



City Council Meeting

COUNCIL CHAMBERS, 33 SOUTH MAIN STREET, COLFAX, CA

Mayor Trinity Burruss · Mayor Pro Tem Kim Douglass
Councilmembers Caroline McCully · Larry Hillberg · Sean Lomen

REGULAR MEETING AGENDA

October 11, 2023

Regular Session 6:00 PM

Closed Session to Follow

You may access the meeting and address the Council by the following means:

ZOOM at

<https://us02web.zoom.us/j/87817331470>

Dial in by calling one of the numbers listed below and enter the Webinar ID:

878 1733 1470

1 (669) 900-6833

1 (346) 248-7799

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1 (929) 205-6099

1 (253) 215-8782

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View Only on Facebook Live on our City of Colfax page: City of Colfax, California. You may also submit written comments to the City Clerk via email at city.clerk@colfax-ca.gov, via regular mail to P.O. Box 702, Colfax CA 95713, or by dropping them off at City Hall, 33 S. Main Street, Colfax CA 95713. Comments received will be submitted to Council and made a part of the record.

1 OPEN SESSION

1A. Call Open Session to Order

1C. Pledge of Allegiance

1D. Roll Call

1E. 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.

1F. Statement of Conflict of Interest

2 CONSENT CALENDAR

Matters on the Consent Calendar 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

2A. Minutes (Pages 5-8)

Recommendation: By Motion, approve the Colfax City Council minutes of 9/27/2023.



- 2B. **Phase 2 and 3 of the Colfax Sewer Collection System and Waste Water Treatment Plant-Authorization Resolution** (Pages 9-11)
Recommendation: Adopt Resolution __-2023 authorizing Resolution related to Phase 2 and 3 of the Colfax Sewer Collection System and Waste Water Treatment Plant.
- 2C. **Second Reading and Adoption of Ordinance 554, an Ordinance of the City of Colfax Amending Colfax Municipal Code Title 8 By Adding Chapter 8.34 Prohibiting Syringe Service Programs in the City of Colfax** (Pages 12-17)
Recommendation: Waive the second reading and adopt Ordinance 554 prohibiting syringe service programs in the City of Colfax.
- 2D. **Second Reading of Ordinance 555 Amending Colfax Municipal Code Title 17 – Zoning** (Pages 18-64)
Recommendation: Waive the second reading and adopt Ordinance 555 to update the Zoning Code.
- 2E. **Response to the Grand Jury on Account for City Homeless Spending** (Pages 65-80)
Recommendation: Direct staff to respond to the Grand Jury Report on Homeless Spending as indicated in this report.
- 2F. **Interim City Manager to Attend CalLAFCO Annual Conference** (Page 81)
Recommendation: Authorize the Interim City Manger to attend the CalLAFCO Annual Conference in Monterey with reimbursement of conference fees only.

*** End of Consent Calendar ***

3 **AGENCY REPORTS**

- 3A. **Placer County Sheriff’s Office**
- 3B. **California Highway Patrol**
- 3C. **Placer County Fire Department/CALFIRE**
- 3D. **Non-Profits**

4 **PRESENTATION (None)**

5 **PUBLIC HEARING (None)**

6 **PUBLIC COMMENT**

Members of the public are permitted to address the Council orally or in writing on matters of concern to the public within the subject matter jurisdiction of the City that are not listed on this agenda. Please make your comments as succinct as possible. Oral comments made at the meeting may not exceed five (5) minutes per speaker. Written comments should not exceed 800 words. Written comments received before the close of an agenda item may be read into the record, with a maximum allowance of five (5) minutes in length. Council cannot act on items not listed on this agenda but may briefly respond to statements made or questions posed, request clarification, refer the matter to staff, or place the matter on a future agenda.



7 COUNCIL AND STAFF

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.

7A. **Committee Reports and Colfax Informational Items – All Councilmembers**

7B. **City Operations Update – City Manager**

8 COUNCIL BUSINESS

8A. **Draft Environmental Impact Report (Draft EIR) on the General Plan Update** (Pages 82-83) **Recommendation:** Accept public comments on the Draft EIR

8B. **Winterfest Event Fireworks Funding** (Pages 84-92) **Recommendation:** Winterfest Event Fireworks Funding

8C. **Consideration of Terminating Public Comment Via Teleconference at Future Council meetings.** (Page 93) **Recommendation:** Terminate All Public Comment via Teleconference at Future Council Meetings.

9 GOOD OF THE ORDER

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

9A. **Public Comment on Good of the Order**

Members of the public are permitted to address the Council on matters that relate to general welfare of the City that have not been previously discussed on this agenda. Oral comments may not exceed five (5) minutes. Written comments should not exceed 800 words.

10 CLOSED SESSION

10A. **Call Closed Session to Order**

10B. **Roll Call**

10C. **Public Comment (On Closed Session Item)**

10D. **Public Employment Pursuant to Government Code Section 54957. Position to be Filled: City Manager.**

10E. **Report from Closed Session**

11 ADJOURNMENT



I, Marguerite Bailey, City Clerk for the City of Colfax, declare that this agenda was posted in accordance with the Brown Act at Colfax City Hall and Colfax Post Office. The agenda is also available on the City website at <http://colfax-ca.gov/>

Marguerite Bailey

Marguerite Bailey, 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.



Colfax City Council Meetings are ADA compliant. If you need disability-related modification or accommodation including auxiliary aids or services 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.

October 11, 2023



City Council Minutes

Regular Meeting of Colfax City Council

Wednesday, September 27, 2023

City Hall Council Chambers, 33 S Main Street,

Colfax CA and attended via Teleconference through ZOOM

1 CLOSED SESSION

1A. **Call Closed Session to Order** – Closed Session called to order at 6:00 p.m.

1B. **Roll Call**

Present: Councilmember Lomen, Mayor Pro Tem Douglass, Councilmember Hillberg, Councilmember McCully, and Mayor Burruss.

1C. **Public Comment (On Closed Session Item)** No Public Comment was provided.

1D. **Public Employment Pursuant to Government Code Section 54957. Position to be Filled: City Manager.**

2 OPEN SESSION

2A. **Call Open Session to Order** – Mayor Burruss called the Open Session to order at 6:32 p.m.

2B. **Report from Closed Session** – No Closed Session

2C. **Pledge of Allegiance**

2D. **Roll Call**

Present: Councilmember Lomen, Mayor Pro Tem Douglass, Councilmember Hillberg, Councilmember McCully and Mayor Burruss.

2E. **Approval of Agenda Order**

MOTION made by Councilmember Lomen and seconded by Councilmember McCully, and unanimously approved.

2F. **Statement of Conflict of Interest** – No conflicts were identified by the Council or the public.

CONSENT CALENDAR

3A. **Cash Summary – August 2023**

Recommendation: Accept and File.

3B. **Quarterly Sales Tax Analysis – Quarter Ended June 30, 2023**

Recommendation: Accept and File.

3C. **Minutes**

Recommendation: By Motion approve the Colfax City Council minutes of 9/13/2023.

3D. **Planning Services Contract Amendment – Ursu Consulting**

Recommendation: Adopt Resolution 33-2023 authorizing the City Manager to amend the existing contractor value with Ursu Consulting for Planning Services in the amount of \$35,000.

3E. **Rainbow Music Lease Renewal**

Recommendation: Authorize the City Manager to enter into a 1-year lease agreement with Rainbow Music for 99 Railroad Street Suite 4 with the bartering terms.

3F. **SB 1383 CalRecycle Grant Application and Authorizing Resolution**

Recommendation: Adopt Resolution 34-2023 authorizing the City Manager/Interim City Manager to submit grant applications to CalRecycle Grant Programs from 2023-2028 and authorizing

application for the 2023 Grant Cycle, an application for funds to offset local compliance costs associated with implementation of SB 1383.

End of Consent Calendar

Approval of the consent calendar

MOTION made by Councilmember Hillberg and seconded by Councilmember Lomen, and unanimously approved.

4 **AGENCY REPORTS**

- 4A. **Placer County Sheriff’s Office** – Sergeant Griffiths said that PCSO hired 15 new deputies and explained some personnel changes in Colfax.
- 4B. **CHP** – Public Information Officer Jason Lyman stated there have been no recent fatalities on Interstate 80 and spoke about the ongoing emergency roadway repairs.
- 4C. **Placer County Fire/CALFIRE** – Placer County Fire/CALFIRE Assistant Chief Bob Counts described a planned burn happening soon on Mount Howell.
- 4D. **Non-Profits** Ric Tetrault introduced himself as the new Commander of the Colfax American Legion. He spoke about hosting a First Responder Appreciation Spaghetti Dinner on October 19th. He stated that District 5 Supervisor Cindy Gustafson and Congressman Kevin Kiley would be guest speakers.

5 **PRESENTATION**

Fred Abbott Railroad Days 2023 Appreciation

Presentation By: Fred Abbott

Interim City Manager Mike Luken provided an overview of the recent Railroad Days event. Organizer, Fred Abbott provided a summary of the event on both days and provided thanks to the vendors, volunteers, performers, and participants. The entire Council expressed their appreciation for facilitating the successful event.

6 **PUBLIC HEARING**

Notice to the Public: City Council, when considering a matter scheduled for hearing, will take the following actions:

1. Presentation by Staff
2. Open the Public Hearing
3. Presentation, when applicable, by Applicant
4. Accept Public Testimony
5. When applicable, Applicant rebuttal period
6. Close Public Hearing (No public comment is taken, hearing is closed)
7. Council comments and questions
8. City Council Action

Public Hearings that are continued will be so noted. The continued Public Hearing will be listed on a subsequent council agenda and posting of that agenda will serve as notice.

