposes to change the zoning to Commercial Highway (C-H) zoning for the hotel use on Parcel C. The project proposes Commercial Retail (C-R) zoning for Parcels A and B.

The hotel is estimated to have a total floor area of 31,879 square feet and a building coverage of 10,935 square feet. The first floor of the hotel would contain a lobby, office/reception area, dining area and other amenities, as well as 14 standard rooms and 3 ADA rooms. The second and third floor would each contain 26 standard rooms.

The rear of the hotel (west side) would include an outdoor swimming pool and patio, stepped concrete retaining walls and landscaping. The front of the hotel (east side) would include a covered entrance (porte cochère) and 76 parking spaces including three ADA spaces, 12 compact spaces and seven oversize spaces. The paved parking lot would contain landscaped islands with trees, shrubs and ground cover, area lighting and required fire hydrant(s). Landscaping would also be provided along South Auburn Road and along the northern and southern boundary.

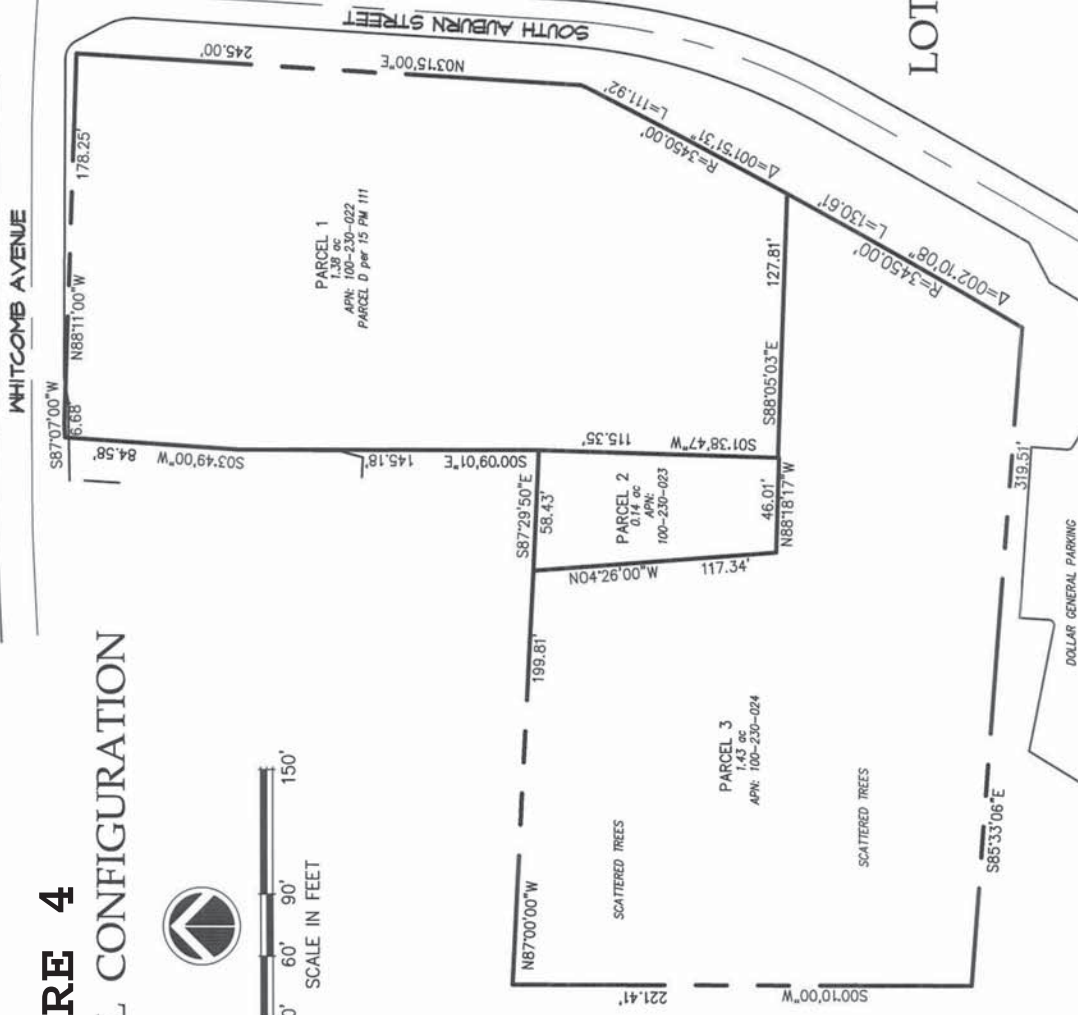
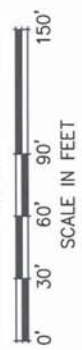
The project would include various drainage improvements at the project site. New site work would collect storm water runoff, which would go through a storm interceptor prior to release into the existing storm drain that serves the project site. The Drainage Report for the project is in **Appendix E**.

Proposed offsite improvements would include the following:

- Move the Placer County Water Authority's (PCWA) pressure reducing station to behind the new curb, gutter and sidewalk
- Install new curb, gutter and sidewalk on South Auburn Road along Parcel C frontage and install AC paving to widen South Auburn Road
- Tie into the water main, sewer main, storm drain systems, and provide electrical and phone connections for the hotel.

Construction of the project would begin in June of 2018 and would take eight months to complete. Site grading would consist of approximately 2,300 cubic yards of cut and approximately 3,600 cubic yards of fill, which would require approximately 1,300 cubic yards of soil import.

FIGURE 4
EXISTING PARCEL CONFIGURATION



CERTIFICATE:
WE, THE UNDERSIGNED APPLICANTS, DO HEREBY AGREE TO THE MAP AND AGREE TO COMPLY WITH THE PROVISIONS OF LOCAL ORDINANCE AND THE STATE SUBDIVISION MAP ACT AS THEY APPLY TO THE PROCESSING AND APPROVAL OF THE LOT LINE ADJUSTMENT MAP.

APPLICANT _____
APPLICANT _____

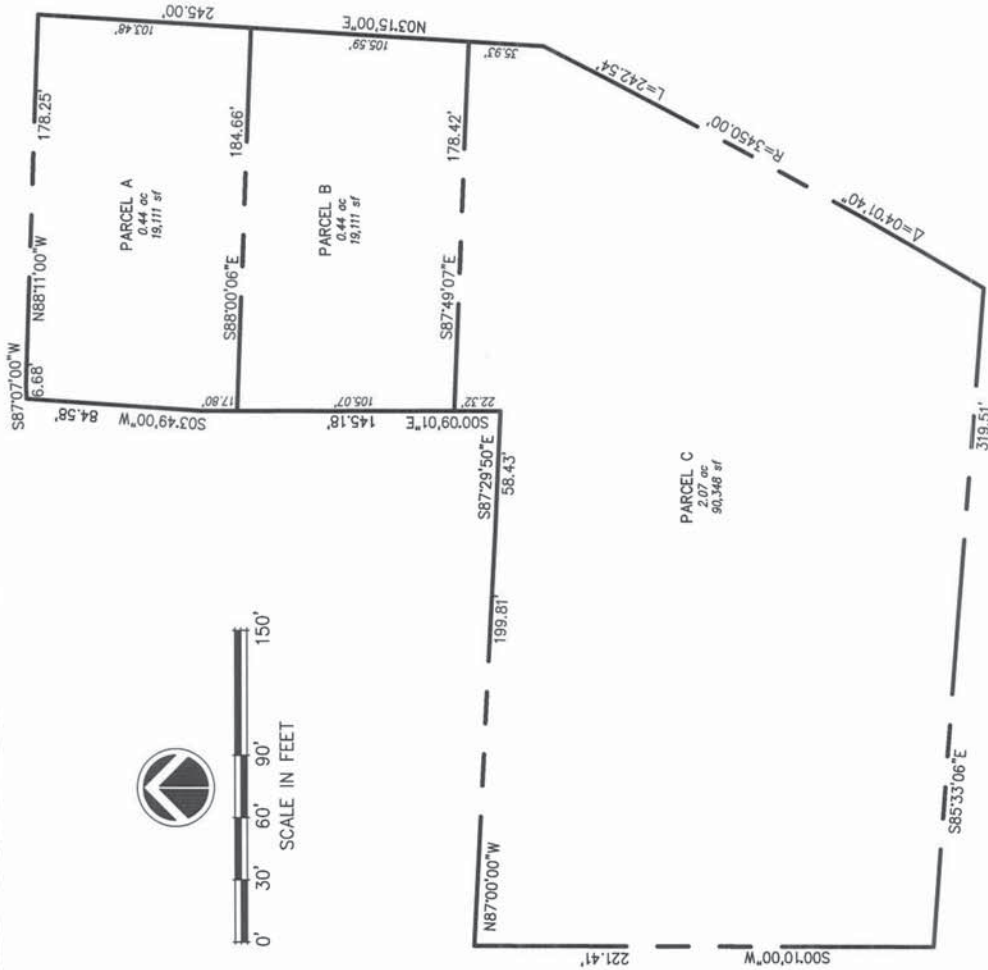
OWNER:
RAYMOND W.K. HONG
230 LOTOLA DRIVE
MILLBRIDGE, CA 94030

APPLICANT:
R & R PARTNERS
7858 COOK-ROLD ROAD
MILPITAS, CA 95041
CONTACT: RAJIBER SINGH, PARTNER
(916) 716-3285

LOT LINE ADJUSTMENT
FOR
R & R PARTNERS
CITY OF COLFAX
PLACER COUNTY, CALIFORNIA

NST Engineering, Inc.
1485 Riverside Drive
Sacramento, CA 95830
(580) 287-5173

FIGURE 5
RESULTANT PARCEL CONFIGURATION



LOT LINE ADJUSTMENT
FOR
R & R PARTNERS
 CITY OF COLFAX
 PLACER COUNTY, CALIFORNIA

NST Engineering, Inc.
 1495 Riverside Drive
 Sacramento, CA 95830
 (530) 257-5173



9. Surrounding Land Uses and Setting:

The project site is west of South Auburn Street, west of Interstate 80 and south of Whitcomb Avenue. The project site is adjacent to Dollar General to the south, South Auburn Street to the east and professional offices and multi-family residences to the northwest. A single-family subdivision (Mink Creek Subdivision) is to the west on top of a hill and shielded by trees. A motel is to the northeast across South Auburn Street. Retail stores and a grocery store are to the northwest across Whitcomb Avenue.

The 2.07-acre project site is vacant, sloping to the east and south. The westerly half slopes at 30 percent to the east and is covered with pine trees. The remainder of the project site slopes at three to five percent to the east and south to South Auburn Street. The project site has been cleared recently and is covered with brush piles, grasses and weeds.

10. Other Public Agencies:

The following permits and regulations are applicable to the project and involve other public agencies whose approval may be required:

- Grading Permit, City of Colfax Building Department
- Building Permit, City of Colfax Building Department
- City Road Encroachment Permit, City of Colfax Public Works Department
- Facilities Agreement for Moving Pressure Reducing Station, PCWA
- National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit, Central Valley Regional Water Quality Control Board
- Dust Control Plan Approval, Placer County Air Pollution Control District

11. Tribal Consultation:

No California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1.

Environmental Factors Potentially Affected

The project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology, Soils and Seismicity |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Hydrology and Water Quality |
| <input checked="" type="checkbox"/> Land Use and Land Use Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation and Traffic | <input checked="" type="checkbox"/> Tribal Cultural Resources | <input checked="" type="checkbox"/> Utilities and Service Systems |
| <input checked="" type="checkbox"/> Mandatory Findings of Significance | | |

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

Signature

Date

Printed Name

For

Aesthetics

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
1. AESTHETICS — Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Background

The project site is in a commercial zoning district and is mostly surrounded by commercial uses. Multi-family residences are adjacent to the northwest. A single-family subdivision is to the west on top of a hill shielded by trees and topography.

Discussion

- a) **No Impact.** No scenic vistas would be affected by the project. Therefore, the project would have no impact.
- b) **No Impact.** The project site is not within or near a designated state scenic highway. No scenic resources within a state scenic highway would be affected by the project. Therefore, the project would have no impact.
- c) **Less-than-Significant Impact.** Photos 1-4 show views of the project site. Commercial uses are adjacent to the south, north, northwest, and northeast. The project would be consistent with the visual character and quality of its surroundings.