- 6A. **Adoption of an Urgency Ordinance Amending Colfax Municipal Code Title 8 By Adding Chapter 8.34 Prohibiting Syringe Service Programs in the City of Colfax; Introduction and First Reading of an Ordinance of the City of Colfax Amending Colfax Municipal Code Title 8 By Adding Chapter 8.34 Prohibiting Syringe Service Programs in the City of Colfax**
Recommendation: Introduce proposed Urgency Ordinance 553 and Ordinance 554 by title only. Conduct a public hearing after which proposed Urgency Ordinance 553 can be adopted effective immediately. Waive the first reading of Ordinance 554 and continue for a second reading and possible adoption at the October 11, 2023, regular meeting.
City Attorney Mick Cabral provided an explanation and overview of the item. The Public Hearing was opened. There was no applicant. No Public Testimony was provided. Public Hearing was closed. Council discussed the item.

MOTION made by Councilmember Lomen and seconded by Councilmember Douglass, and unanimously approved.

- 6B. Introduction and waiver of the first reading of Ordinance 555 to update the Zoning Code Recommendation:** Introduce the proposed ordinance by title only, waive the first reading and schedule the proposed ordinance for a second reading, public hearing and adoption at the next regular City Council meeting currently scheduled for October 11, 2023 to be effective 30 days after adoption.

Planning Director Emmanuel Ursu provided a public presentation. The Public Hearing was opened. There was no applicant. Public Testimony was received from Suzanne Roberts who asked for clarification on a JADU (Junior Accessory Dwelling Unit). Tom Parnham asked if the update would affect sewer rates. Council briefly discussed.

MOTION made by Councilmember Lomen and seconded by Councilmember Hillberg, and unanimously approved.

7

PUBLIC COMMENT

Resident Will Stockwin inquired about the sewer project happening on Lincoln St and Rose St. Ave. Suzanne Roberts provided suggestions for Closed Session. Tom Parnham spoke about the use of acronyms and suggested that roadworkers and Waste Water Treatment Plant Operators be included in the First Responders Dinner. Speakers G. Ahl, R. Sizgo, L. Frank, P. Barber, J. Tolls, E. Gaines, M. Cohen and R. Miller provided comments.

8

COUNCIL AND STAFF

- 8A. Committee Reports and Colfax Informational Items – All Councilmembers.** Councilmember Douglass provided an update on a recent Placer County Economic Development Board Meeting that he attended. A design of a granite pedestal proposed to be donated by local artist Jim Bowers was presented. The rest of Council requested to view it. Councilmember McCully explained that she had attended a SACOG meeting recently.
- 8B. City Operations Update –** Interim City Manager Mike Luken stated the City was still waiting on FEMA approval for the CAL OES grant that would fund home hardening and defensible space to Colfax residents. He said the City is investigating if it would be possible and feasible to accept a loan from SACOG that would help offset the City's grant cashflow burden. He said filling in potholes and repairing the roads before inclement weather was still underway. The Colfax Area Chamber of Commerce is hosting a new event in the City called Oktoberfest on October 14th. Lastly, he stated that due to the uncertain future of the landfill in Lincoln, joining a JPA with the Cities of Auburn and Loomis and performing a small feasibility study could be prudent.

9

COUNCIL BUSINESS (None)

10

GOOD OF THE ORDER

Councilmember Lomen announced the Placer Sierra Fire Safe Council would meet tomorrow evening. Mayor Pro Tem Douglass provided an impactful quote from George Bernard Shaw. Councilmember Hillberg explained that the Bianchini Board needed clarification on membership. Councilmember McCully announced that there would be a food bank in Cedar Ridge tomorrow from 10am-12:00 pm. Mayor Burruss provided a point of clarification for the comments that were received during public comment and stated her condemnation of the opinions provided. City Attorney Cabral added that Council is not able to control the content and personal opinions of the public. Interim City Manager Mike Luken added that issues involving disruptive commenters have been occurring all over the region.

- 10A.** No public comments were provided in Good of the Order.

11 **ADJOURNMENT**

As there was no further business on the agenda, Mayor Burruss adjourned the meeting, by motion and without objection at 8:21 p.m. Respectfully submitted to City Council this 11th day of October, 2023.



Marguerite Bailey, City Clerk



Staff Report to City Council

FOR THE OCTOBER 11, 2023 REGULAR CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Mike Luken, Interim City Manager
Subject: Phase 2 and 3 of the Colfax Sewer Collection System and Waste Water Treatment Plant-Authorization Resolution

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Adopt Resolution __-2023 authorizing Resolution related to Phase 2 and 3 of the Colfax Sewer Collection System and Waste Water Treatment Plant.

Summary/Background

The State Water Resources Control Board and the nine Regional Water Quality Control Boards, collectively the State Water Board, protects and improves water quality in California through several regulatory and financial assistance programs. The Federal Clean Water Act established the Clean Water State Revolving Fund (CWSRF) program to finance the protection and improvement of water quality.

The City previously applied for and was awarded approximately \$6 million dollars for Phase 2 and 3 of the Colfax Sewer Collection System and Waste Water Treatment Plant for the I&I and Algae Control System. Grant applicants must submit an Authorizing Resolution for a Board member or employee to be the authorized signatory for all amendments and other matters related to the grant. As the Interim City Manager and Finance Director are contractors, this is no longer acceptable to the Water Board legal staff.

Staff is recommending approval of the attached Resolution authorizing the Mayor or Mayor Pro Tem as the signatory for this grant.

Attachments:

1. Authorizing Resolution

City of Colfax

City Council

Resolution No. __-2023

AUTHORIZING RESOLUTION RELATED TO PHASE 2 AND PHASE 3; CITY OF COLFAX (CITY); SEWER COLLECTION SYSTEM AND WASTE WATER TREATMENT PLANT IMPROVEMENTS; CLEAN WATER STATE REVOLVING FUND (CWSRF) PROGRAM; PROJECT NO. C-06-8479-210

WHEREAS, Grant Funding for improvements to the City Sewer System was approved for Phase 2 and 3 of the Colfax Sewer Collection System and Wastewater Treatment Plant, and,

WHEREAS, the Water Board requires a Board member or City Employee to be an authorized signatory on matters related to this grant;

RESOLVED BY THE, City Council of the City of Colfax (the “Entity”), as follows:

Trinity Burruss, Mayor or Kim Douglas, Mayor Pro Tem (the “Authorized Representative”) or their designee is hereby authorized and directed to sign and file, for and on behalf of the Entity, all matters related to implementation of this grant.

This Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for this grant, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

The Authorized Representative, or his/her designee, is designated to represent the Entity in carrying out the Entity’s responsibilities under this grant, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax, authorizing Resolution related to Phase 2 and 3 of the Colfax Sewer Collection System and Wastewater Treatment Plant.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 11th Day of October, 2023 by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Trinity Burruss, Mayor

Marguerite Bailey, City Clerk

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the City Council of the City of Colfax held on October 11, 2023.

Marguerite Bailey, City Clerk

Staff Report to City Council

FOR THE OCTOBER 11, 2023, REGULAR CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Mike Luken, Interim City Manager
 Alfred A. “Mick” Cabral, City Attorney
Subject: Second Reading and Adoption of Ordinance 554, an Ordinance of the City of Colfax Amending Colfax Municipal Code Title 8 By Adding Chapter 8.34 Prohibiting Syringe Service Programs in the City of Colfax

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Waive the second reading and adopt Ordinance 554 prohibiting syringe service programs in the City of Colfax.

Summary

The proposed ordinance, if adopted, will prohibit syringe service programs in Colfax.

This Ordinance 554 was introduced at the September 27, 2023, regular meeting along with Urgency Ordinance 553 addressing the same subject matter. Urgency Ordinance 553 was adopted and became effective immediately. The Council waived the first reading of this Ordinance 554, conducted a public hearing and scheduled adoption for this meeting. The remainder of this staff report substantially reiterates the September 27, 2023, staff report.

Background

The California Department of Public Health (CDPH) is authorized by California Health and Safety Code section 121349 et seq. to approve syringe service programs, also referred to as syringe exchange programs, to provide sterile syringes and collect used syringes for people who inject drugs. A syringe service program may be authorized to operate by a county, city government, or the CDPH. According to the CDPH, there are more than fifty such programs operating in California.

In July 2023, an application for a needle exchange and distribution program, also known as a syringe services program, was submitted to CDPH by Safer Alternatives through Networking & Education (SANE). The program offers home delivery and pickup of needles the same or next business day. SANE estimates that it will distribute 200,000 syringes annually to areas of Placer County. The syringes will go to an expected 400 participants, with as many as 500 syringes per participant. CDPH determined SANE’s application met the baseline requirements and circulated the application for public comment. The public comment period closed on September 21, 2023, and CDPH is expected to issue a decision on the application any time after the close of the public comment.

Although State law requires that used syringes be transported to a collection center in containers and prohibits the loose disposal of home-generated syringe waste in trash or recycling containers, people continue to dispose of contaminated syringes in ways that increase the risk that others will encounter them. Syringe and needle waste represents a potential public health hazard for children, adults, and public employees through unnecessary exposure and risk of injury due to improper disposal of syringes. Improper disposal of used hypodermic syringes and needles has been documented in parks, roads, sidewalks, trails, and private property.

Licensed pharmacies throughout California are authorized to sell syringes to adults without a prescription with no limits on the number of syringes that may be sold. California law allows adults to purchase and possess an unlimited number of syringes for personal use when acquired from a pharmacy, physician, or authorized syringe services program. Residents who require syringe exchange services for medical purposes are currently able to acquire those services at pharmacies and hospitals, which provide new syringes and the proper disposal of used syringes. The proposed ordinances will not change that in any respect.

Urgency ordinance 553 adopted on September 27 created an immediate prohibition on syringe service programs in Colfax. This Ordinance 554 is the nonurgency version of the prohibition that will take effect 30 days after it is adopted.

Staff will be available to answer any questions.

Fiscal Impacts

Unknown at this time.

Attachments:

1. Proposed Ordinance

CITY OF COLFAX

ORDINANCE NO. 554

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF COLFAX AMENDING COLFAX MUNICIPAL
CODE TITLE 8 BY ADDING CHAPTER 8.34 PROHIBITING
SYRINGE SERVICE PROGRAMS IN THE CITY OF COLFAX

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

Section 1:

Title 8 of the Colfax Municipal Code is hereby amended by adding Chapter 8.34 as set forth in Exhibit A attached hereto and by this reference incorporated herein.

Section 2. Superceding Provisions

The provisions of this ordinance and any resolution adopted pursuant hereto shall supersede 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 any court of competent jurisdiction, the invalid or unconstitutional 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 (hereinafter 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 of 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 "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.

This ordinance shall, within 15 days after its adoption, 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 on the 27th day of September 2023 and passed and adopted at a duly held regular meeting of the City Council on the 11th day of October 2023, by the following vote:

AYES:
NOES:
ABSENT:

Trinity Burruss
Mayor

APPROVED AS TO FORM:

ATTEST:

Alfred Cabral
City Attorney

Marguerite Bailey
City Clerk

EXHIBIT A

CITY OF COLFAX

ORDINANCE NO. 554

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF COLFAX AMENDING COLFAX MUNICIPAL
CODE TITLE 8 BY ADDING CHAPTER 8.34 PROHIBITING
SYRINGE SERVICE PROGRAMS IN THE CITY OF COLFAX

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

Title 8 of the Colfax Municipal Code is hereby amended by adding Chapter 8.34 as follows:

Chapter 8.34. Syringe Services Programs.

8.34.10 Purpose and Intent.

The purpose and intent of this Chapter is to prohibit syringe service programs from operating in the City of Colfax in order to protect the public from the health and safety risks associated with such programs and with the improper disposal of syringes, needles and related waste. For purposes of this section, “Syringe service program” means a program authorized but not required to be permitted under California Health and Safety Code Division 105, Part 4, Chapter 18, operating within the jurisdictional boundaries of the City of Colfax that acts as a point of access to health education and care for people who inject drugs, where hypodermic needles and/or syringes are dispensed, or where used syringes are collected pursuant to the authority of Chapter 18 of Part 4 of Division 105 of the California Health and Safety Code, as amended, replaced or succeeded, such that persons participating in and/or operating such programs are exempt from criminal prosecution for acts related to the possession of needles and/or syringes.

8.34.20 Syringe Service Programs Prohibited.

It shall be unlawful and a public nuisance for any person to create, establish, operate, conduct, or participate within the City in a needle exchange program, as defined by Health and Safety Code Section 121349, et seq, and any syringe service program as defined.

8.34.30 Penalty.

Any violation of this section may be enforced by the City, the Placer County Sheriff’s office, or an enforcement officer in accordance with the procedures set forth in this Code, relating to the issuance of citations, imposition of administrative fines and penalties in accordance with Chapters 1.24 and 1.25 of this Code, right to appeal, and the right to an administrative hearing, and shall be subject to the imposition and payment of administrative fines, in addition to any other legal or equitable enforcement remedy available under law, statute, regulation, and this Code.

The foregoing ordinance was introduced at a duly held regular meeting of the City Council of the City of Colfax on the 27th day of September 2023 and passed and adopted at a duly held regular meeting of the City Council on the 11th day of October 2023, by the following vote:

AYES:

NOES:

ABSENT:

Trinity Burruss,
Mayor

APPROVED AS TO FORM:

ATTEST:

Alfred A. Cabral
City Attorney

Marguerite Bailey,
City Clerk



Staff Report to City Council

FOR THE OCTOBER 11, 2023, REGULAR CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Emmanuel Ursu, Planning Director
Subject: Second Reading of Ordinance 555 Amending Colfax Municipal Code Title 17 - Zoning

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Waive the second reading and adopt Ordinance 555 to update the Zoning Code.

Summary/Background

The proposed ordinance, if adopted, will make revisions necessary to comply with state law, reflect changes in the General Plan update, and make minor changes to correct typographical errors, add clarity and remove redundancies.

This ordinance was introduced at the September 27, 2023, regular meeting, at which Council waived the first reading, conducted a public hearing and scheduled the second reading and adoption for this meeting. There have been no changes to the draft ordinance since its introduction on September 27, 2023.

Discussion

Changes to the zoning code can generally be grouped in three categories as follows:

1. Accessory Dwelling Units (ADUs) - Changes to the Colfax Zoning Code are necessary to comply with state laws enacted to encourage the development of ADUs.
2. Updates to reflect changes to the General Plan – With the pending adoption of the General Plan update, changes to the Zoning Code are necessary. Changes to the Zoning Map for the new mixed-use zones will be presented at the same time the General Plan update is presented for adoption on November 29, 2023.
3. Cleanup of the Zoning Code – Edits of the Zoning Code are proposed to add clarity to the development standards, remove redundant or obsolete code sections, and correct typographical errors and incorrect references. In addition, the ordinance includes cleanup of the Density Bonus Chapter to make it consistent with changes in state law.

Fiscal Impacts

Adopting the proposed ordinance will not create an immediate financial impact or require budget amendment or augmentation.

Attachments:

1. Summary of Proposed Zoning Code amendments
2. Proposed Ordinance 555

Summary of Colfax Zoning Code Updates in Ordinance 555

	CMC Section	Subject	Proposed Change	Discussion/Rationale
1	17.12.030	Definitions	Remove terms defined but not used in the code.	Terms defined in the “Definitions” section of the code yet do not appear elsewhere in the Zoning Code are removed from the definition section.
2	17.12.030	Definitions	Add Accessory Dwelling Unit (ADU) and Junior (ADU) to the list of defined terms,	ADU/JADU is added to comply with state law
3	17.12.030	Definitions	Modify “Multiple Dwelling” to include two or more units, and remove “Two-family or duplex Dwelling” definition	Currently “two family or duplex dwellings” are allowed in the R-1-20 and R-1-40 zones. With the new state ADU requirements, up to three units (Primary, ADU and Junior ADU) can be constructed in all residential zones. Keeping the “two -family or duplex dwelling” standard would allow up to four units on properties in the R-1-20 and R-1-40 zones.
4	17.16.010	List of zoning districts	Update to remove Agriculture and add MU-1 and MU-2	With rezoning of APN 101-150-022, there is no agricultural zone in the City and the Commercial/Residential district is divided into two zones named Mixed Use -1 and Mixed Use-2.
5	17.32.010(C)	Design Review Permit (DRP)	Clarify DRP requirements for residential development	The code requires residential design review for significant buildings as described in 17.200 and for residential subdivisions in 17.40.070(I). This section is clarified for internal consistency.
6	17.32.010(G, H, & I)	Permit requirements – approval authority	Correct approval authority for legislative changes (planned developments, general plan amendments, and rezoning.	The code incorrectly assigns legislative acts to the Planning Commission. Changed to require City Council approval.
7	17.36.150(B)	Effectuation date of modifications	Correct typographical error to wrong code reference.	Incorrect code reference
8	17.36.210	Extensions	Correct typographical error to wrong code reference.	Incorrect code reference

	CMC Section	Subject	Proposed Change	Discussion/Rationale
9	17.40.070(B)	Design Review Findings	Replace "...allows beneficial use..." with "...balances reasonable use..."	Allowed land uses are determined in the list of allowed or conditionally allowed uses, not through design review.
10	17.40.070(D)(3)	Sign Permit Standards	Remove redundant "safety" standard	Safety standard is included in the preceding Sign Permit standard.
11	17.40.070(H)(3)(B)	Findings for Planned Development Permit	Change from one year to two years the start of construction	Revise to make consistent with the length of time that all other discretionary approvals are valid.
12	17.48.010	Development Agreements	Add closing parenthesis	Typographical error correction
13	17.64.030	Listing of use classifications	Remove the entire section	The list of uses is redundant as it is included in the following sections (17.64.060 through 110)
14	17.64.060(A-C)	Agriculture and Open space use types	Remove agricultural use types	With rezoning of APN 101-150-022, there is no Agricultural zoning in the City
15	17.64.070(A)	Civic use types	Replace "places or worship" with "places of worship"	Correct typographical error
16	17.64.080	Residential Use Types	Add Accessory Dwelling Unit and Junior Accessory Dwelling Unit to the alphabetical list of residential use types and re-letter use types in the list	Meet requirements of state law
17	17.64.080	Residential Use Types	Remove "Second dwelling unit" from the alphabetical list of residential use types and re-letter use types in the list	"Second dwelling unit" is replaced by the "accessory dwelling unit" and "junior accessory dwelling" unit types.
18	17.68.010(A)	Open Space, Special Public Service District and Agricultural Zones	Remove reference to Agricultural Zone from Chapter title and subsection A and correct inconsistency in the name of Special Public Service District which is also referred to as the Civic District.	With rezoning of APN 101-150-022, there is no agricultural zoning in the City and the Civic District zoning is a clearer reference than SPSPD.
19	17.68.010(C)	SPSD District Purpose	Change reverence from SPSPD to CD.	Change the name of the district

	CMC Section	Subject	Proposed Change	Discussion/Rationale
20	17.68.020	Open Space, Civic, and Agricultural Zone Districts	Remove Agricultural from the chart of permitted use types	With rezoning of APN 101-150-022, there is no agricultural zoning in the City.
21	17.68.040	Agricultural district development standard	Remove the section	With rezoning of APN 101-150-022, there is no agricultural zoning in the City
22	17.72.010(A) and (B)	Residential Zones Purpose	Clarify the purpose of the multi-family zones	Include for-sale housing types in the statement of the purpose of the multi-family zones. Currently only apartments are included.
23	17.72.020	Residential zone district permitted uses chart	Update the list of uses allowed in the residential zones.	To comply with state law, added ADU, JADU, and Supportive and Transitional Housing. Removed Two-family Dwelling, and Second Dwelling Unit.
24	17.72.030	Residential zone development standards	Include minimum parcel sizes, residential density and front and side yard setbacks for RM-1 and R-M-2 zones	Provide clarity regarding the applicable development standards.
25	Chapter 17.74	Mixed Use Zones	Create use and development standards for the Mixed Use-1 and Mixed Use-2 zones. Implementation of the Mixed use zones will occur with future adoption of revised zoning map.	Implement the new General Plan Land Use designation In the MU-1 allow only retail, restaurant and other uses on the ground floor street frontage to activate the pedestrian experience. In the MU-2 allow a mix of residential and commercial uses, with location criteria for uses that potential conflict with residential uses.
26	Chapter 17.76	Commercial zones	Amend the chart of commercial uses in the Commercial Highway (C-H) and Commercial Retail (C-R) zones to permit ADUs, lodging (hotels and motels), and funeral and interment services, require a conditional use permit (CUP) for self-service storage facilities in the C-H district and prohibit them in the C-R district, allow storage facilities for recreational vehicles and large vehicles subject to a CUP in the C-H district and remove the CUP requirement for	Multifamily and single-family dwellings are allowed, subject to a CUP in some of the commercial zones and therefore, to comply with state law, ADU's must also be allowed. Update the list and permit requirements for certain use commercial use types to include missing uses and to provide greater discretion with use types that have potential to impact surrounding uses.