Photo 5 shows the view from the multi-family residences to the north/ northwest. The project would clear the existing debris piles and would create a commercial environment consistent with the surrounding uses. The multi-family residences would have an approximately 50-foot buffer between the project due to easements for storm/sewer and access/utility, and project landscaping. The single-family subdivision to the west is on top of a hill and views are shielded by tree, fences and topography (see Photo 6).

The project would comply with all applicable building, design, landscaping, and lighting requirements found in the City of Colfax Municipal Code and the Community Design Element of the City of Colfax 2020 General Plan. The project would not substantially degrade the existing visual character or quality of the project site and its surroundings. Therefore, the project would have a less-than-significant impact.

- d) **Less-than-Significant Impact.** The project would change the landscape of the project site from an undeveloped environment to one that is urbanized, which would result in the introduction of new sources of light and potential glare. These new sources of lighting would primarily consist of site lighting in the parking lot and cars entering and exiting the property at night. The project would comply with the lighting requirements in the City of Colfax Municipal Code. Therefore, the project would have a less-than-significant impact.
-



Photo #1) View of the project site and the existing multi-family residences and commercial uses to the north/northwest (photo taken from the southeast corner of the project site, west of South Auburn Street on April 11, 2018).



Photo #2) View of the project site facing west. The single-family subdivision is on the other side of the hill, shielded by topography and trees (photo taken from the southeast corner of the project site, west of South Auburn Street on April 11, 2018).



Photo #3) View of the project site and the adjacent Dollar General to the south (photo taken from the southeast corner of the project site, west of South Auburn Street on April 11, 2018).



Photo #4) View of the project site, existing commercial uses, South Auburn Street and Interstate 80 to the east/northeast (photo taken from the western portion of the project site in the proposed footprint of the hotel building on February 19, 2018).



Photo #5) View of the project site from the existing multi-family residences to the north/northwest (photo taken from in front of the multifamily residences on February 23, 2018).



Photo #6) View at the top of the hill at the fence line of the single-family residences to the west, showing the trees and topography that shield views (photo taken on February 23, 2018).

Agricultural and Forest Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
2. AGRICULTURAL AND FOREST RESOURCES —				
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p> <p>Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a, e) **No Impact.** There is no farmland located on or near the project site. Therefore, the project would have no impact.
- b) **No Impact.** The project site is not zoned for agricultural use and is not subject to a Williamson Act contract. Therefore, the project would have no impact.
- c,d) **No Impact.** The project site is not zoned for forest land or timberland. The project site is zoned commercial and does not fit the definition of forest land. Therefore, the project would have no impact.

Air Quality

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
3. AIR QUALITY —				
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Introduction

This air quality analysis is consistent with the methodology for project review and analysis as described in the Placer County Air Pollution Control District (PCAPCD)’s *CEQA Air Quality Handbook* (PCAPCD, 2017). Additional information related to air quality such as existing setting and regulations, as well as detailed construction and operational emissions inventories for the project is in **Appendix A**.

Discussion

- a) **Less-than-Significant Impact.** The PCAPCD along with other local air districts in the Sacramento planning region are required to comply and implement the State Implementation Plan (SIP) to demonstrate how and when the region can attain the federal ozone standards. In 2013, air districts from the Sacramento planning region developed the *Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan (2013 SIP Revisions Plan)* to address how the region would attain the 1997 federal 8-hour ozone standard. U.S. EPA approved the *2013 SIP Revisions Plan* effective March 2, 2015. The *2013 SIP Revisions Plan* is the applicable air quality plan for the project.

A conflict with, or obstruction of, implementation of the *2013 SIP Revisions Plan* could occur if a project generates greater emissions than what has been projected for the project site in the emissions inventory of the *2013 SIP Revisions Plan*. Emissions inventories are developed based on projected increases in population, employment, regional vehicle miles traveled, and associated area sources within the region, which are based on regional projections that are, in turn, based on the general plan and zoning designations for the

region. The project would not change the existing general plan designation for the project site and the zoning designation would remain commercial. Therefore, the project would not generate greater emissions than what has been projected for the site in the emissions inventory of the *2013 SIP Revisions Plan*.

The project would support the primary goals of the *2013 SIP Revisions Plan*, it would be consistent with all applicable *2013 SIP Revisions Plan* control measures, and would not disrupt or hinder implementation of any *2013 SIP Revisions Plan* control measures. Therefore, the project would have a less-than-significant impact.

- b) **Less-than-Significant Impact.** The project would generate temporary criteria pollutant emissions during construction and long-term criteria pollutant emissions during operations.

Construction

The project would be constructed over approximately eight months and construction is expected to start in June 2018. Construction activities would consist of site preparation, grading, building construction, paving and architectural coating. Construction equipment would consist air compressors, cement and mortar mixers, cranes, forklifts, generator sets, graders, pavers, paving equipment, rollers, rubber tired dozers, tractors/loaders/backhoes and welders. The project would import approximately 1,300 cubic yards of soil material, which would require approximately 130 total haul truck trips (or 65 round trips [based on a 20 cubic yard haul truck capacity]). The project would also require worker vehicle trips for the duration of construction and truck trips for importing construction materials. The emissions generated from these construction activities include:

- Dust (including particulate matter less than 10 micrometers (coarse or PM10) and particulate matter less than 2.5 micrometers (fine or PM2.5)) primarily from “fugitive” sources (i.e., emissions released through means other than through a stack or tailpipe) such as material handling and travel on unpaved surfaces;
- Combustion emissions of criteria air pollutants (carbon monoxide (CO), nitrogen oxides (NO_x), sulfur dioxide (SO₂), volatile organic compounds (VOC) as reactive organic gases (ROG), PM10, and PM2.5) primarily from operation of heavy off-road construction equipment, haul trucks, (primarily diesel-operated), and construction worker automobile trips (primarily gasoline-operated); and
- VOC emissions from painting.

Construction-related fugitive dust emissions would vary from day to day, depending on the level and type of activity, silt content of the soil, and the weather. Poor construction practices could result in substantial emissions of fugitive dust that could become a nuisance. The PCAPCD requires construction projects to comply with District Rules & Regulations for Construction. Compliance with the PCAPCD District Rules & Regulations for construction, specifically Rule 228 – Fugitive Dust, which requires

implementation of minimum dust control requirements, would prevent and control fugitive dust emissions. The minimum dust control requirements required by Rule 228 are in **Appendix A** for reference.

Estimated maximum daily emissions of criteria pollutant emissions that would be generated by construction of the project are shown in **Table 1**. Construction emissions were estimated using the California Emission Estimator Model (CalEEMod) Version 2016.3.2. There are no significance thresholds for CO or PM2.5. As shown in **Table 1**, criteria pollutant emissions from construction would be below the PCAPCD's maximum daily significance thresholds for ROG, NO_x, and PM10. Therefore, the project would have a less-than-significant impact.

Table 1: Estimated Maximum Daily Construction Emissions (pounds)

Year	ROG	NO _x	PM10
Maximum Daily 2018 Emissions	2.8	30.1	7.4
Maximum Daily 2019 Emissions	30.9	17.5	1.4
Maximum Daily Emissions	30.9	30.1	7.4
Significance Threshold	82	82	82
Potentially Significant (Yes or No)?	No	No	No

Source: CalEEMod Version 2016.3.2.

Operations

The project would generate operational criteria pollutant emissions from transportation, area sources, electricity consumption, natural gas combustion, electricity usage associated with water usage and wastewater discharge, and solid waste landfilling and transport. Operational emissions were estimated using the CalEEMod Version 2016.3.2. The operational emissions estimates assume an operational year of 2020.

Estimated daily (summer and winter) operational emissions that would be associated with the project are presented in **Table 2** and are compared to PCAPCD's thresholds of significance. As indicated in **Table 2**, the estimated operational emissions would be below the PCAPCD's significance thresholds. Therefore, the project would have a less-than-significant impact.

Table 2: Estimated Maximum Daily Operational Emissions (pounds)

Condition	ROG	NO _x	PM10
Summer Maximum Daily Emissions	2.0	6.7	2.5
Winter Maximum Daily Emissions	1.8	6.9	2.5
Maximum Daily Emissions	2.0	6.9	2.5
Significance Threshold	55	55	82
Potentially Significant (Yes or No)?	No	No	No

Source: CalEEMod Version 2016.3.2.

- c) **Less-than-Significant Impact.** The PCAPCD cumulative significance thresholds are the same as the project-level significance thresholds. Therefore, a project would have a significant cumulative impact if the project exceeds the project-level significance thresholds. As disclosed in this air quality analysis, the project would not exceed project-level significance thresholds. Therefore, the project would have a less-than-significant impact.
- d) **Less-than-Significant Impact.** Land uses such as schools, children's daycare centers, hospitals, and convalescent homes are considered more sensitive to poor air quality than other land uses because the population groups associated with these uses have increased susceptibility to respiratory distress. Persons engaged in strenuous work or exercise also have increased sensitivity to poor air quality. The CARB has identified the following people as most likely to be affected by air pollution: children less than 14 years of age, the elderly over 65 years of age, athletes, and those with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive population groups.

Residential areas are considered more sensitive to air quality conditions than commercial and industrial areas, because people generally spend longer periods of time outside their residences, resulting in greater exposure to ambient air quality conditions. Recreational uses are also considered sensitive, due to the greater exposure to ambient air quality conditions and because the presence of pollution detracts from the recreational experience. The project site is adjacent to multi-family residences and is approximately 200 feet from a single-family neighborhood.

A toxic air contaminant (TAC) is defined as an air pollutant that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air. However, TACs high toxicity or health risk may pose a threat to public health even at very low concentrations. In general, for those TACs that may cause cancer, there is no concentration that does not present some risk. This contrasts with the criteria pollutants for which acceptable levels of exposure can be determined and for which the state and federal governments have set ambient air quality standards.

The project would constitute a new emission source of diesel particulate matter (DPM¹) due to construction activities. Studies have demonstrated that DPM from diesel-fueled

¹ In August of 1998, CARB identified particulate emissions from diesel-fueled engines as a toxic air contaminant. CARB developed the *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*. The document represents a proposal to reduce diesel particulate emissions, with the goal to reduce emissions and the associated health risk by 75 percent in 2010 and by 85 percent in 2020. The program aims to require the use of state-of-the-art catalyzed diesel particulate filters and ultra-low sulfur diesel fuel on diesel-fueled engines. DPM is the most complex of diesel emissions. Diesel particulates, as defined by most emission standards, are sampled from diluted and cooled exhaust gases. This definition includes both solid and liquid material that condenses during the dilution process. The basic fractions of DPM are elemental carbon; heavy hydrocarbons derived from the fuel and lubricating oil and hydrated sulfuric acid derived from the fuel sulfur. DPM contains a large portion of the polycyclic aromatic hydrocarbons found in diesel exhaust. Diesel particulates include small nuclei particles of diameters below 0.04 micrometers (μm) and their agglomerates of diameters up to 1 μm .

engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic health risk. The project has short-term construction activities that would use diesel construction equipment intermittently and would not generate substantial TAC emissions. Therefore, the project would have a less-than-significant impact.

Naturally Occurring Asbestos (NOA) can be of concern in Placer County due to the known presence of chrysotile and amphibole asbestos. However, the project site is in the area least likely to contain NOA according to Placer County's NOA Hazard Map (November 2008). Although unlikely, if NOA is discovered during project construction the project would be required to adhere to CARB's Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying and Surface Mining Operations. Therefore, the project would have a less-than-significant impact.

- e) **Less-than-Significant Impact.** Any project with the potential to frequently expose members of the public to objectionable odors would be deemed to have a potentially significant impact. As a general matter, the types of development that pose potential odor problems include agriculture, food processing, dairies, rendering, refineries, chemical plants, wastewater treatment plants, landfills, composting facilities, and transfer stations. No such odiferous uses would be a part of the project. Hotel projects generally do not cause odor problems or complaints. Therefore, the project would have a less-than-significant impact.

References

- California Air Pollution Control Officers Association, *CalEEMod User's Guide Version 2016.3.2*, November 2017. http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4
- Federal Register/ Volume 80, No. 19/ Thursday, January 29, 2015/ Rules and Regulations.* <http://www.airquality.org/ProgramCoordination/Documents/2013SIPFinalRule.pdf>
- Placer County Air Pollution Control District (PCAPCD), *CEQA Air Quality Handbook*, November 2017. <http://www.placerair.org/landuseandceqa/ceqaairqualityhandbook>
- Placer County. *Naturally Occurring Asbestos Hazard*. November 4, 2008. <http://www.placerair.org/~/.media/apc/documents/noa/naturallyoccurringasbestosmapcolfax111408.pdf?la=en>
- Sacramento Metropolitan Air Quality Management District, *Sacramento Regional 8-Hour Ozone Attainment and Reasonable Further Progress Plan (2013 SIP Revisions)*. <http://www.airquality.org/ProgramCoordination/Documents/4%202013%20SIP%20Revision%20Report%201997%20Std.pdf>
- US EPA. *Near Roadway Air Pollution and Health: Frequently Asked Questions*. August 2014. <http://www3.epa.gov/otaq/documents/nearroadway/420f14044.pdf>

Biological Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
4. BIOLOGICAL RESOURCES — Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Introduction

This biological resources analysis is based on a Wetlands & Biological Resources Assessment conducted by Barnett Environmental (Barnett, 2018). The Wetlands & Biological Resources Assessment is **Appendix D** to this Initial Study.

The Wetlands & Biological Resources Assessment concluded the following:

- There are no jurisdictional wetlands and “other waters of the United States” within the project site. Therefore, no section 404 permit from the U.S. Army Corps of Engineers and Section 401 water quality certification from the Regional Water Quality Control Board would be required.
- The California Natural Diversity Database (Rarefind), the U.S. Fish and Wildlife Service’s iPac Database, and the California Native Plant Society’s Inventory of Rare & Endangered Plants in California contain no records of any species of special concern within the project site due to lack of appropriate habitat and elevation requirements.

Discussion

- a) **Less-than-Significant Impact with Mitigation.** By the mid-1990s, most of the project site had been cleared for development and was covered in a mix of annual grasslands, relatively prostrate montane chaparral (MCP), and occasional small montane hardwood (MHW) stands of black oak (*Quercus kelloggii*) habitat. Clearing and development in the vicinity has continued to the present day, with the only change in local vegetation being a gradual encroachment of black oaks onto the western side of project site over the past 15 years. While perhaps a dozen of these oaks have attained a trunk diameter-at-breast-height (dbh) of 10 or more inches, the majority of black oaks scattered throughout this area are still smaller, scrub oaks. The remainder of the parcel is covered in a mix of annual grasses and weeds. An approximately 0.10-acre patch of Himalayan blackberry (*Rubus discolor*), supported by landscape runoff from the two multi-family residences along Corto Passi Lane to the north, was removed from the center of the project site in 2017.

No terrestrial wildlife was observed on the project site during either of the field surveys (December 14, 2017 and March 7, 2018) and the ongoing disturbance of the annual grassland and encroaching black oak savanna habitat at this location likely precludes the presence of most wildlife species that commonly use such grasslands. The occasional western fence lizard (*Sceloporus occidentalis*) and western rattlesnake (*Crotalus viridis*) could be seen at the project site, as well as mammals such as the western gray squirrel (*Sciurus griseus*) and deer mouse (*Peromyscus* sp.), and common birds like the northern flicker (*Colaptes auratus*), common raven (*Corvus corax*), northern mockingbird (*Mimus polyglottos*), California and spotted towhees (*Pipilo* sp.) and western scrub jay (*Aphelocoma coerulescens*). Occasional raptors such as the red-tailed hawk (*Buteo jamaicensis*), northern harrier (*Circus cyaneus*), and turkey vulture (*Cathartes aura*) could also be seen soaring overhead the project site.

Barnett Environmental queried the California Natural Diversity Database (Rarefind), the U.S. Fish and Wildlife Service's iPac Database, and the California Native Plant Society's Inventory of Rare & Endangered Plants in California for special status plants and animals that could occur in the project site's specific habitats and elevation within a five-mile radius. No animals and only a single special status plant has the potential to occur onsite – Brandegee's clarkia (*Clarkia biloba* ssp. *brandegeae*). Although unlikely to occur on the project site, **Mitigation Measure BIO-1** would determine whether the species occurs on the project site and would reduce any potentially significant impacts to less than significant.

Mitigation Measure BIO-1: Prior to ground disturbance, the Applicant shall have a California Department of Fish and Wildlife protocol-level floristic survey conducted during the May through July blooming period for the Brandegee's clarkia (*Clarkia biloba* ssp. *brandegeae*) species. If the species is found on the project site, California Department of Fish and Wildlife shall be contacted to determine

appropriate avoidance measures. If the species is not found, ground disturbance could then proceed.

The potential for raptors and migratory birds to nest within or directly adjacent to the project site is possible. **Mitigation Measure BIO-2** would reduce any potentially significant impacts to less than significant.

Mitigation Measure BIO-2: If any tree removal or adjacent construction activity takes place during the associated breeding/nesting season for raptors (typically February through August), a pre-construction survey shall be conducted by a qualified biologist within 14 days of the start of construction activities. If active nests are found on or immediately adjacent to the site, California Department of Fish and Wildlife shall be contacted to determine appropriate avoidance measures. If no nesting is found to occur, necessary tree removal could then proceed. This survey shall not be necessary if tree removal and vegetation clearing occur outside of the nesting period.

- b, c) **Less-than-Significant Impact with Mitigation.** The project site was evaluated for areas that could be considered wetlands and “other waters of the U.S.” or “waters of the State” under the Porter-Cologne Act. Historically, there was a (Keck) spring at the southern end of the project site that fed a defined watercourse (Bunch Creek) through the site. Examination of historical photographs from 1938 through the present shows that while this feature persisted into the 1980’s, the spring, and consequently the “creek” had completely disappeared by 1993 – a condition that persists today. And though the project site currently receives drainage runoff from surrounding uplands and hardscape surfaces associated with adjacent residential and commercial lands to the north that appears to maintain a small stand of blackberries in the center of the property, in a topographical depression along the old Bunch Creek alignment, The Wetlands & Biological Resources Assessment concludes that the project site does not currently support federal or state wetlands and/or waters (Barnett, 2018).

In response to the City’s standard project notification process to reviewing agencies, however, the U.S. Army Corps of Engineers suggested that wetlands may be present at the site and a wetland delineation should be performed.

Mitigation Measure BIO-3 would determine whether wetlands or waters of the U.S. occur on the project site and would reduce any potentially significant impacts to less than significant.

Mitigation Measure BIO-3:

- a. Prior to construction, the Applicant shall prepare a wetland delineation, in accordance with the U.S. Army Corps of Engineers “Minimum Standards for Acceptance of Preliminary Wetlands Delineations” and “Final Map and Drawing

Standards for the South Pacific Division Regulatory Program,” and submit it to the U.S. Army Corps of Engineers Sacramento District Office for review.

b. If the U.S. Army Corps of Engineers verifies that wetlands and/or other waters of the U.S. are present on the project site, the Applicant shall follow through with permitting required by the regulatory agencies with jurisdiction over the verified wetlands/waters. If the U.S. Army Corps of Engineers verifies that wetlands and/or other waters of the U.S. are not present on the project site, no further action shall be needed and construction may begin.

- d) **Less-than-Significant Impact.** The project would be consistent with the surrounding area and would not substantially affect wildlife movement. **Mitigation Measure BIO-2** would reduce any potentially significant impacts to nesting raptors and migratory birds. Therefore, the project would have a less-than-significant impact.
- e) **Less-than-Significant Impact.** The City of Colfax understands as development of vacant land occurs, loss of some tree cover may be unavoidable. During the site survey, Barnett Environmental identified approximately 15 mature black oak trees with a dbh greater than 6 inches and approximately 30-40 immature black oak trees with a dbh less than 6 inches. Prior to 1993, the project site was comprised entirely of chaparral habitat and was cleared for future development. Therefore, the existing black oak trees located within the project site is not remnant black oak woodland but rather recolonized black oaks from neighboring properties.
- The City of Colfax Municipal Code, Chapter 17.110 – Tree Preservation Guidelines regulates all trees over 6 inches dbh. The final number of impacted trees regulated by the Tree Preservation Guidelines would be determined during preparation of the grading permit application. The project would comply with the City of Colfax Tree Preservation Guidelines. Therefore, the project would have a less-than-significant impact.
- f) **No Impact.** The City of Colfax does not have an adopted Habitat Conservation Plan. Therefore, the project would have no impact.

References

Barnett Environmental. *Wetlands & Biological Resources Assessment of a Proposed Colfax Hotel Facility*, April 3, 2018.

City of Colfax, *Municipal Code, Chapter 17.110 – Tree Preservation Guidelines*.

Cultural Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
5. CULTURAL RESOURCES — Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Introduction

This cultural resources analysis is based on a Cultural Resource Assessment for the project conducted by an independent cultural resources consultant, Peak & Associates, Inc. (Peak & Associates, 2018). The Cultural Resource Assessment is **Appendix C** to this Initial Study.

The Cultural Resource Assessment concluded the following:

- A review of records did not reveal any cultural resources within the study area or within 0.125 miles.
- The local soil consists of orange-tan loam with high concentration of quartz, quartzite, granite, schist, and shale, mostly in small fragments and gravel-sized pieces. These were closely inspected for signs of modification related to tool production, but no evidence was observed.
- Although small natural drainage furrows were noted, none of these appeared to have been modified into historic water conveyances.
- Modern trash and refuse were observed, but no historic refuse was noted.
- No historic features or structures were noted.
- No cultural resources are present within the project area.

Discussion

- a) **Less-than-Significant Impact.** No historical resources were identified during the survey in March 2017, and no historical resources were previously identified within 0.125 miles of the site (Peak & Associates, 2018). Thus, the project does not have the potential to cause a significant impact on any resource that currently qualifies as a historical resource, or that has been recommended eligible for listing in the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). Therefore, the project would have a less-than-significant impact.

- b, c) **Less-than-Significant Impact with Mitigation.** The potential for discovery of archaeological or other prehistoric sites in the area is considered low (Peak & Associates, 2018). No unique geologic features are known to exist within the project area. Should any archaeological or paleontological resources be discovered during ground disturbing activities for the project the implementation of **Mitigation Measure CUL-1** would reduce impacts to a less-than-significant level.

Mitigation Measure CUL-1: If archaeological or paleontological resources are discovered during ground disturbing activities for the project, work shall be halted in that area within 50 feet of the find and a qualified paleontologist shall be notified immediately to evaluate the find. If the discovery proves to be significant, additional work, such as data or fossil recovery excavation, may be warranted and would be discussed in consultation with the Applicant, the City of Colfax, or any other relevant regulatory agency, as appropriate.

- d) **Less-than-Significant Impact with Mitigation.** Although unlikely, grading and excavation could potentially uncover human remains. Should human remains be discovered during ground disturbing activities for the project the implementation of **Mitigation Measure CUL-2** would reduce impacts to a less-than-significant level.

Mitigation Measure CUL-2: If human remains are discovered during ground disturbing activities for the project, work shall be halted and the County Coroner shall be notified of the find immediately. No further work shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. If the human remains are determined to be of Native American origin, the County Coroner shall notify the Native American Heritage Commission (NAHC), which will determine and notify the Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

References

Peak & Associates. 2018. *Cultural Resource Assessment for the Singh Hotel Project, Colfax, Placer County, California*. January 26, 2018.

Geology, Soils, and Seismicity

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
6. GEOLOGY, SOILS, AND SEISMICITY —				
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- ai) **Less-than-Significant Impact.** The Alquist-Priolo Earthquake Fault Zoning Act requires the delineation of zones by the California Department of Conservation, Geological Survey along sufficiently active and well-defined faults.² The purpose of the Act is to restrict construction of structures intended for human occupancy along traces of known active faults. Alquist-Priolo Zones are designated areas most likely to experience surface fault rupture, although fault rupture is not necessarily restricted to those specifically zoned areas.