	CMC Section	Subject	Proposed Change	Discussion/Rationale
			secondary day care centers, correct an omission in the rear yard setback for the C-R district	
27	Chapter 17.80	Industrial Uses	Amend the chart of industrial uses to remove agricultural uses, require a CUP for self-service storage facilities, add storage facilities for recreational vehicles and large vehicles subject to a CUP, and add impound yards subject to a CUP	Reference to agricultural zoning is removed from the code as there is no Agriculturally zoned property, CUP requirement is added for certain uses to provide the city with greater discretionary authority.
28	17.108.040	Parking	Remove reference to parking for “two-family” units and replace “Second Unit” parking with “ADU” parking and reference to ADU standards	Maintain consistency with removal of “two-family” units and meet state mandates for ADU/JADUs
29	Chapter 104	Density Bonuses	Revise to reflect changes to state law for density bonuses, to reference the state density bonus law for terms defined, and for the calculation of bonuses, incentives, and concessions, and to replace the requirement for a financial pro forma with other reasonable documentation to establish eligibility for a density bonus	Meet changes in state law pertaining to density bonuses, incentives and concessions for affordable housing.
30	Chapter 17.196	Second Dwelling Units	Replace Chapter with new ADU/JADU chapter	Meet state mandates for ADU/JADUs

CITY OF COLFAX

ORDINANCE NO. 555

AN ORDINANCE OF THE CITY OF COLFAX AMENDING**TITLE 17 – ZONING OF THE COLFAX MUNICIPAL CODE**

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

Section 1.

The following provisions of Colfax Municipal Code Title 17 are hereby amended in the form and substance contained in the Ordinance attached hereto as Exhibit A and incorporated by this reference. Exhibit A shows additions with double-underlined text and deletions with ~~strike-out text~~.

Chapter 17.12 to remove terms defined but not used and add definitions for certain terms used but not defined in Title 17;

Chapter 17.16 to remove the Agricultural zone and add Mixed Use -1 and Mixed Use – 2 zones;

Chapter 17.32 clarify the design review permit requirements and correct the review authority for legislative decisions;

Chapter 17.36 correct an internal reference;

Chapter 17.40 clarify a historic district design review finding, remove redundancy from a sign permit finding, and make the term of approval of Planned Development Permits consistent with other planning approvals;

Chapter 17.64 remove the redundant listing of use classifications, remove agricultural use types, and add ADUs and remove second dwelling units from the residential use types;

Chapter 17.68 change the name of the Special Public Service District to Civic District and remove Agricultural zone uses and development standards;

Chapter 17.72 expand the purpose of the multi-family residence district to include ownership units and detached and attached units in addition to apartments, amend the chart of residential uses to remove agricultural uses, remove two-family dwellings, add ADUs, add junior ADUs, and add supportive and transitional housing and clarify the R-M-1 and R-M-2 parcel size, density, and development standards;

Chapter 17.74 a new chapter establishing the purpose, permitted uses, and development standards for Mixed Use-1 and Mixed Use-2 zoning districts;

Chapter 17.76 amend the chart of commercial uses in the Commercial Highway (C-H) and Commercial Retail (C-R) zones to permit ADUs, lodging (hotels and motels), and funeral and internment services, require a conditional use permit (CUP) for self-service storage facilities

in the C-H district and prohibit them in the C-R district, allow storage facilities for recreational vehicles and large vehicles subject to a CUP in the C-H district and remove the CUP requirement for secondary day care centers, correct an omission in the rear yard setback for the C-R district;

Chapter 17.80 amend the chart of industrial uses to remove agricultural uses, require a CUP for self-service storage facilities, add storage facilities for recreational vehicles and large vehicles subject to a CUP, and add impound yards subject to a CUP;

Chapter 17.104 revise to reflect changes to state law for density bonuses, to reference the state density bonus law for terms defined, and for the calculation of bonuses, incentives, and concessions, and to replace the requirement for a financial pro forma with other reasonable documentation to establish eligibility for a density bonus;

Chapter 17.108 add parking requirements for ADUs and transitional and supportive housing; and

Chapter 17.196 replace second unit development standards with ADU development standards consistent with the requirements of state law.

Section 2. Superseding 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 section 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 CEQA 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 EXEMPTIONS

The City of Colfax finds that this ordinance is not subject to CEQA pursuant to CEQA Guidelines Sections 15305 (Minor Alterations in Land Use Limitations), 15060(c)(2) (the

activity will not result in a direct or reasonably foreseeable indirect physical change in the environment). Furthermore, this action is exempt from CEQA under CEQA Guidelines section 15061(b)(3) (the amendments are exempt because it can be seen with certainty that this is no possibility that the activity in question may have a significant effect on the environment).

Section 5. Effective Date

This Ordinance, and all its provisions, shall take effect thirty (30) days after its adoption and shall, within 15 days after its adoption, 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 27th day of September 2023 and passed and adopted at a duly held regular meeting of the City Council held on the 11th day of October 2023 by the following vote:

AYES:

NOES:

ABSENT:

Trinity Burrus, Mayor

APPROVED AS TO FORM:

ATTEST:

Alfred Cabral
City Attorney

Marguerite Bailey
City Clerk

EXHIBIT A
CITY OF COLFAX
ORDINANCE NO. 555
AN ORDINANCE OF THE CITY OF COLFAX AMENDING TITLE 17- ZONING OF
THE COLFAX MUNICIPAL CODE

Section A. Colfax Municipal Code Title 17 is hereby amended to read as follows:

1. **Definitions.**

Definitions in Municipal Code section 17.12.030 are deleted, amended, or added, as follows:

~~"Actual construction" means the actual placing of construction materials in their permanent position and fastening them in a permanent manner, actual work in excavating a basement or the demolition or removal of an existing structure begun preparatory to rebuilding.~~

~~"Crop and tree farming" means the raising for commercial purposes of any truck, field or orchard crop and the necessary buildings incidental to any such crop, wholesale nurseries and greenhouses.~~

"Dwelling, multiple" means a building or portion thereof, designed or intended to be used for residence purposes by ~~three~~ two or more families or housekeeping units living independently of one another.

~~"Dwelling group" means a group of two or more detached dwellings located on a parcel of land where the dwellings and the land are in one ownership and having any yard or court in common.~~

"Dwelling, ~~two family or duplex~~" means a building designed or intended to be used for residence purposes by two families or housekeeping units living independently of one another.

"Dwelling Unit, Accessory" means a dwelling as defined in Government Code Section 65852.2 as it now exists or may hereafter be amended or replaced.

"Dwelling Unit, Junior Accessory" means a dwelling as defined in Government Code Section 65852.22 as it now exists or may hereafter be amended or replaced.

~~"Stable, private" means an accessory stable, corral or paddock used or designed to shelter horses belonging to the occupants of a dwelling on the same lot where horses are not kept for hire or sale.~~

2. ***Establishment And Designation of Districts***

Municipal Code section 17.16.010 is amended as follows:

17.16.010 Established.

The city is divided into the following designated districts as shown on the zoning map:

Agricultural District	A
Open space district	O
Single-family residence district	R-1
Multi-family residence district	RM
Retail commercial district	CR
Highway commercial district	CH

<u>Mixed-Use District - 1</u>	<u>MU-1</u>
<u>Mixed-Use District - 2</u>	<u>MU-2</u>
Industrial district	I
Residential Mobilehome Subdivision District	R-MHS
Special Public Service <u>Civic District</u>	<u>SPSCD</u>

3. **Permit requirements.**

Municipal Code section 17.32.010(C) is amended as follows:

Design Review Permit (DRP). A design review permit shall be obtained prior to the issuance of a building permit for any new construction; exterior remodeling; site design and circulation modifications (except as specified below), including parking; modification of a previously approved use permit for site review, or site review; new, modified or alterations to landscaping; addition of mechanical equipment; gateway/entrances (see definitions); modification or alteration of driveway locations; relocating or moving buildings; demolition of a significant building as defined in Chapter 17.200 of this title; and as otherwise required by this title. ~~With the exception of projects~~ Except for dwellings in a new residential subdivision or projects involving a significant building, as defined in this title, a design review permit is not required for a single-family residence ~~or a two-family residence~~. The approval authority for a design review permit shall be as provided in subsection C.2., below.

Municipal Code section 17.32.010(G) is amended as follows:

Planned Development (PD). The planning commission shall ~~be first make a recommendation to the city council on a Planned Development. The city council~~ is the approval authority for planned developments.

Municipal Code section 17.32.010(C) is amended as follows:

General Plan Amendment (GPA). The planning commission shall ~~be first make a recommendation to the city council on a general plan amendment. The city council~~ is the approval authority for projects that involving a general plan amendment.

Municipal Code section 17.32.010(C) is amended as follows:

Rezone (REZ). The planning commission shall ~~be first make a recommendation to the city council on a rezone. The city council~~ is the approval authority for projects involving a rezone.

4. **Land use permit effectuation.**

A code reference in Municipal Code section 17.36.150(B) is corrected as follows:

A land use permit modification subsequently approved under a separate action from the original permit, where the original approval has not been effectuated as aforementioned, is subject to the original expiration date associated with the original land use permit. However, in the event the original approval has been effectuated prior to action on the land use permit modification, then such land use permit modification shall be subject to the expiration date as stated within its conditions of approval and shall additionally be subject to above subsections 17.36.150A.132.