² An active fault is defined by the State of California as a fault that has had surface displacement within Holocene time (approximately the last 11,000 years). A potentially active fault is defined as a fault that has shown evidence of surface displacement during the Quaternary (last 1.6 million years), unless direct geologic evidence demonstrates inactivity for all of the Holocene or longer. This definition does not, of course, mean that faults lacking evidence of surface displacement are necessarily inactive. Sufficiently active is also used to describe a fault if there is some evidence that Holocene displacement occurred on one or more of its segments or branches (Hart, 1997).

The City of Colfax has not been identified as a city that would be affected by the Alquist-Priolo Act. Rupture of the surface has not resulted from faulting associated with earthquakes in Colfax or Placer County. The most recent listing of Earthquake Fault Zones under the Alquist-Priolo Earthquake Fault Zoning Act does not include either the City of Colfax or Placer County (DOC 2018), and ground rupture is unlikely at the project site. The project site is not located in an Alquist-Priolo Earthquake Fault Zone and is not located on or immediately adjacent to an active fault. Therefore, the project would have a less-than-significant impact.

- aii, aiii) **Less-than-Significant Impact.** Several factors influence the amount of ground shaking at any locality. The principal ones are the distance from the epicenter of the fault movement and the local bedrock-soil conditions. Bedrock areas will have a different shaking impact compared with areas underlain with softer, less consolidated materials. Soils most susceptible to liquefaction are clean, loose, saturated, uniformly graded, and fine-grained sands. The project would be designed using sound engineering judgment and would meet the latest California Building Code (CBC) requirements, which contain seismic design provisions. The project site is not known to be in the proximity of any active faults. Therefore, the project would have a less-than-significant impact.
- a.iv) **Less-than-Significant Impact.** Slope failure due to mass movement processes under the influence of gravity can occur without an earthquake. Some of the most common conditions leading to slope failure include the types of materials (unconsolidated, soft sediments or surficial deposits will move downslope more easily than consolidated, hard bedrock), structural properties of materials, steepness of slopes, water, vegetation type, and earthquake-generated ground shaking. The project site is predominantly flat, and no signs of landsliding or other land instability were observed. In addition, the City's Hillside Development guidelines are in place to mitigate for landslides and mudflows due to development. Therefore, the project would have a less-than-significant impact.
- b) **Less-than-Significant Impact with Mitigation.** The project site would be disturbed by site preparation and grading activities. Approximately 2,300 cubic yards of soil material would be cut, and approximately 3,600 cubic yards would be filled (of which the remaining approximate 1,300 cubic yards would be imported). The project would have to obtain a grading permit prior to project construction and the project would be subject to erosion and sediment control measures in Chapter 15.30 – Grading, Erosion and Sediment Control of the City of Colfax Municipal Code. Construction of the retaining wall to the west of the hotel building could create potentially significant impacts to slope stability if designed without sound engineering. The implementation of **Mitigation Measure GEO-1** would reduce impacts to a less-than-significant level.

Mitigation Measure GEO-1: Prior to issuance of the grading permit, the Applicant shall provide a geotechnical report from a licensed geotechnical engineer to the City of Colfax for approval. The geotechnical report shall be

consistent with the content requirements for geotechnical reports as stated in Chapter 15.30.048 – Content of soil/geologic investigation report.

- c) **Less-than-Significant Impact.** The site is predominantly flat, and the risk of landslides, lateral spreading, subsidence, liquefaction or collapse is low. The City of Colfax’s Hillside Development guidelines are also in place to mitigate for landslides and mudflows due to development. The project would be designed using sound engineering judgment and would meet the latest CBC requirements. The project would have to obtain a grading permit prior to project construction and the project would be subject to design standards related to excavation, fill placement and fill compaction in Chapter 15.30 – Grading, Erosion and Sediment Control of the City of Colfax Municipal Code. Therefore, the project would have a less-than-significant impact.
- d) **Less-than-Significant Impact.** The Natural Resources Conservation Service in their Soil Survey of Placer County identified soil types at the project site as Josephone loam (2 to 9 percent slopes) and Mariposa-Josephine complex (5 to 30 percent slopes) and both soil types have low expansion potential (NRCS, 1980). While the project site is not expected to contain expansive soils that would create substantial risks to life or property, the City engineer would make this determination during the grading permit application process. The project would be designed using sound engineering judgment and would meet the latest CBC requirements for expansive soils, if present. Therefore, the project would have a less-than-significant impact.
- e) **No Impact.** The project does not require the use of septic tanks or any other alternative wastewater disposal system. Therefore, the project would have no impact.

References

City of Colfax, *2020 General Plan, Appendix A Hillside Development Guidelines*, September 1998.

City of Colfax, *Municipal Code, Chapter 15.30 – Grading, Erosion and Sediment Control*.

Department of Conservation. *The Alquist-Priolo Earthquake Fault Zoning Act*.
<http://www.conservation.ca.gov/cgs/rghm/ap>. Accessed February 16, 2018.

Natural Resources Conservation Service, *Soil Survey Placer County, California, Western Part*, 1980.

Greenhouse Gas Emissions

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
7. GREENHOUSE GAS EMISSIONS — Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Introduction

This greenhouse gas (GHG) emissions analysis is consistent with the methodology for project review and analysis as described in the PCAPCD’s *CEQA Air Quality Handbook* (PCAPCD, 2017). Additional information related to GHG emissions such as existing setting and regulations, as well as detailed construction and operational emissions inventories for the project is in **Appendix A**.

Discussion

- a) **Less-than-Significant Impact.** CalEEMod was used to quantify temporary GHG emissions associated with project construction activities, as well as long-term operational GHG emissions produced by motor vehicles, natural gas combustion for space and water heating, electricity use, area sources and solid waste disposal/landfilling. CalEEMod incorporates GHG emission factors for the electric utility serving the project area (Pacific Gas & Electric) and mitigation measures based on the California Air Pollution Control Officer’s Association (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures* and the *California Climate Action Registry General Reporting Protocol*.

CalEEMod is sensitive to the year selected, since vehicle emissions have and continue to be reduced due to fuel efficiency standards and low carbon fuels. The operational year of 2020 was analyzed since it is the first full year that the project could conceivably be occupied. Default rates for energy consumption were assumed in the model. Emissions rates associated with electricity consumption were adjusted to account for Pacific Gas & Electric utility’s projected 2020 CO₂ intensity rate. This 2020 CO₂ intensity rate is based, in part, on the requirement of a renewable energy portfolio standard of 33 percent by the year 2020. CalEEMod uses a default rate of 641 pounds of CO₂ per megawatt of electricity produced. The 2020 CO₂ intensity rate of 290 pounds of CO₂ per megawatt of electricity produced was used.

The project’s estimated construction GHG emissions are presented in **Table 3**. The estimated construction GHG emissions are 189 metric tons of CO₂e in 2018 and 27 metric tons of CO₂e in 2019, which are less than the PCAPCD Bright-line significance threshold of 10,000 metric tons of CO₂e per year. Construction GHG emissions are a one-

time release and are, therefore, not typically expected to generate a significant contribution to global climate change in the long-term. Thus, the construction emissions from the project would have a less-than-significant impact.

Table 3: Estimated Annual Greenhouse Gas Emissions (metric tons of CO₂e)

Source	Annual CO ₂ e Metric Tons
2018 Construction Emissions	189
2019 Construction Emissions	27
PCAPCD Annual Bright-line Threshold	10,000
Potentially Significant (Yes or No)?	No
Operations	
Area Sources	0.00
Energy	75.1
Mobile	573.4
Solid Waste	19.0
Water	3.7
Total Operational Emissions	671
<i>PCAPCD De Minimis Level Threshold</i>	1,100
Potentially Significant (Yes or No)?	No

Source: CalEEMod Version 2016.3.2.

As shown in **Table 3**, the project's estimated operational GHG emissions are approximately 671 metric tons of CO₂e, which is below the PCAPCD De Minimis significance threshold of 1,100 metric tons of CO₂e per year. The PCAPCD considers projects with operational emissions less than 1,100 metric tons of CO₂e per year to be less than cumulatively considerable and excludes them from further GHG impact analysis. Thus, the operational emissions from the project would have a less-than-significant impact.

- b) **Less-than-Significant Impact.** The City of Colfax has not developed a Climate Action Plan regarding the reduction of GHG emissions. The applicable plan, policy or regulation adopted for the purpose of reducing the GHG emissions is Assembly Bill (AB) 32 and other State regulations with post-2020 goals such as Executive Order S-3-05 and B-30-15 (GHG regulatory setting information is in **Appendix A**). The project would result in a significant impact if it would conflict with AB 32 or post-2020 goals in other State regulations. The assumption is that AB 32 and associated regulations and Executive Orders will be successful in reducing GHG emissions and reducing the cumulative GHG emissions statewide to meet 2020 goals and post-2020 goals. The State has taken these measures, because no project individually could have a major impact (either positively or negatively) on the global concentration of GHGs. The project has been reviewed relative to the goals of AB 32 and associated regulations and Executive Orders and it has been determined that the project would not conflict with the State GHG reduction goals. Therefore, the project would have a less-than-significant impact.

References

California Air Pollution Control Officers Association, *CalEEMod User’s Guide Version 2016.3.2*, November 2017. http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4

PG&E. *Greenhouse Gas Emission Factors: Guidance for PG&E Customers*, November 2015. http://www.pge.com/includes/docs/pdfs/shared/environment/calculator/pge_ghg_emission_factor_info_sheet.pdf

Placer County Air Pollution Control District (PCAPCD), *CEQA Air Quality Handbook*, November 2017. <http://www.placerair.org/landuseandceqa/ceqaairqualityhandbook>

Hazards and Hazardous Materials

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
8. HAZARDS AND HAZARDOUS MATERIALS — Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a, b) **Less-than-Significant Impact.** During construction of the project, the use of hazardous substances would be limited in nature and subject to standard handling and storage requirements. After construction is complete, the project would not use or store hazardous materials. Therefore, the project would have a less-than-significant impact.
- c) **No Impact.** The CORE Placer Charter School is approximately 700 feet south of the project site. No other schools are within one-quarter mile of the project site. The project does not propose to use or store hazardous materials. Therefore, the project would have no impact.
- d) **No Impact.** The Department of Toxic Substances Control and State Water Resources Control Board compile and update lists of hazardous material sites pursuant to Government Code Section 65962.5. The project site is not included on the databases maintained by the Department of Toxic Substances Control (Envirostor) and the State Water Resources Control Board (Geotracker) (DTSC, 2018 and SWRCB, 2018). Therefore, the project would have no impact.
- e) **Less-than-Significant Impact.** The project site is not located within an airport land use plan and is not within two miles of a public airport. The nearest airport, Auburn Municipal Airport, is approximately 12 miles southwest of the project site. Therefore, the project would have no impact.
- f) **No Impact.** There are no known private airstrips within two miles of the project site. The nearest private airport is the Alta Sierra Airport approximately six miles to the west of the project site. Therefore, the project would have no impact.
- g) **No Impact.** The project would not interfere with emergency response plans or evacuation plans. The project would not impede or require diversion of rescue vehicles or evacuation traffic in the event of a life-threatening emergency. Therefore, the project would have no impact.
- h) **No Impact.** Development of the project would require vegetation removal, which could reduce the risk of wildland fires. Therefore, the project would have no impact.

References

Department of Toxic Substances Control (DTSC), *DTSC's Envirostor Database*,
<https://www.envirostor.dtsc.ca.gov/public/>, accessed February 15, 2018.

State Water Resources Control Board (SWRCB), *Geotracker*,
<https://geotracker.waterboards.ca.gov/>, accessed February 15, 2018.

Hydrology and Water Quality

<u>Issues (and Supporting Information Sources):</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
9. HYDROLOGY AND WATER QUALITY — Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a,f) **Less-than-Significant Impact.** The Clean Water Act (CWA) has nationally regulated the discharge of pollutants to waters of the U.S. from any point source since 1972. In 1987, amendments to the CWA added section 402(p), which established a framework for regulating non-point source stormwater discharges under the National Pollutant Discharge Elimination System (NPDES). Projects that disturb one or more acres are required to obtain coverage under the General Permit for Discharges of Stormwater

Associated with Construction Activity, Construction General Permit (CGP) Order 2009-0009-DWQ.

General Permit applicants are required to submit (to the appropriate regional board) Permit Registration Documents, which include a Notice of Intent, an annual fee, and a Stormwater Pollution Prevention Plan (SWPPP). Additional requirements include compliance with post construction standards focusing on Low Impact Development (LID), preparation of Rain Event Action Plans, and specific certification requirements for specific project personnel. The SWPPP must include implementing Best Management Practices (BMPs) to reduce construction effects on receiving water quality by implementing erosion control measures and reducing or eliminating non-stormwater discharges.

Contaminated runoff from the project site could potentially cause negative water quality impacts. Potential water quality impacts may occur during project construction and after project development. During construction, the increased area of disturbed soils would result in increased erosion and potentially introduce sediment into stormwater during rain events. After construction is completed, the increased runoff from areas of new impervious surfaces would increase the potential for erosion and the amount of sediment in stormwater runoff. Therefore, the polluted water runoff from the project could have a potentially significant impact.

Coverage under the General Construction Stormwater Permit would be obtained prior to performing any land disturbing activities. As part of the requirements of the General Permit, a SWPPP would be prepared for the project. The SWPPP would be designed to reduce or eliminate pollutant discharges to waters. The SWPPP practices would apply to both the original construction and the site improvements. It would specify the implementation of site-specific BMPs. Monitoring of the BMPs would be performed pursuant to the requirements of the General Permit. Implementation of BMPs would help meet stormwater discharge water quality criteria for the project by capturing pollutants before they enter the waterways.

Monitoring of BMPs would be performed during construction under the General Construction Stormwater Permit. Monitoring consists of performing routine and storm-based site inspections and making specific recommendations to the project manager, such as installing additional BMPs and performing maintenance on existing BMPs. Typical construction-related (temporary) BMPs that could be implemented as part of the project include, but are not limited to, the following:

- Application of a street-sweeping program to remove potential contaminants from street and roadway surfaces before they reach drainage inlets or discharge locations.
- Proper installation of erosion control measures to all disturbed areas including, but not limited to, the installation of straw mulch, hydraulic mulch, hydroseed, and erosion control blankets.

- Proper installation of sediment control measures below all areas that have a moderate to high potential for erosion. Sediment control measures to be installed on-site include, but are not limited to, silt fence, straw wattles, gravel bag check dams, sediment traps, drainage inlet (DI) bags and gravel bags.

The implementation of BMPs would help meet stormwater discharge water quality criteria for the project by capturing urban runoff pollutants before they can enter the area waterways. Coverage under the General Construction Stormwater Permit and preparation of a SWPPP would ensure no water quality or waste discharge requirements are violated and reduce the potential for substantially degrading water quality. Therefore, the project would have a less-than-significant impact.

- b) **Less-than-Significant Impact.** The City of Colfax is not heavily reliant on groundwater. The PCWA would supply water for the project. Water from the Yuba-Bear and American River watersheds and snow pack runoff supplement the PCWA. The project would be required to comply with standard water conservation measures for appliances and irrigation. The additional water demand would not cause groundwater levels in the City's aquifers to decline. The project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. Therefore, the project would have a less-than-significant impact.
- c, d, e) **Less-than-Significant Impact.** The project would include various drainage improvements at the project site. New site work would collect storm water runoff, which would go through a storm interceptor prior to release into the existing storm drain that serves the project site. **Figure 6** shows the surface drainage flow/direction and proposed on-site drainage improvements.

The construction of the hotel and parking lot would increase impervious surfaces on the site. Increased impervious surfaces would increase the rate and volume of storm water runoff. The Drainage Report (**Appendix E**) shows the proposed drainage system can handle a 25-year storm event. The project runoff would be contained in underground Contech chambers and retention basin so that the runoff would not exceed the present site storm runoff before it is dumped into the existing on-site storm drainage system. Therefore, the project would reduce sediments from entering the current storm drainage system and minimize potential flooding on or off site.

A grading permit would be required prior to project construction and the project would be subject to erosion and sediment control measures in Chapter 15.30 – Grading, Erosion and Sediment Control of the City of Colfax Municipal Code. Coverage under the General Construction Stormwater Permit and preparation of a SWPPP would also reduce the potential for degrading water quality. Therefore, any grading that changes the existing drainage patterns would not result in substantial erosion or siltation on-or-offsite. Therefore, the project would have a less-than-significant impact.

FIGURE 6 Drainage Improvements

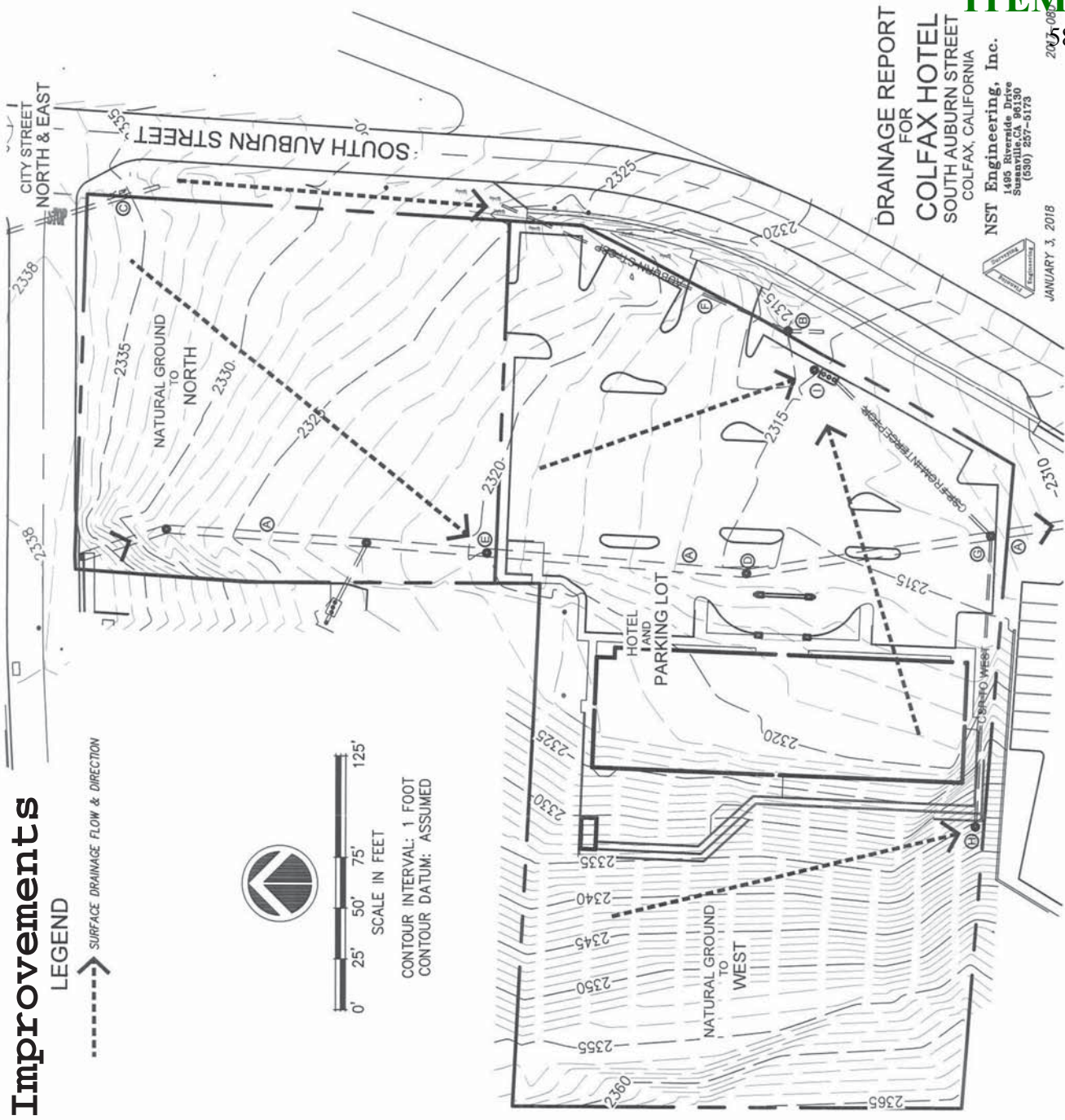
DRAINAGE NOTES

(A)	EXISTING PIPED BUNCH CREEK - PIPE SIZE UNKNOWN THREE EXISTING 48" DIA INLET GRATES
(B)	EXISTING 16" CULVERT INLET - OUTLET LOCATION UNKNOWN. INSTALL NEW STORM DRAIN MANHOLE WITH FRAME AND COVER AT SURFACE
(C)	EXISTING 24" CULVERT - COMPLETE DRAINAGE AREA UNKNOWN.
(D)	EXISTING 48" INLET FRAME & GRATE - RAISE TO GRADE, REDUCE TO 24" DIA AND INSTALL FRAME & COVER
(E)	INSTALL NEW 24" DIA. FRAME & GRATE OVER EXISTING STORM DRAIN PIPE - CUT INTO TOP EXISTING PIPE AND ROCK INLET AREA
(F)	INSTALL 150 LF 12" CSP WITH ROCKED INLET AND OUTLET LOCATED AT POINT "B"
(G)	INSTALL NEW 48" DIA. STORM DRAIN MANHOLE OVER EXISTING STORM DRAIN PIPE - RAISE FRAME AND COVER TO AC SURFACE. NEW PIPE INLET LOCATIONS IN UPPER HALF OF EXISTING PIPE - FIELD VERIFY PRIOR TO PIPE RUNS
(H)	INSTALL NEW 18" DIA. FRAME & GRATE OVER 24" STORM DRAIN MANHOLE - INSTALL 24" CONC PIPE SECTIONS VERTICALLY TO GAIN 15' DEPTH. NEW 12" CSP TO POINT "G".
(I)	INSTALL NEW JENSEN PRECAST JPHV-2000 HIGH VELOCITY STORMWATER INTERCEPTOR WITH BYPASS STRUCTURE FOR FLOWS OVER 1.0 CFS. INSTALL 110 LF 18" CSP FROM INTERCEPTOR TO EXISTING STORM DRAIN PIPE AT LOCATION "C".

LEGEND



SCALE IN FEET
CONTOUR INTERVAL: 1 FOOT
CONTOUR DATUM: ASSUMED



DRAINAGE REPORT
FOR
COLFAX HOTEL
SOUTH AUBURN STREET
COLFAX, CALIFORNIA



NST Engineering, Inc.
1485 Riverdale Drive
Sacramento, CA 95830
(916) 587-9170

JANUARY 3, 2018

- g, h) **No Impact.** According to the Federal Emergency Management Agency’s (FEMA’s) National Flood Insurance Program, the project is not located within a 100-year flood hazard area. Therefore, the project would have no impact.
- i) **No Impact.** The City of Colfax is not located near a damn or levee, therefore the project would have no impact.
- j) **Less-than-Significant Impact.** The City of Colfax is not in close proximity to the ocean or a landlocked sea; therefore, the City is not at risk of inundation from a seiche or tsunami. The project site is relatively flat, and there would not be a substantial risk of landslides or mudflows. Therefore, the project would have a less-than–significant impact.

References

City of Colfax, *Municipal Code, Chapter 15.30 – Grading, Erosion and Sediment Control.*
 FEMA, *Flood Insurance Rate Map, Placer County, California and Incorporated Area (Map Number 06061C0125 F)*, June 8, 1998.
 NST Engineering, Inc., *Drainage Report for Colfax Hotel*, January 3, 2018.
 United States EPA, *National Pollutant Discharge Elimination System General Permit for Discharges from Construction Activities*, February 6, 2012.

Land Use and Land Use Planning

<u>Issues (and Supporting Information Sources):</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
10. LAND USE AND LAND USE PLANNING —				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) **No Impact.** The project would not physically divide an established community. Therefore, the project would have no impact.
- b) **Less-than-Significant Impact.** The project site is designated Commercial Highway (C-H) for APN 100-230-023 & -024 and a portion of -022. The remaining portion of APN 100-230-022 is designated Commercial Retail (C-R). The project includes a lot line

adjustment and a CUP because there are two zoning districts on APN 100-230-022. **Figure 4** shows existing property lines of the three parcels (Parcels 1, 2 and 3) and **Figure 5** shows proposed property lines after the lot line adjustment (Parcels A, B and C). The project would be developed on proposed Parcel C. Development on proposed Parcels A and B is unknown at this time and is not part of this project. The project proposes to change the zoning to C-H zoning for the hotel use on Parcel C. The project proposes C-R zoning for Parcels A and B. The project would be consistent with the commercial land use designation.