5. **Extension.**

A code reference in Municipal Code section 17.36.210 is corrected as follows:

The period within which effectuation of a permit must occur may be extended by the planning director's approval of an administrative permit. An application for such an extension shall be filed pursuant to Chapter 17.36.

The planning director may grant a single one-year extension for a permit which has been approved but has not been effectuated. The approval of an extension extends the expiration date for one year from the original permit expiration date. No additional extensions shall be granted for a permit which has been active for a period of three years, unless otherwise provided for in the conditions of approval or by this title. The permit, as extended, may be conditioned to comply with any development standards which may have been enacted since the permit was initially approved. The extension shall be granted if the findings specified in subsection 17.40.070DE, are made. Any extension may require a public hearing at the discretion of the planning director.

6. Required findings for approval or conditional approval of permits and variances.

Municipal Code section 17.40.070(B)(1)(a) is amended as follows:

Findings for a Design Review Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a design review permit:

1. For Zones other than the Historic District.
 - a. The project as approved ~~allows beneficial use to be made~~ balances reasonable use of the site for development, while it preserves and accentuates the natural features of the property, such as open space, topography, trees, wetlands and water courses, and provides adequate drainage for the project.

Municipal Code section 17.40.070(D) is amended as follows:

- D. Findings for a Sign Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a sign permit:
 1. The proposed sign is substantially consistent with the standards of the city's sign guidelines and the goals, objectives and policies of the city general plan and any applicable design guidelines.
 2. The proposed sign conforms to applicable development standards and will not be detrimental to the public health, safety or welfare.
 3. The physical location or placement of the sign is compatible with the surrounding neighborhood ~~and does not pose a safety risk~~.
 4. The required finding for incidental and supplemental signs is as follows: The proposed general design, arrangement, texture, colors and lighting placement are substantially consistent with the purposes and regulations of the city's sign guidelines and any applicable design guidelines.

Municipal Code section 17.40.070(H) is amended as follows:

Findings for a Planned Development Permit. The approval authority shall, based on evidence, make the following findings as a condition precedent to approval of a planned development permit:

1. The use and design of the proposed development conforms with the requirements of the relevant planned development zone district and the requirements of this title.

2. The location, size, design and operating characteristics of the use or development is to be compatible with and will not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, and will not be detrimental or injurious to public or private property or improvements.
3. Financial Ability of the Proponents. That the proponents of the planned development have demonstrated to the satisfaction of the planning commission that:
 - a. They are financially able to carry out the proposed project;
 - b. They intend to start construction within ~~one year~~ two years after the approval of the project and any necessary zoning district change; or
 - c. They intend to complete such construction within a reasonable time as determined by the planning commission.

7. Listing of use classifications.

The listing of use classifications in Municipal Code section 17.64.030 is repealed and the section is reserved.

8. Agriculture and open space use types.

Municipal Code section 17.64.060 is amended as follows:

~~Agriculture and~~ Open space use types include on-site structures, development, and management activities which are necessary ~~to for~~ to ~~conduct agricultural operations and which are compatible with~~ the protection and enhancement of open space resources. Specific ~~agriculture and~~ open space use types referred to in this title are:

- ~~A.~~ A. Agricultural, ~~includes uses commonly associated with a farm or ranch, such as crop farming, tree farming and truck gardening, including the bottling, processing and packing of agricultural crops, retail sales of agricultural products and stands on premises for such purpose; and uses associated with livestock farming, including the production of crops for the grazing and feeding of livestock, but not including meat packing plants or slaughterhouses.~~
- ~~B.~~ B. Animal keeping, ~~includes the keeping, feeding or raising of common farm animals or animal specialties. Animal keeping is subject to the limitations set forth in Chapter 6.20 of the Colfax Municipal Code (limitations on number of animals).~~
- ~~C.~~ C. Logging and lumber milling, ~~includes the work or business of felling, sawing, cutting or trimming trees. This use may include preparing, transporting and/or receiving marketable or unmarketable logs or wood to/from a lumber mill or conducting the operation of a lumber mill.~~
- ~~A.D.~~ A.D. Resource protection and restoration, includes activities and management of an area to preserve, recreate and enhance natural resource values such as fish and wildlife habitat, rare and endangered plants, erosion control, and floodwater conveyance.
- ~~B.E.~~ B.E. Resource related recreation, includes facilities related to passive recreation of open space areas including bike and pedestrian trails, picnic areas, parking areas, and interpretive centers.

9. Civic use types.

The typographic error in Municipal Code section 17.64.070(A) is corrected as follows:

- Churches, temples, synagogues, and other places of ~~worship~~ worship;

10. Residential use types.

Municipal Code section 17.64.080 is amended and re-lettered to add the following use types to the alphabetical list of residential use types:

- A. Accessory Dwelling Unit.
- I. Junior Accessory Dwelling Unit.

Municipal Code section 17.64.080 is amended and re-lettered to remove the following use types to the alphabetical list of residential use types:

- ~~K. Second dwelling unit. A dwelling unit, attached or detached, with permanent provisions for independent living, sleeping, eating, cooking and sanitation within the unit and includes a separate entrance from the primary unit (see also Chapter 17.196).~~

11. Open Space, Special Public Service District and Agricultural Zones.

The title of Chapter 17.68 is amended to read:

Chapter 17.68 OPEN SPACE, AND SPECIAL PUBLIC SERVICE CIVIC DISTRICT AND AGRICULTURAL ZONES

Municipal Code section 17.68.010 is amended as follows:

17.68.010 Purpose.

- ~~A. The purpose of the agricultural district (A) is to promote and preserve in appropriate areas of the city conditions favorable to agricultural use. To this end the agricultural district is intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses inimical to the continuance of agricultural activity.~~
- AB. The purpose of the open space district (OS) is to promote and preserve open space for outdoor recreation in areas particularly suited for park and recreation. To this end, the OS district is intended to be limited to activities normally related to outdoor recreation.
- BC. The purpose of the ~~special public service district (SPSD)~~ civic district (CD) is to provide for the orderly development of public and quasi-public facilities ~~within any district as approved and/or as conditioned by the commission.~~

Municipal Code section 17.68.020 is amended as follows:

17.68.020 Permitted use types.

Primary uses are permitted in the open space, and ~~civic and agricultural~~ zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as "P";
- B. Conditionally permitted use, designated as "CUP"; and
- C. Administratively permitted use, designated as "AP."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

Accessory uses and structures are permitted in the open space, and ~~and agricultural~~ zones subject to the requirements set forth in Chapter 17.96.

SEE CHAPTER 17.32 "PERMIT AND VARIANCE REQUIREMENTS" FOR INFORMATION ON USE PERMITS AND OTHER TYPES OF PERMITS THAT MAY BE REQUIRED, REGARDLESS OF HOW A USE IS CLASSIFIED IN THIS CHART

OPEN SPACE, AND CIVIC AND AGRICULTURAL ZONE DISTRICTS PERMITTED USES			
AGRICULTURAL AND OPEN SPACE USE TYPES	OS	SPSD <u>CD</u>	A
Agricultural	P	-	P
Animal Keeping ⁽⁸⁾	-	-	P
Logging and Lumber Milling			CUP
Resource Protection and Restoration	P	P	P
Resource Related Recreation	P	P	P

CIVIC USE TYPES	OS	SPSD	A
Community Assembly ⁽⁵⁾	CUP	P	P
Community Services	P	P	-
Essential Services	P	P	P
Hospital Services			
General	-	CUP	-
Psychiatric	-	CUP	-
Intensive Public Facilities	-	P	-
Libraries and Museums, Private	CUP	CUP	-
Power Generating Facilities ⁽¹⁾			
Emergency		P	-
Supplemental/Individual Use	-	CUP	-
General Power Production	-	CUP	-
Passive Power	-	P	-
Public Parking Services	-	P	-
Schools			
College and University	-	CUP	P
Elementary and Secondary	-	CUP	P
Private Elementary and Secondary	-	CUP	-

RESIDENTIAL USE TYPES	OS	SPSD	A
Caretaker/Employee Housing	-	AP	P
Dwelling, Single-Family ⁽³⁾	-	CUP	P

COMMERCIAL USE TYPES	OS	SPSD	A
Animal Sales and Service ⁽⁷⁾			
Kennels ⁽⁶⁾	-	-	AP
Veterinary Clinic	-	-	CUP
Veterinary Hospital	-	-	CUP
Commercial Recreation			
Indoor Sports and Recreation	-	CUP	CUP
Outdoor Entertainment	-	CUP	CUP

Outdoor Sports and Recreation	-	CUP	CUP
Large Amusement Complex	-	CUP	CUP
Day Care Center	-	P	CUP
Lodging services ⁽⁴⁾	-	-	CUP
Storage Facility, Recreational and Large Vehicle	-	AP	-

INDUSTRIAL USE TYPES	OS	SPSD	A
Mineral Extraction and Processing	-	-	CUP

TRANSPORTATION AND COMMUNICATION USE TYPES	OS	SPSD	A
Telecommunication Facilities ⁽²⁾	CUP	P/AP/CUP	AP

Notes:

- (1) Additional requirements are contained in Chapter 17.180.
- (2) Additional requirements are contained in Chapter 17.132.
- (3) Supportive and transitional housing are considered residential use types.
- (4) Bed and breakfasts, with three or fewer rooms.
- (5) Food service or distribution facilities are allowed in conjunction with this use with approval of an admin permit.
- (6) ~~Kennels are also subject to the regulations set forth in Colfax Municipal Code Chapter 6.12 (kennels).~~
- (~~6~~7) These establishments are exempt from Municipal Code Chapter 6.20 (limitations on number of animals).
- (~~7~~8) Subject to the limitations set forth in Chapter 6.20 of the Colfax Municipal Code (limitations on number of animals).

Municipal Code section 17.68.040 entitle Agricultural district development standards is repealed and the section is reserved.