The City of Colfax 2020 General Plan’s Economic Development Implementation Measure 8.5.E states “seek out developers and provide incentives for hotel/motel development along the I-80 corridor.”

With the lot line adjustment and CUP approval, the project would not conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the project would have a less-than-significant impact.

- c) **No Impact.** The City of Colfax does not currently participate in a habitat conservation plan or natural community conservation plan. Therefore, the project would have no impact.

References

City of Colfax, *General Plan 2020*, September 22, 1998.

County of Placer. *Zoning*. <http://gis-placercounty.opendata.arcgis.com/datasets/zoning>

Mineral Resources

<u>Issues (and Supporting Information Sources):</u>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
11. MINERAL RESOURCES — Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a-b) **No Impact.** The California Department of Conservation Mines Online tool does not identify any documented mines on the project site. The project site does not contain a

locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. Therefore, the project would have no impact.

References

Department of Conservation, Division of Mine Reclamation, *Mines Online*. <http://maps.conservation.ca.gov/mol/index.html>. Accessed February 16, 2018.

United States Geological Survey (USGS). *Mineral Resources Online Spatial Data*. <https://mrdata.usgs.gov/>. Accessed February 16, 2018.

Noise

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
12. NOISE — Would the project:				
a) Result in exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Introduction

This noise analysis includes a Noise Appendix (**Appendix B**). The Noise Appendix includes background noise information, 24-hour noise plots, and a map of the noise measurement locations.

Noise Standards

State Guidelines

The State Land Use Compatibility standards for Community Noise (Table 5 of the Noise Appendix) indicate that for Transient Lodging (hotels/motels), a Community Noise

Exposure up to 65 dB (Ldn or CNEL) is Normally Acceptable, and a Community Noise Exposure up to 70 dB (Ldn or CNEL) is Conditionally Acceptable.

The State of California establishes exterior sound transmission control standards for new non-residential buildings exposed to exterior noise levels greater than 65 dBA Ldn/CNEL as set forth in the 2016 California Green Building Standards Code (Cal Green). Cal Green offers two methods for meeting the interior sound level standard: a prescriptive method and a performance method. The project will use the performance method to evaluate compliance with Cal Green's exterior sound transmission control standards, which is described below.

Section 5.507.4.2 – Performance method. For buildings located, as defined by Section 5.507.4.1, wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall be constructed to provide an interior noise environment attributable to exterior sources that does not exceed an hourly equivalent noise level (hourly Leq) of 50 dBA in occupied areas during any hour of operation.

City of Colfax 2020 General Plan

The City of Colfax has adopted the State Land Use Compatibility standards for Community Noise for new development. The Noise Element of the City of Colfax 2020 General Plan indicates that for Transient Lodging (hotels/motels), a Community Noise Exposure up to 65 dB (Ldn or CNEL) is Normally Acceptable, and a Community Noise Exposure up to 70 dB (Ldn or CNEL) is Conditionally Acceptable. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice for projects in the conditionally acceptable range.

City of Colfax Noise Ordinance

Chapter 8.28 of the City of Colfax Municipal Code (noise ordinance) is applicable to the project:

8.28.010 Noise Standards.

It is unlawful for any person to make or continue or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others within the city when not in the normal or usual conduct of commercial or industrial business.

Construction or Repair of Buildings

- a. The performance of any construction, alteration or repair activities which require the issuance of any building, grading, or other permit may occur only during the following hours:
 - i. Monday through Friday: six a.m. to six p.m.;

- ii. Saturdays: eight a.m. to five p.m.;
- iii. Sundays and observed holidays: eight a.m. to five p.m.
- b. Any noise from the above activities, including from any equipment used therewith, shall not produce noise levels in excess of the following:
 - i. Saturdays: eighty (80) dBA when measured at the property line or at a distance of twenty-five (25) feet, whichever is greater.
 - ii. Sundays and observed holidays: seventy (70) dBA when measured at the property line or at a distance of twenty-five (25) feet, whichever is greater.
- c. The building official may grant a permit for building activities during other periods for emergency work or extreme hardship. "Emergency work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger. Any permit so granted shall be of specified limited duration and may be subject to any conditions necessary to limit or minimize the effect of any noise permitted thereby.

Discussion

a) Less-than-Significant Impact

Existing Noise

To quantify existing ambient noise levels in the immediate project vicinity, RCH conducted a long-term (72-hour) measurement at the proposed location of the hotel (Site 1), and short-term (10-minute) measurements at four locations (Sites 1-4).

These noise measurements were made using Metrosonics db308 sound level meters, calibrated before and after the measurements, and are summarized in **Table 4** below. Based upon review of the project site, there are no major stationary noise sources in the area. The dominant source of noise is from traffic on I-80 and the bordering roadways.

Table 4: Existing Noise Measurements

Location	Time Period	Noise Levels (dB)	Noise Sources
Site 1. West side of the proposed location of the hotel	Monday February 19, 2018 11:23-11:33 a.m.	5-minute Leq's: 65, 65	Truck horn is 69 dB. Trucks are 66-69 dB. Heavy traffic is 66-68 dB. Medium traffic is 64-65 dB. Light traffic is 60-63 dB. Background noise is 55 dB.
Site 1. West side of the proposed location of the hotel	Tuesday February 20, 12:00 a.m. through Thursday February 22, 11:59 p.m., 2018 72-hour measurement	Hourly Leq's ranged from: 59-67 CNELs: 70, 70, 69	Unattended noise measurements do not specifically identify noise sources.

Site 1. West side of the proposed location of the hotel	Friday February 23, 2018 10:28-10:38 a.m.	5-minute Leq's: 65, 66	Heavy traffic is 71 dB. Passing truck is 67-69 dB. Medium traffic is 63 dB. Light traffic is 59 dB. Quieter noises include birds & back-up beeper at Dollar General.
Site 2. Southeast corner of site, 150 feet from the centerline of I-80	Monday February 19, 2018 11:42-11:52 a.m.	5-minute Leq's: 71, 71	Heavy traffic with multiple trucks is 75 dB. Trucks are 71-74 dB. Heavy traffic is 68-72 dB. Light traffic is 62-67 dB. Background noise is 61 dB.
Site 2. Southeast corner of site, 150 feet from the centerline of I-80	Friday February 23, 2018 10:54-11:04 a.m.	5-minute Leq's: 71, 72	Loud truck is 83 dB. Passing truck(s) is 72-76 dB. Medium traffic is 67-71 dB. Light traffic is 63-66 dB. Break in traffic is 60 dB.
Site 3. Northwest corner of site, across from Taco Bell	Monday February 19, 2018 2:30-2:40 p.m.	5-minute Leq's: 66, 67	Honk at Taco Bell is 70 dB. Heavy traffic on Whitcomb Avenue is 68-69 dB. Traffic on Whitcomb Avenue and I-80 is 66-67 dB. Light traffic is 63-65 dB. Quieter noises include pedestrians.
Site 3. Northwest corner of site, across from Taco Bell	Friday February 23, 2018 12:51-1:01 p.m.	5-minute Leq's: 64, 65	Truck on Whitcomb is 70-71 dB. Freeway traffic is 63-68 dB. Cars on Whitcomb are 62-67 dB. Light traffic is 61-62 dB. Break in traffic is 57 dB. Quieter noises include birds and wind.
Site 4. Southwest corner of intersection of Whitcomb Avenue and South Auburn Street	Monday February 19, 2018 2:48-2:58 p.m.	5-minute Leq's: 75, 74	Speeding car on South Auburn Street is 74 dB. Car alarm is 70 dB. Cars at intersection are 68-70 dB. Traffic on I-80 is at least 64 dB. Quieter noises include snowfall.
Site 4. Southwest corner of intersection of Whitcomb Avenue and South Auburn Street	Friday February 23, 2018 1:06-1:16 p.m.	5-minute Leq's: 67, 67	Car passing on South Auburn Street is 71-76 dB. Heavy/louder traffic is 68-70 dB. Medium traffic is 65-67 dB. Light traffic is 60-64 dB. Break in traffic is 59 dB.

Source: RCH Group, 2018

Note: See Noise Appendix for a map of noise measurement locations.

Potential Traffic Noise Impacts on Hotel Guests

Exterior Noise Levels

The outdoor activity area for the proposed hotel would include a swimming pool and patio on the northwest side of the hotel. This area would be shielded from traffic noise by the hotel building and by a wall along the northern boundary of the pool/patio area, parallel to Whitcomb Avenue. As shown in **Table 4**, the 24-hour noise levels measured at the project site were 69-70 dB CNEL. Shielding from the hotel building and the wall along the northern boundary would be expected to reduce noise levels at the swimming pool/patio area by a minimum of five to 10 dB. Therefore, noise at the swimming pool/patio area would be expected to be 65 dB CNEL or less and the project would comply with the State Land Use Compatibility standards for Community Noise for new development in the City of Colfax 2020 General Plan Noise Element. Therefore, the project would have a less-than-significant impact.

Interior Noise Levels

Commercial and residential building facades constructed with a wood frame and a stucco or wood sheathing exterior typically provide a minimum exterior-to-interior noise reduction of 25 dB with windows closed and a reduction of 15-20 dB with windows partially open (CalTrans, 2002). The proposed hotel building facades would be constructed with a wood frame and stucco exterior and rooms would include air conditioning so guests could close windows. Therefore, an exterior-to-interior noise reduction of 25 dB is assumed for the proposed hotel building façade.

As shown in **Table 4**, the 24-hour noise levels near the proposed hotel building were 69-70 dB CNEL and the highest hourly Leq during the continuous 72-hour noise measurement was 67 dB. Given this and the assumed 25 dB reduction, interior noise levels would be approximately 42 dB Leq during the noisiest hour of a given day. The project would comply with Cal Green's exterior sound transmission control standards because the project would not exceed an hourly Leq of 50 dB in occupied areas during any hour of project operation. Therefore, the project would have a less-than-significant impact.

Construction Noise

Construction activities would include removal of vegetation, minor grading, building construction, etc. These activities would require the use of numerous pieces of noise-generating equipment.

Noise from project construction could have an impact on nearby residences. The nearest sensitive receptor to the project site is a multi-family unit approximately 40 feet north of the proposed hotel construction area. There are also single-family residences to the west of the project site, approximately 190 feet from the proposed hotel construction area.

Construction worker traffic and construction-related material haul trips would generate noise and incrementally raise ambient noise levels along local haul routes, depending on the number of haul trips made and types of vehicles used. Construction activities and associated traffic would occur primarily during the daytime.

Construction activities associated with the project would comply with the City of Colfax Municipal Code. Construction activities would be short-term and would occur during daytime hours. Therefore, the project would have a less-than-significant impact.

- b) **Less-than-Significant Impact.** Construction would occur no closer than 25 feet from the nearest structure. It is assumed that pile drivers would not be needed for this project. As shown in Table 5 of the Noise Appendix (**Appendix B**), the predicted vibration levels from construction equipment other than pile drivers at a distance of 25 feet would not exceed the 0.5 in/sec PPV threshold for residential and commercial structures. Therefore, the project would have a less-than-significant impact.
- c) **Less-than-Significant Impact.** After construction, impacts from the project would include any operational noise that would affect surrounding land uses. Operational noise from the project would include traffic to and from the site, and parking lot noise. Parking lot noise is relatively quiet and would be consistent with the commercial uses in the project vicinity. The increase in traffic from the project would result in up to 577 daily vehicle trips, including 32 a.m. peak hour trips and 41 p.m. peak hour trips (KDA, 2018). Existing peak hour trips on South Auburn Street are 206 a.m. peak hour trips and 292 p.m. peak hour trips. The project traffic would have to double a.m. or p.m. peak hour trips on South Auburn Street to result in a potentially significant noise impact (a 3 dB increase). The project would result in an approximately 16 percent increase in a.m. peak hour trips and a 14 percent increase in p.m. peak hour trips on South Auburn Street. Therefore, traffic noise impacts would be less than significant.

Noise levels from project operations would be compatible with the surrounding land uses and City of Colfax noise standards. Any permanent increase in ambient noise levels in the project vicinity would not be substantially greater than existing levels without the project. Therefore, the project would have a less-than-significant impact.

- d) **Less-than-Significant Impact.** Construction activities associated with the project would result in a temporary increase of ambient noise levels in the project vicinity. These activities would be temporary, move throughout the project site, and comply with the City of Colfax Municipal Code. Therefore, the project would have a less-than-significant impact.
- e, f) **No Impact.** The project site is not located within an airport land use plan or within two miles of a public or public use airport. There are no private airstrips located near the project site. The project would not expose people working or visiting in the project area to excessive airport noise levels. Therefore, the project would have no impact.

References

California Building Standards Commission, *Guide to the 2016 California Green Building Standards Code Nonresidential*, January 2017.

Caltrans, *Technical Noise Supplement*, 1998.

Caltrans, *Transportation Related Earthborne Vibrations*, prepared by the Division of Environmental Analysis, Office of Noise, Air Quality, and Hazardous Waste Management, 2002.

Caltrans, *California Airport Land Use Planning Handbook*, prepared by Shutt Moden Associates, 2002.

Caltrans, *Transportation- and Construction-Induced Vibration Guidance Manual*, Prepared by Jones & Stokes, 2004.

City of Colfax, *2020 General Plan Noise Element*, accessed 2/14/2018 at (http://www.colfax-ca.gov/documents/generalplan/04_Noise.pdf).

City of Colfax, *Municipal Code, Chapter 8.28 Noise Standards*, accessed 2/14/2018 at (https://library.municode.com/CA/colfax/codes/code_of_ordinances).

Federal Transit Administration, *Transit Noise and Vibration Impact Assessment* (FTA-VA-90-1003-06), 2006.

KD Anderson & Associates, *Traffic Impact Analysis for Colfax Hotel*, March 29, 2018.

U.S. Environmental Protection Agency, *Legal Compilation*, 1973.

Population and Housing

<u>Issues (and Supporting Information Sources):</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
13. POPULATION AND HOUSING — Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a) **Less-than-Significant Impact.** The project site is located in a developed area of the City where public utilities and services (sewer, water, storm drainage, etc.) are available to accommodate the demands of the project. The project would not create new residences,

nor would it require a number of employees that would induce substantial population growth in the City. Therefore, the project would have a less-than-significant impact.

- b-c) **No Impact.** The project site is currently vacant and zoned commercial and construction of the project would not displace residents or housing. Therefore, the project would have no impact.

Public Services

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
14. PUBLIC SERVICES — Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

- a.i) **Less-than-Significant Impact.** Two fire departments provide fire protection services to the City of Colfax. The Colfax Fire Department is at 33 West Church Street and Colfax Station (operated by Cal Fire during fire season and Placer County Fire during winter season) is at 24020 Fowler Avenue. Other agencies that support the City with mutual aide are the Placer Hills Fire District in Meadow Vista and the Chicago Park/Peardale Fire Departments. The closest fire station to the project site is the Colfax Station, located ¼ mile to the southeast. The project would not create the need for new fire facilities, but would be required to pay applicable impact fees for fire protection. The project would have to comply with provisions for fire hydrants within the City of Colfax Municipal Code and the fire chief and city engineer would review fire hydrant type and locations when the Applicant applies for a building permit. Therefore, the project would have a less-than-significant impact.
- a.ii) **Less-than-Significant Impact.** The City of Colfax contracts its law enforcement needs through the Placer County Sheriff’s Office at 10 Culver Street. The Colfax Substation is manned by a Sergeant, four City dedicated deputies, two resident deputies and senior volunteers. The main Placer County Sheriff’s Office at 2929 Richardson Drive in

Auburn. The nearest California Highway Patrol station is in the town of Gold Run and their units are available to Colfax. The closest station to the project site is the Placer County Sheriff's Office approximately ½ mile to the northwest. The project would not create the need for new police protection facilities, but would be required to pay applicable impact fees for police protection. Therefore, the project would have a less-than-significant impact.

- a.iii) **Less-than-Significant Impact.** Colfax Elementary School District provides educational services for the City of Colfax. Colfax Elementary is at 24825 Ben Taylor Road. Colfax High School is part of the Placer Union School District. Colfax High School is at 24995 Ben Taylor Road. Core Placer Charter School is approximately 700 feet south of the project site. The project would not increase population, thus it would not create the need for new school facilities. Therefore, the project would have a less-than-significant impact.
- a.iv) **Less-than-Significant Impact.** The City of Colfax currently has four parks totaling 3.26 acres. The project would not include residential uses or increase population, thus it would not require the construction of new recreational facilities. Therefore, the project would have a less-than-significant impact.
- a.v) **No Impact.** The project would have no impact on the provision of any other public facilities. The project would not require the construction of new governmental facilities or require physically altering existing facilities to maintain the City's public services. Therefore, the project would have no impact.

Recreation

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
15. RECREATION — Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a-b) **Less-than-Significant Impact.** Any increase in the use of existing parks and other recreational facilities because of the project would be negligible because the project would not increase population. The project would include recreational facilities typical of a hotel, such as an outdoor swimming pool and an exercise room. These facilities would

reduce impacts on existing recreational facilities. Physical effects of the swimming pool and patio on the environment are addressed as part of the overall project within this Initial Study. Therefore, the project would have a less-than-significant impact.

Transportation and Traffic

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
16. TRANSPORTATION AND TRAFFIC —				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Introduction

This transportation and traffic analysis is based on a Traffic Impact Analysis for the project conducted by KD Anderson & Associates, Inc. (KDA, 2018). The Traffic Impact Analysis is **Appendix F** to this Initial Study.

The project would take access via South Auburn Street and potentially to Whitcomb Avenue in the future when development of proposed Parcels A and B (after lot line adjustment) is complete. Development on proposed Parcels A and B is unknown at this time and is not part of this project. Therefore, South Auburn Street is the only project access point analyzed.

The project would have roughly 280 feet of frontage on South Auburn Street and the new access driveway would be located about 350 feet south of the Whitcomb Avenue intersection. From this

point, the project would have access to Interstate 80 at the westbound South Auburn Street ramps, roughly 900 feet to the north, the eastbound State Route (SR) 174 ramps about 2,300 feet away and via the Placer Hills Road ramps about a mile to the south. As shown in **Table 5**, the project would generate up to 577 daily trips, 32 a.m. peak hour trips and 41 p.m. peak hour trips.

Table 5: Trip Generation

ITE Code	Description	Unit/Quantity	Trip Generation / Rates and Forecasts						
			Daily	A.m. Peak Hour			P.m. Peak Hour		
				in	out	total	in	out	total
310	Hotel	room	8.36	59%	41%	0.47	51%	49%	0.60
	Colfax Hotel	69 rooms	577	19	13	32	21	20	41

Source: ITE Trip Generation Manual (10th Edition), KDA, 2018

As the quality of traffic flow in urban areas is typically governed by the operation of major intersections, this analysis focuses on traffic conditions at two (2) existing Colfax area intersections (South Auburn Street/ Westbound Interstate 80 ramps and South Auburn Street/ Whitcomb Avenue). Both a.m. and p.m. peak hour turning movement counts were assembled for each intersection from traffic counts conducted in February 2018. Peak hour trip distribution assumptions are presented in **Table 6**.

Table 6: Project Trip Distribution

Direction	Route	Percent of Total
North	S. Auburn St beyond SR 274 overcrossing	25%
East	Interstate 80	20%
West	Interstate 80	45%
South	S. Auburn Street Businesses	10%
Total		100%

Source: KDA, 2018

The project would include frontage improvements on South Auburn Street. These improvements would widen the street by about twelve feet. This analysis does not, however, assume any changes to the current lane configurations at the South Auburn Street / Whitcomb Avenue intersection.

The South Auburn Street/ Westbound I-80 ramps currently operate at Level of Service (LOS) E with an average delay of 42.1 seconds/vehicle. The South Auburn Street/ Whitcomb Avenue

intersection currently operates at LOS B with an average delay of 10.6 seconds/vehicle. The City of Colfax has a minimum LOS C standard and any project that causes an intersection to exceed LOS C would have a potentially significant traffic impact.

Discussion

a-b) **Less-than-Significant Impact.** Project traffic would not result in any additional intersections operating with LOS that exceeds the City's minimum LOS C standard. The South Auburn Street/ Westbound I-80 ramps currently operate at LOS E. The project would not change LOS at the intersection, but would increase the length of delays slightly. During the a.m. peak hour the intersection would continue to operate at LOS E, while during the p.m. peak hour the intersection would continue to operate at LOS C. The other un-signalized intersections on South Auburn Street would continue to operate in compliance with the City's minimum LOS standard with and without the project. Existing and Existing Plus Project LOS is shown in **Table 7**.

The City of Colfax has no formal policy regarding the amount of additional delay that can be acceptable when LOS already exceeds LOS C at a given intersection. Other jurisdictions have adopted guidelines for determining the significance of incremental traffic increases when background conditions are deficient. Placer County's methodology of assessment assumes that at un-signalized intersections, an increase in overall average delay of 2.5 seconds is significant if traffic signal warrants are also satisfied. The incremental increase in average delays at the South Auburn Street/ Westbound I-80 ramps with the project would be 0.7 seconds, which is less than the 2.5-second increment permitted under Placer County guidelines.

The project would be required pay the City of Colfax's traffic mitigation fee, which is based on the project's estimated p.m. peak hour trips (41) for the project. Therefore, the project would have a less-than-significant impact.

Table 7: Existing Plus Project Intersection Level of Service

Location	Control	AM Peak Hour					PM Peak Hour					Traffic Signal Warrants Met?
		Existing		Existing Plus Project			Existing		Existing Plus Project			
		LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	diff	LOS	Average Delay (sec/veh)	LOS	Average Delay (sec/veh)	diff	
S. Auburn Street / WB I-80 ramps	All Way Stop	E	42.1	E	42.8	0.7	C	16.1	C	16.5	-	No
S. Auburn St/ Whitcomb Avenue SB approach	SB Stop	B	10.6	B	10.9	0.3	B	12.5	B	12.9	0.4	No
S. Auburn St / Hotel Access SB approach	SB Stops			B	10.1				B	10.6		No

Source: KDA, 2018

Note: **Bold** values are conditions in excess of City of Colfax LOS C minimum

Cumulative Impacts

The project along with future development in the City would add traffic to the roadway system, and, with one exception, the study area intersections would operate at a LOS that satisfy the City's LOS C minimum standard. The South Auburn Street/Whitcomb Avenue intersection would be projected to operate at LOS D under future cumulative conditions, and the City may eventually elect to install an all-way stop. Alternatively, the resulting turning movements may justify a separate left turn lane on South Auburn Street, and the City may elect to restripe the roadway to create that lane. The project would be required to pay the City of Colfax's traffic mitigation fee, which was established to provide a portion of the financing for improvements to provide adequate LOS. Therefore, the project would have a less-than-significant impact.

- c) **No Impact.** The project would not change air traffic patterns. Therefore, the project would have no impact.
- d) **Less-than-Significant Impact.** The project would not involve any new hazardous design features nor introduce any new uses that may be incompatible with transportation. Project traffic would not create the need for a separate left turn lane at the South Auburn Street/Whitcomb Avenue intersection (KDA, 2018). Therefore, the project would have a less-than-significant impact.
- e) **No Impact.** The project would not affect emergency response routes. Therefore, the project would have no impact.
- f) **No Impact.** The project would not decrease the performance or safety of public transit, bicycle, or pedestrian facilities. The project would include curb, gutter, and sidewalk and road widening of South Auburn Street to match the existing Dollar General to the south and would improve pedestrian and bicycle facilities. Therefore, the project would have no impact.

References

KD Anderson & Associates, *Traffic Impact Analysis for Colfax Hotel*, March 29, 2018.