12. Residential Zones.

Municipal Code section 17.72.010(B) is amended as follows:

17.72.010 Purpose.

This chapter provides regulations applicable to primary uses in the residential zoning districts established by Section 17.16.010 (zoning districts established). The residential zoning districts are as follows:

- A. Single-Family Residence District. The purpose of the single-family residence district (R-1) is to provide for areas in appropriate locations where quiet, low density residential neighborhoods may be established, maintained and protected. The regulations of this district are designed to promote and encourage a suitable environment for families, many of whom will have children. To this end the regulations permit the establishment

of single-family dwellings and also permit, with proper controls, those public and quasi-public activities, such as schools, libraries, churches, parks and playgrounds, which serve the needs of families. The regulations are intended to prohibit the establishment or operation of any activity which would be inimical to such a residential environment.

- B. Multi-Family Residence District. The purpose of the multi-family residence district (R-M) is to provide for areas in appropriate locations where apartments, condominiums, townhouses, and other types of attached and detached housing in neighborhoods of varying degrees of density may be established, maintained and protected. The regulations of this district are designed to promote and encourage an intensively developed residential environment within walking distance of downtown. To this end the regulations permit, in accordance with the respective density district, multiple dwellings ranging from garden apartments to multi-story apartment houses, in addition to small-lot subdivisions and attached and detached for-sale housing with ~~and~~ necessary public services and activities subject to proper controls.
- C. Residential Mobilehome Subdivision District. The purpose of the residential mobilehome subdivision district (R-MHS) is to permit and regulate the development of mobilehome parks within the city, as well as the design and placement of mobilehomes within such mobilehome parks. The provisions of this article shall apply to new mobilehome parks and to the expansion of existing mobilehome parks and shall be in addition to the applicable rules and regulations of the state for mobilehome parks.

Municipal Code section 17.72.020 is amended as follows:

17.72.020 Residential zone districts permitted uses.

Primary uses are permitted in residential zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as "P";
- B. Conditionally permitted use, designated as "CUP"; and
- C. Administratively permitted use, designated as "AP."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

Accessory uses and structures are permitted in residential zones subject to the requirements set forth in Chapter 17.96.

SEE CHAPTER 17.32 "PERMIT AND VARIANCE REQUIREMENTS" FOR INFORMATION ON USE PERMITS AND OTHER TYPES OF PERMITS THAT MAY BE REQUIRED, REGARDLESS OF HOW A USE IS CLASSIFIED IN THIS CHART

AGRICULTURAL AND OPEN SPACE USE TYPE	R-1	R-M	R-MHS
Animal Keeping	AP ⁽⁸⁾	-	-
Resource Protection and Restoration	P	P	P
Resource Related Recreation	P	P	P

CIVIC USE TYPES	R-1	R-M	R-MHS
Community Assembly ⁽⁷⁾	AP	AP	AP
Community Services	P	P	P
Essential Services	P	P	P

Libraries and museums	-	AP	-
Power Generating Facilities ⁽¹⁾			
Emergency	P	P	P
Passive Power	P	P	P
Public Parking Services	-	CUP	-
Schools, Elementary and Secondary	AP	AP	-
Schools, Private Elementary and Secondary	AP	AP	-

RESIDENTIAL USE TYPES	R-1	R-M	R-MHS
<u>Accessory Dwelling Unit (see also Junior ADU)</u>	<u>P</u>	<u>P</u>	-
Community Care Facilities, Small Dwelling ⁽⁶⁾	P	P	P
Multi-Family	-	P	-
Single-Family	P	P	P
Two-family	-(7)	P	-
Family Day Care Homes, Small	P	P	P
Family Day Care Homes, Large ⁽³⁾	AP	AP	AP
<u>Junior Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>-</u>
Mobilehome Park	-	-	CUP
Rooming and Boarding House	-	P	-
<u>Supportive and Transitional Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Second Dwelling Unit</u>	<u>AP</u>	<u>P</u>	-

COMMERCIAL USE TYPES	R-1	R-M	R-MHS
Commercial Recreation, Residential Recreation Facilities	CUP	CUP	CUP
Community Care Facility	-	P	-
Lodging services ⁽⁴⁾	AP	AP	-
Long-Term Care Facility	-	CUP	-
Neighborhood Commercial	-	CUP	-

TRANSPORTATION AND COMMUNICATION USE TYPES	R-1	R-M	R-MHS
Telecommunication Facilities ⁽⁵⁾	AP	AP	AP

Notes:

- (1) Additional requirements are contained in Chapter 17.180.
- (2) See Chapter 17.196 for second dwelling unit regulations.
- (3) See Chapter 17.160 for large family day care home regulations.
- (4) Bed and Breakfast establishments only, with five or fewer rooms.
- (5) Additional requirements are contained in Chapter 17.136.
- (6) Supportive and transitional housing are considered residential use types.
- (7) Food service or distribution facilities are allowed in conjunction with this use with approval of an admin permit.

(8) Subject to the limitations set forth in Colfax Municipal Code Chapter 6.20 (Limitations on Number of Animals).

(9) ~~Two family dwellings may be allowed in the R-1-20 and R-1-40 zones upon approval of an administrative permit.~~

Municipal Code section 17.72.020 is amended as follows:

17.72.030 Residential zone general development standards.

- A. Residential Development Standards. Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this title:

RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS

	Requirement by Zoning District				
	R-1		R-M-1 ⁽¹⁾	R-M-2 ⁽¹⁾	R-MHS ⁽²⁾
Minimum Site Area	-			.	10 acres
Minimum Parcel Area	R-1-5	5,000 sq. ft.	R-M-1	6,000	3,000 sq. ft.
	R-1-10	10,000 sq. ft.	R-M-2	2,000 sq.	
	R-1-15	15,000 sq. ft.	4,500 sq.	ft.	
	R-1-20	20,000 sq. ft.			
	R-1-40	40,000 sq. ft.			
Minimum Width	R-1-5	50 ft.	-		30 ft.
	R-1-10	80 ft.			
	R-1-15	80 ft.			
	R-1-20	100 ft.			
	R-1-40	125 ft.			
Residential Density	R-1-5	1 dwelling per lot ⁽⁹⁾	<u>4 to 10 units per gross acre</u>	<u>10 to 29 units per gross acres</u>	8 lots per gross acre
	R-1-10	1 dwelling per lot ⁽⁹⁾			
	R-1-15	1 dwelling per lot ⁽⁹⁾			
	R-1-20	1 dwelling per lot ⁽⁹⁾			
	R-1-40	1 dwelling per lot ⁽⁹⁾			
Setbacks: (See Chapter 17.96.030 for setbacks for accessory structures)					
Minimum Front ⁽⁴⁾	R-1-5	20 ft.	<u>10 percent of the parcel depth but no more than 10 ft.</u>		10 ft. extending the entire width of the mobilehome space ⁽⁵⁾
	R-1-10	20 ft.			
	R-1-15	20 ft.			
	R-1-20	30 ft.			
	R-1-40	30 ft.			
Minimum Sides ⁽⁴⁾	R-1-5	6 ft.	<u>5 ft. at the ground floor and an average of 8 ft. at the second floor.</u>		3 ft. on one side and 10 feet on the other along the entire
	R-1-10	8 ft.			
	R-1-15	8 ft.			
	R-1-20	10 ft.			
	R-1-40	15 ft.			

				length of the lot	
Minimum Rear	R-1-5	20 ft.	<u>10 ft.</u>	5 ft. along the entire width of the lot	
	R-1-10	30 ft.			
	R-1-15	30 ft.			
	R-1-20	40 ft.			
	R-1-40	40 ft.			
Maximum Site Coverage ⁽⁶⁾	-		RM-1	40%	75%
			RM-2	<u>75%</u> None	
Minimum Usable Open Space per Dwelling Unit ⁽⁷⁾	-		RM-1	400 sq. ft.	-
			RM-2	200 sq. ft.	
Maximum Building Height ⁽⁸⁾	2½ stories or 30 ft.		2½ stories or 30 ft.		30 ft.
Additions greater than 700 sq. ft. in area	May only be permitted upon approval of an administrative permit		<u>May only be permitted upon approval of an administrative permit</u>		

Notes:

(1) These requirements shall be observed in the multi-family residence district (R-M), except where increased for conditional uses. All single-family dwellings in the R-M district shall conform to the height, area, lot width and yard requirements specified for the R-1-5 district.

(2) The general development standards for the R-MHS district may be modified through approval of a design review permit.

~~(3) In the R-M-1 and R-M-2 districts, the required lot area per dwelling unit shall be increased by twenty (20) percent for each dwelling unit having more than two bedrooms. The required lot area per dwelling unit may be decreased by twenty (20) percent for each dwelling unit having no separate bedroom. (Prior code § 9-2.1905)~~

~~(34) Front setback (and side setback where adjacent to street) measured from back of walk. Fence side yard setback is five feet from back of walk where facing a street. In the absence of sidewalk, setbacks measured from the edge of right-of-way. In the case of corner lots, the shorter of the two frontages shall be deemed to be the front of the lot for the purposes of computing yard requirements. In the case of a lot having equal frontages or an irregularly shaped lot, the planning director shall determine the front of the lot in such a manner as to best promote the orderly development of the immediate area.~~

~~(45) Measured from the nearest element of the mobilehome to the closest edge of the street.~~

~~(56) Maximum coverage is a function of lot size, required setbacks and usable open space.~~

~~(67) The rear and side yards may be utilized to meet the minimum usable open space provided the minimum dimension, measured perpendicular to the applicable rear or side yard is 10 feet. A minimum usable open space of 500 square feet may be applied where a front porch is provided with minimum dimensions of six feet x six~~10~~ feet exclusive of entry way.~~

~~(78) Measured from any foundation location horizontal to a point parallel to the highest point of the building.~~

~~(9) Second dwelling units may be allowed subject to the requirements contained in Chapter 17.196.~~

13. Mixed Use Zones.

Chapter 17.74 MIXED USE ZONES is added to the Municipal Code as follows:

Chapter 17.74 MIXED USE ZONES

17.74.010 Purpose. There are two mixed use zoning districts.

Mixed Use – 1 is applied to Main Street in the Historic Downtown (MU-1) and is intended to retain the historic character of the downtown while providing a vibrant mix of uses in an attractive area where the community and visitors gather to shop, socialize, and recreate, and where residents can live. This district requires that the ground-floor spaces with street frontage be accessible to the public and that uses generate walk-in clientele to contribute to and activate the pedestrian experience along Main Street. Appropriate ground-floor uses with street frontage include retail shops, cafes, restaurants, and other similar uses that generate pedestrian traffic. Spaces without ground-floor street frontage are intended for uses such as offices, residential, and lodging.