Tribal Cultural Resources

<u>Issues (and Supporting Information Sources):</u>	<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
17. TRIBAL CULTURAL RESOURCES —				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Discussion

- a) **Less-than-Significant Impact.** As discussed in impact a) of the Cultural Resources discussion, there are no historical resources at the project site and no historical resources were previously recorded within the project area (Peak & Associates, 2018). Thus, the project does not have the potential to cause a significant impact on any resource that currently qualifies as a historical resource, or that has been recommended eligible for listing in the NRHP or CRHR. Therefore, the project would have a less-than-significant impact.
- b) **Less-than-Significant Impact with Mitigation.** As discussed in impact b,c) of the Cultural Resources discussion, the potential for discovery of buried archaeological or paleontological resources is considered low (Peak & Associates, 2018). No tribal cultural resources (TCRs) are known to exist within the project area (Natural Investigations Company, 2018). No tribes have requested AB52 consultation.

Should any TCRs be discovered during ground disturbing activities for the project the implementation of **Mitigation Measure CUL-1 and CUL-2** would reduce impacts to a less-than-significant level.

References

Peak & Associates. 2018. *Cultural Resource Assessment for the Singh Hotel Project, Colfax, Placer County, California*. January 26, 2018.

Utilities and Service Systems

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
17. UTILITIES AND SERVICE SYSTEMS —				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new stormwater drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

a, b, e) **Less-than-Significant Impact.** Sewer service in the City of Colfax is handled by the City of Colfax Wastewater Treatment Plant (WWTP). The WWTP is permitted by the Regional Water Quality Control Board, Central Valley Region, under the National Pollution Discharge Elimination System (NPDES) permit, No. CA0079529, Order R-5-2013-0045. Under the permit, the City of Colfax is allowed to operate the WWTP at an average daily dry weather discharge flow of 0.275 million gallons per day. A Sewer Evaluation and Capacity Assurance Plan (SECAP) was completed by the City in 2010. The study analyzed the dry weather and wet weather flow in the wastewater collection system. The system capacity was found to be sufficient to handle current and future usage based on 20-year growth assumptions.

The project would not require or result in the construction or expansion of a new water or wastewater treatment facility. The project would connect to the City's sewer system (there is an existing east/west sewer pipeline extending from South Auburn Street through the project site to the single-family subdivision to the west). The project would be required to pay the City's applicable sewer impact fee. The type of wastewater to be produced by the project is typical of wastewater already collected and treated at the WWTP. The WWTP is

capable of handling and treating wastewater from the project to the treatment requirements of the Central Valley Regional Water Quality Control Board. Construction of the on-site sewer improvements would be subject to erosion and sediment control measures in Chapter 15.30 – Grading, Erosion and Sediment Control of the City of Colfax Municipal Code. Therefore, the project would have less-than-significant impact.

The project would connect to the existing PCWA six-inch water main at the pressure reducing station in the southeast corner of the project site or at the end of the existing 12-inch water main east of proposed Parcels A and B (after the lot line adjustment), depending upon the required fire hydrant flow rate for the hotel building. The project would also move the existing pressure reducing station to behind the new curb, gutter and sidewalk. The project would enter into a facilities agreement with PCWA and pay all applicable fees. Construction of the on-site water main extension and movement of the pressure reducing station would be subject to erosion and sediment control measures in Chapter 15.30 – Grading, Erosion and Sediment Control of the City of Colfax Municipal Code. Therefore, the project would have less-than-significant impact.

- c) **Less-than-Significant Impact.** The project would include various drainage improvements at the project site. New site work would collect storm water runoff, which would go through a storm interceptor prior to release into the existing storm drain that serves the project site. A grading permit would be required prior to project construction and the project would be subject to erosion and sediment control measures in Chapter 15.30 – Grading, Erosion and Sediment Control of the City of Colfax Municipal Code. Coverage under the General Construction Stormwater Permit and preparation of a SWPPP would also reduce the potential for degrading water quality. Therefore, the project would have a less-than-significant impact.
- d) **Less-than-Significant Impact.** The project would be served by the PCWA. The PCWA makes commitments for service only upon execution of a facilities agreements and payment of all fees required by the PCWA. The project would enter into a facilities agreement and pay all applicable fees. The project would not result in new or expanded water entitlements. Therefore, the project would have a less-than-significant impact.
- f, g) **Less-than-Significant Impact.** Solid waste in the City of Colfax is collected by Recology and disposed of for sorting at the Western Placer County Regional Materials Recovery Facility. Any solid waste not recycled or composted would be disposed of at the Western Regional Sanitary Landfill. Solid waste collection is a “demand responsive” service and current service levels can be expanded and funded through user fees without difficulty. The project would comply with all federal, state and local statutes and regulations related to solid waste. The project would be required to pay garbage collection fees and landfill equity buy-in fees. Therefore, the project would have a less-than-significant impact.

References

City of Colfax, *Municipal Code, Chapter 15.30 – Grading, Erosion and Sediment Control*.
 NST Engineering, Inc., *Drainage Report for Colfax Hotel*, January 3, 2018.

Mandatory Findings of Significance

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
18. MANDATORY FINDINGS OF SIGNIFICANCE — Would the project:				
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

- a) **Less-than-Significant Impact with Mitigation.** The project would involve disturbances to the site such as grading, excavation and soil disruption. With implementation of Mitigation Measures **BIO-1, BIO-2, BIO-3, CUL-1** and **CUL-2**, impacts to biological and cultural resources would be less than significant. Therefore, the project would have a less-than-significant impact with mitigation incorporated.
- b) **Less-than-Significant Impact.** The project would not have a cumulatively considerable impact on any of the environmental factors evaluated. Therefore, the project would have a less-than-significant impact.
- c) **Less-than-Significant Impact.** The project would not result in impacts to human beings that would result in substantial adverse effects on human beings, directly or indirectly. Therefore, the project would have a less-than-significant impact.





STAFF REPORT TO THE COLFAX CITY COUNCIL

FOR THE JUNE 13, 2018 COUNCIL MEETING

FROM: Wes Heathcock, City Manager
PREPARED BY: Alfred A. "Mick" Cabral, City Attorney
 Lorraine Cassidy, City Clerk
DATE: June 6, 2018
SUBJECT: Consolidation of Election and Request for Election Services by the County.

<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>	FUNDED	<input type="checkbox"/>	UN-FUNDED	AMOUNT: \$2,000	FROM FUND: 100-120-8550
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RECOMMENDED ACTION: Discuss and consider adopting Resolution No. 44-2018: approving the ballot measure text to be submitted to the Voters of the City imposing a cannabis business tax; declaring an election to be held in the City of Colfax; requesting the Board of Supervisors to consolidate this election with any other election conducted on the same date; and requesting election services by the County Clerk.

ISSUE STATEMENT AND DISCUSSION:

The California Elections Code requires the City to adopt a resolution calling an election and requesting election services to be provided by the County Clerk. The City’s General Election will be held on the same date as the November 6, 2018 statewide general election. The City will file the adopted resolution with the County of Placer requesting consolidation of the election, setting forth the offices to be voted upon at the election and setting forth a cannabis tax measure to be submitted to the electorate.

Four City Council seats are up for election. The seats currently occupied by Mayor Will Stockwin and Council Member Stephen Harvey, and the Council seat vacated by the resignation of Tony Hesch, will be elected for full, four-year terms. One seat currently occupied by Council Member Marnie Mendoza, will be elected for a two-year term that will expire after the successor is elected and qualified after the November 2020 election.

The candidate filing period for the November 6, 2018 General Election will be July 16, 2018 through August 10, 2018. If an eligible incumbent does not file by 5:00 p.m. on August 10, 2018, any qualified person other than an incumbent will have until 5:00 PM on August 15, 2018 to file.

This ballot will also contain a tax measure to be submitted to the voters, assuming that the Council adopts the cannabis business tax at the June 13, 2018 meeting. If it does, the ballot measure will read “To fund general municipal expenses such as police, fire, roads and recreation, shall the City tax cannabis (marijuana)

businesses at annual rates not to exceed \$10.00 per canopy square foot for cultivation (adjustable for inflation), 6% of gross receipts for retail cannabis businesses, and 4% for all other cannabis businesses; which is expected to generate an estimated \$8,000 to \$12,000 annually and will be levied until repealed by the voters or the City Council?” If the Council does not adopt the cannabis business tax, this measure will not appear on the ballot.

In normal circumstances, if the number of candidates equals the number of seats up for election, the individuals running for office can be appointed in lieu of election. This is not the case if the tax measure appears on the ballot. In that case, all individuals on the ballot must stand for election and cannot be appointed.

Staff will be available to answer any questions or provide additional information.

FINANCIAL AND/OR POLICY IMPLICATIONS:

Consolidation with the County during a statewide election allows for a substantial savings over the cost of a “stand-alone” election. The County election fees include a base fee of \$250 dollars plus \$1.25 per registered voter. Placing a measure on the ballot incurs an additional \$0.01 per registered voter. County election fees in previous years have ranged between \$1400 and \$1750. Based on this information \$3000 has been approved in the Fiscal Year 2018-2019 budget for all election activities.

ATTACHMENTS:

Resolution 44-2018

City of Colfax

City Council

Resolution № 44-2018

APPROVING THE BALLOT MEASURE TEXT TO BE SUBMITTED TO THE VOTERS OF THE CITY IMPOSING A CANNABIS BUSINESS TAX; DECLARING AN ELECTION TO BE HELD IN THE CITY OF COLFAX; REQUESTING THE BOARD OF SUPERVISORS TO CONSOLIDATE THIS ELECTION WITH ANY OTHER ELECTION CONDUCTED ON THE SAME DATE; AND REQUESTING ELECTION SERVICES BY THE COUNTY CLERK

WHEREAS, this City Council orders an election to be held in its jurisdiction on November 6, 2018; at which election the issue(s) to be presented to the voters shall be:

NOMINATION OF CANDIDATES FOR THE GOVERNING BODY

1. Said election shall be to fill a vacancy for the following City Councilmembers whose terms expired:

Incumbent's Name	Office	Regular/Short Term
Will Stockwin	Council	Regular
Stephen Harvey	Council	Regular
Vacant: Vacated by resignation of Tony Hesch	Council	Regular
Marnie Mendoza	Council	Short Term

2. Said Officeholders for this City are elected in the following manner:

At Large: There are no divisions in the City; all voters within the City vote for all candidates.

3. If by the close of candidate filing, the number of qualified candidates does not exceed the number of seats to be filled in a particular office, the City Council shall, in accordance with Elections Code Section 10229(a): appoint to the office the person(s) who has been nominated and/or appoint to the office any eligible elector if no one has been nominated.
4. Notwithstanding the section above, item 3 shall not apply if (a) the number of nominees for another City office exceeds the number of seats to be filled, or (b) a City measure has qualified and is to be submitted to the voters at the Municipal Election. If either (a) or (b) occurs, all City offices will be put before the voters of the City, regardless of the number of nominees, in accordance with Elections Code Section 10229(b).

5. Said City has determined the following election particulars:

- The length of the Candidate Statement shall not exceed **200 words**.
- The cost of the Candidate Statement shall be paid by the **Candidate**.
- In the case of a tie vote, the election shall be determined by **LOT**.
- The County Clerk is **requested** to provide election services with all applicable costs paid for by the City.

MEASURE TO BE SUBMITTED TO THE VOTERS

6. Said City does request that the following measure be decided at this election.

See attached wording marked as Exhibit A.

7. The City hereby certifies that: There have been no City boundary changes since our last election, but the City understands that the Placer County Public Works Mapping Division will verify our City boundary lines prior to the election.

BE IT RESOLVED that the Board of Supervisors of the County of Placer is hereby requested to:

1. Consolidate the election with any other applicable election conducted on the same day;
2. Authorize and direct the County Clerk, at City expense, to provide all necessary election services.

This Resolution shall be considered a **Notice of Election** and **Specification of Election Order** if applicable.

PASSED AND ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 13th day of June 2018 by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

Will Stockwin, Mayor

ATTEST:

Lorraine Cassidy, City Clerk

**Resolution 44-2018
Exhibit A**

Wording for Ballot Measure

To fund general municipal expenses such as police, fire, roads and recreation, shall the City tax cannabis (marijuana) businesses at annual rates not to exceed \$10.00 per canopy square foot for cultivation (adjustable for inflation), 6% of gross receipts for retail cannabis businesses, and 4% for all other cannabis businesses; which is expected to generate an estimated \$8,000 to \$12,000 annually and will be levied until repealed by the voters or the City Council?