The Mixed Use – 2 zoning district applies to the neighborhoods adjacent to the Historic Downtown and along segments of S. Auburn Street. This zone provides areas in which residents can live, work, shop, worship, socialize, and obtain public services. A mix of land uses with varying degrees of intensity determined by location are allowed in the MU-2 zone. Commercial uses that are appropriate among single-family and multifamily residences are intended for the MU-2 zone, with more intense uses limited through conditional and administrative use permits to areas along E. Grass Valley Street and South Auburn Street. Different land uses can be in the same building or on the same site.

17.74.020 Permitted use types.

Primary uses are permitted in mixed use zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as "P";
- B. Conditionally permitted use, designated as "CUP"; and
- C. Administratively permitted use, designated as "AP."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district. Any single use that occupies more than 5,000 square feet in the MU-1 zone or more than 8,000 square feet in the MU-2 zone is subject to a conditional use permit.

Accessory uses and structures are permitted in mixed use zones subject to the requirements set forth in Chapter 17.96.

<u>CIVIC USE TYPES</u>	<u>MU-1</u>	<u>MU-2</u>
<u>Community Assembly⁽²⁾</u>	<u>P⁽¹⁾</u>	<u>P</u>
<u>Community Services</u>	<u>P⁽¹⁾</u>	<u>P</u>
<u>Essential Services</u>	<u>P⁽¹⁾</u>	<u>P</u>
<u>Libraries and museums</u>	<u>P⁽¹⁾</u>	<u>P</u>
<u>Power Generating Facilities⁽³⁾</u>		

<u>Emergency</u>	<u>P</u>	<u>P</u>
<u>Passive Power</u>	<u>P</u>	<u>P</u>
<u>Public Parking Services</u>	=	<u>AP</u>
<u>Social Services</u>		
<u>Food Distribution</u> ⁽⁴⁾	<u>CUP</u>	<u>CUP</u>
<u>Food Service</u> ⁽⁵⁾	<u>CUP</u>	<u>CUP</u>
<u>Emergency Shelter</u> ⁽⁶⁾	=	<u>CUP</u>
<u>RESIDENTIAL USE TYPES</u>	<u>MU-1</u>	<u>MU-2</u>
<u>Community Care Facilities, Small</u>		
<u>Dwelling</u>		
<u>Accessory Dwelling Unit</u>	<u>P</u> ⁽¹⁾	<u>P</u>
<u>Junior Accessory Dwelling Unit</u>	<u>P</u> ⁽¹⁾	<u>P</u>
<u>Multi-Family</u>	<u>P</u> ⁽¹⁾	<u>P</u>
<u>Single-Family</u>	<u>P</u> ⁽¹⁾	<u>P</u>
<u>Family Day Care Homes, Small</u>	<u>P</u> ⁽¹⁾	<u>P</u>
<u>Family Day Care Homes, Large</u> ⁽⁷⁾	<u>P</u> ⁽¹⁾	<u>P</u>
<u>Rooming and Boarding House</u>	<u>P</u> ⁽¹⁾	<u>P</u>
<u>Supportive and Transitional Housing</u>	<u>P</u> ⁽¹⁾	<u>P</u>
<u>COMMERCIAL USE TYPES</u>	<u>MU-1</u>	<u>MU-2</u>
<u>Animal Sales and Service</u> ⁽⁸⁾		
<u>Grooming and Pet Stores</u>	<u>P</u>	<u>P</u>
<u>Veterinary Clinic</u>	<u>P</u> ⁽¹⁾	<u>P</u>
<u>Automotive and Equipment</u>		
<u>Automotive Body and Equipment Repair</u>	=	<u>CUP</u>
<u>Automotive Rentals</u>	<u>AP</u>	<u>AP</u>
<u>Automotive Repairs</u>	=	<u>CUP</u>
<u>Automotive Sales</u>	=	=
<u>Carwash and Detailing</u>	=	<u>CUP</u>
<u>Commercial Parking</u>	=	<u>CUP</u>
<u>Gasoline Sale</u>	=	<u>CUP</u>

<u>Banks and Financial Services</u>	<u>P</u>	<u>P</u>
<u>Bars and Drinking Places</u>	<u>AP</u>	<u>AP</u>
<u>Broadcasting and Recording Studios</u>	<u>P⁽¹⁾</u>	<u>P</u>
<u>Business Support Services</u>	<u>P⁽¹⁾</u>	<u>P</u>
<u>Community Care Facility</u>	=	<u>AP</u>
<u>Day Care Center</u>	<u>AP⁽¹⁾</u>	<u>AP</u>
<u>Eating and Drinking Establishments</u>		
<u>Fast Food with Drive-Through</u>	=	=
<u>Convenience</u>	<u>P</u>	<u>P</u>
<u>Full Services</u>	<u>P</u>	<u>P</u>
<u>Food and Beverage Retail Sales</u>	<u>P</u>	<u>P</u>
<u>Lodging</u>	<u>P⁽¹⁾</u>	<u>P</u>
<u>Long-Term Care Facility</u>	<u>CUP</u>	=
<u>Maintenance and Repair</u>	<u>P⁽¹⁾</u>	<u>P</u>
<u>Medical Services, General</u>	<u>P⁽¹⁾</u>	<u>P</u>
<u>Neighborhood Commercial</u>	<u>P</u>	<u>P</u>
<u>Nightclubs⁽⁹⁾</u>	<u>AP</u>	=
<u>Offices, Professional</u>	<u>P⁽¹⁾</u>	<u>P</u>
<u>Personal Services</u>	<u>P⁽¹⁾</u>	<u>P</u>
<u>Retail Sales and Services</u>	<u>P</u>	<u>P</u>
<u>Specialized Education and Training</u>		
<u>Vocational Schools</u>	<u>P⁽¹⁾</u>	<u>P</u>
<u>Specialty Schools</u>	<u>P⁽¹⁾</u>	<u>P</u>
<u>TRANSPORTATION AND COMMUNICATION USE TYPES</u>	<u>MU-1</u>	<u>MU-2</u>
<u>Telecommunication Facilities⁽¹⁰⁾</u>	=	<u>P/AP/CUP</u>

- (1) Only allowed on the second story or on ground floor portions of buildings that are no less than 30 feet from the front property line.
- (2) Food service or distribution facilities are allowed in conjunction with this use with approval of an admin permit pursuant to Chapters 17.144 and 17.148.
- (3) Additional requirements are contained in Chapter 17.180.
- (4) Additional requirements are contained in Chapter 17.148.

- (5) Additional requirements are contained in Chapter 17.144.
- (6) Additional requirements are contained in Chapter 17.140.
- (7) Additional requirements are contained in Chapter 17.160
- (8) These establishments are exempt from Municipal Code Chapter 6.20 (limitations on number of animals).
- (9) Additional requirements are contained in Chapter 17.164
- (10) Additional requirements are contained in Chapter 17.132

17.74.030 Mixed Use zone general development standards.

The general development standards of the Retail Commercial (C-R) zone contained in section 17.76.030 shall apply to the MU-1 and MU-2 zones, except that in the MU-1 zone, the front yard setback shall not exceed three feet.

13. Commercial zones.

Municipal Code section 17.76.020 is amended as follows:

17.76.020 Permitted use types.

Primary uses are permitted in commercial zones subject to the requirements of this title as designated below:

- A. Principally permitted use, designated as "P";
- B. Conditionally permitted use, designated as "CUP"; and
- C. Administratively permitted use, designated as "AP."

Primary use types not listed or designated by a dash (-) are not permitted in that zone district.

Accessory uses and structures are permitted in commercial zones subject to the requirements set forth in Chapter 17.96.

SEE CHAPTER 17.32 "PERMIT AND VARIANCE REQUIREMENTS" FOR INFORMATION ON USE PERMITS AND OTHER TYPES OF PERMITS THAT MAY BE REQUIRED, REGARDLESS OF HOW A USE IS CLASSIFIED IN THIS CHART

COMMERCIAL ZONE DISTRICTS PERMITTED USES		
AGRICULTURAL AND OPEN SPACE USE TYPES	C-R	C-H
Resource Protection and Restoration	CUP	CUP
CIVIC USE TYPES	C-R	C-H
Community Assembly ⁽¹⁾⁽⁹⁾	AP/CUP	-
Community Services	AP	AP
Hospital Services		
General Hospital Services	AP/CUP	AP/CUP
Psychiatric Hospital Services	CUP	CUP
Libraries and Museums, Private	P	P
Public Parking Services	P	P

Schools		
College and University	CUP	AP
Elementary and Secondary	CUP	AP
Private Elementary and Secondary	CUP	AP
Social Services		
Food Distribution ⁽²⁾	AP/CUP	AP/CUP
Food Service ⁽³⁾	AP/CUP	AP/CUP
Emergency Shelter ⁽⁴⁾	AP/CUP	AP/CUP
Power Generating Facilities ⁽⁸⁾		
Emergency	AP	AP
Supplemental/Individual Use	AP	AP
Passive Power	P	P
RESIDENTIAL USE TYPES	C-R	C-H
Caretaker/Employee Housing	CUP	CUP
Dwelling ⁽⁹⁾		
<u>Accessory Dwelling Unit⁽¹⁰⁾</u>	<u>P</u>	<u>P</u>
Multifamily	CUP	-
Single-family	CUP	CUP
Two-family	CUP	CUP
Family Day Care Home, Small	P	-
Family Day Care Home, Large ⁽⁴⁵¹⁴⁾	CUP	-
<u>Junior Accessory Dwelling Unit⁽¹⁰⁾</u>	<u>P</u>	<u>P</u>
Single Room Occupant	-	-
COMMERCIAL USE TYPES	C-R	C-H
Adult-oriented Businesses ⁽¹⁾	CUP	CUP
Animal Sales and Service ⁽¹³¹²⁾		
Grooming and Pet Stores	P	P
Kennels ⁽¹¹²⁾	AP	AP
Veterinary Clinic	P	P
Veterinary Hospital	AP	AP
Automotive and Equipment		
Automotive Body and Equipment Repair	AP/CUP	P
Automotive Rentals	P	P
Automotive Repairs	CUP	P
Automotive Sales	P	P
Carwash and Detailing	AP	P
Commercial Parking	P	P
Heavy Equipment Rental and Sales	P	P
Gasoline Sale	AP	P
Banks and Financial Services	P	P
Bars and Drinking Places	AP	AP
Broadcasting and Recording Studios	P	P
Building Material Stores	P	P
Business Support Services	P	P
Commercial Cannabis Activities		
Cultivation	P	P

Cultivation Nursery	P	P
Distributor	P	P
Manufacturer	P	P
Microbusiness	P	P
Retailer	P	P
Testing Laboratory	P	P
Commercial Recreation		
Amusement Center	P	P
Indoor Entertainment	P	P
Indoor Sports and Recreation	P	P
Outdoor Entertainment	AP	P
Outdoor Sports and Recreation	P	P
Large Amusement Complexes	AP	P
Community Care Facility	AP	-
Day Care Center	AP	-
Eating and Drinking Establishments		
Fast Food with Drive-Through	AP	P
Convenience	P	P
Full Services	P	P
Food and Beverage Retail Sales	P	P
<u>Funeral and Interment Services</u>	<u>CUP</u>	<u>AP</u>
<u>Lodging</u>	<u>P</u>	<u>P</u>
Long-Term Care Facility	CUP	-
Maintenance and Repair	P	P
Medical Services, General	P	P
Neighborhood Commercial	P	-
Nightclubs ⁽⁵⁾	AP	AP
Nursery, Retail	P	P
Offices, Professional	P	P
Personal Services	P	P
Retail Sales and Services	P	P
Specialized Education and Training		
Vocational Schools	P	P
Specialty Schools	P	P
Storage Facility, Self-service ⁽⁴⁾⁽³⁾⁽⁵⁾	<u>AP</u> <u>CUP</u>	<u>P</u> <u>CUP</u>
INDUSTRIAL USE TYPES	C-R	C-H
Day care centers, secondary	CUP	CUP
Laundries, Commercial	P	P
Printing and Publishing	P	P
Research Services	P	P
Wholesaling and Distribution, Light	AP	P
TRANSPORTATION AND COMMUNICATION USE TYPES	C-R	C-H
Telecommunication Facilities ⁽⁶⁾	P/AP/CUP	P/AP/CUP
Heliport	CUP	CUP
Intermodal Facilities ⁽⁷⁾	CUP	CUP

Notes:

- (1) Additional requirements are contained in Chapter 17.128.
- (2) Additional requirements are contained in Chapter 17.148.
- (3) Additional requirements are contained in Chapter 17.144.
- (4) Additional requirements are contained in Chapter 17.140.
- (5) Additional requirements are contained in Chapter 17.164.
- (6) Additional requirements are contained in Chapter 17.132.
- (7) Additional requirements are contained in Chapter 17.136.
- (8) Additional requirements are contained in Chapter 17.180.
- (9) Supportive and transitional housing are considered residential use types.
- (10) See Chapter 17.196 for accessory dwelling unit regulations.
- ~~(11)~~ Food service or distribution facilities are allowed in conjunction with this use with approval of an admin permit pursuant to Chapters 17.144 and 17.148.
- ~~(12)~~ Kennels are also subject to the regulations set forth in Colfax Municipal Code Chapter 6.12 (kennels).
- ~~(13)~~ These establishments are exempt from Municipal Code Chapter 6.20 (limitations on number of animals).
- ~~(14)~~ Additional requirements are contained in Chapter 17.160.
- ~~(15)~~ Additional requirements are contained in Chapter 17.176.

Municipal Code section 17.76.030(D) is amended as follows:

D. Area, Lot Width and Yards.

- 1. The following minimum requirements shall be observed in the retail commercial district (C-R), except where increased for conditional uses:

Lot Area (Sq. Feet)	Front	Side	Rear
5,000	None, except where the abutting side lot line is in a residential district, then not less than required for such residential district	None, except where a side lot line is abutting a residential district, then not less than the side yard required for such residential district	10 feet, except where abutting a residential district, <u>then the setback shall equal the building height but no be more than 20 feet.</u>

14. Density Bonuses and Other Incentives.

Municipal Code Chapter 17.104 is amended as follows:

17.104.010 Purpose.

This chapter is adopted pursuant to the provisions of California Government Code Sections 65915—65918. The purpose of adopting this chapter is to encourage affordable housing by providing the incentive of increased density and such other incentives provided by this chapter. The provisions of this chapter are intended to comply with California Government Code Sections 65915—65918. ~~In the event that~~ If any provision of this chapter

conflicts with California Government Code Sections 65915—65918, or any after-enacted amendment of these sections, state law shall control over the conflicting provision.

17.104.020 Definitions.

Terms used in this section shall be defined as in Government Code Section 65915 et seq.

For the purpose of this chapter, the following words and phrases shall have the following meanings:

"Approval authority" is as defined in the Colfax Municipal Code—Title 17, Zoning Chapter 17.40.020.

"Child care facility" is defined as a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.

"Density bonus" means an increase in density over the otherwise maximum allowable residential density under the applicable general plan designation as of the date of filing of an application for density bonus with city. A density bonus request shall be considered as a component of a qualified housing development.

"Development standard" is defined as the site, development, or construction standards and/or conditions of approval that apply to a residential development.

"Housing development" is defined as one or more groups of projects for residential units constructed within a large lot parcel. For the purposes of this chapter, "housing development" also includes a subdivision or common interest development as defined in Section 1351 of the Civil Code and consists of residential units or unimproved residential lots. A density bonus may be permitted in geographic areas of the housing development other than the areas where the affordable units are located, so long as the density bonus units are located on the same large lot parcel.

"Incentive" is defined as a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission. An incentive can be requested by the applicant for purposes of reducing the cost of development to make the project financially feasible. The term "incentive" includes the term "concession" as that term is used in California Government Code Sections 65915—65918.

"Large lot parcel" is defined as that term is used in any applicable specific plan (large lot parcel is hereby generally deemed as a geographic area).

"Lower income" is defined as less than eighty (80) percent of the area median income, as defined by Section 50079.5 of the California Health and Safety Code.

"Lower income unit" is defined as a unit with an affordable rent or payment that does not exceed thirty (30) percent of sixty (60) percent of area median income adjusted for family size appropriate for the unit.

"Moderate income" is defined as less than one hundred twenty (120) percent of the area median income, as defined in Section 50093 of the California Health and Safety Code.

"Moderate income unit" is defined as a unit with an affordable rent or payment that does not exceed thirty five (35) percent of one hundred ten (110) percent of area median income adjusted for family size appropriate for the unit.

~~"Very low income" is defined as less than fifty (50) percent of the area median income, as defined in Section 50105 of the California Health and Safety Code.~~

~~"Very low income unit" is defined as a unit with an affordable rent or payment that does not exceed thirty (30) percent of fifty (50) percent of the area median income, adjusted for family size appropriate for the unit.~~

~~"Senior citizen housing development" is defined as a housing project where residency is restricted to persons sixty two (62) years of age or older, or fifty five (55) years of age or older in a senior citizen housing development per Sections 51.3 and 51.12 of the California Civil Code.~~

17.104.030 Application requirements.

~~A density bonus may be approved pursuant to a request for approval of a density bonus, provided the request complies with the provisions of this chapter. Each application for a density bonus, incentive(s), or concession(s) request shall be accompanied by the following:~~

- A. A site plan that identifies all units in the project including the location of the affordable units and the bonus units;
- B. A narrative briefly describing the housing development and shall include information on:
 1. The number of units permitted under the general plan;
 2. The total number of units proposed in the project;
 3. The number of affordable and/or senior units;
 4. The number of bonus units requested based on the tables provided in Section 17.104.050 of this chapter;
 5. A breakdown of units proposed for very low, lower, and moderate income, senior citizen, and/or market rate units; and
 6. Any requested incentive(s) or concession(s), including an explanation as to why the incentive(s) or concession(s) is required for the housing development.
- C. Information indicating that appropriate and sufficient infrastructure capacity (water, sewer, roadway) and water supply is available to serve the bonus units;
- D. Reasonable documentation to establish eligibility for the requested density bonus, incentive(s) or concession(s), waiver(s) or reduction(s) of development standards. The application shall identify upon which basis of Government Code Section 65915 the applicant elects to calculate its density bonus. If incentive(s) or concession(s) are requested, the application shall include an explanation of how the incentive(s) or concession(s) result in identifiable and actual cost reductions as described in Government Code Section 65915. If waiver(s) are requested, the application shall describe with a narrative and/or drawings how application of the development standard(s) the applicant seeks to waive would have the effect of physically precluding the construction of the proposed development at the densities and with the concession(s) or incentive(s) permitted. If a density bonus parking ratio is requested, the application shall identify which parking ratio in Government Code section 65915 applies and describe the characteristics of the proposed development or site that qualify the proposed development for that parking ratio.
- E. If an applicant proposes to donate land to the city pursuant to Government Code Section 65915, the application shall provide evidence that each of the associated eligibility conditions has been met.

F. If an applicant proposes to develop a childcare facility pursuant to Government Code Section 65915, the application shall show the location and square footage of the childcare facility and provide evidence that each of the associated eligibility conditions has been met.

~~D. A pro forma illustrating the financial need for the density bonus and/or any requested incentives. The information that shall be included is as follows:~~

- ~~1. The project pro forma shall include, but is not limited to: capital costs, operating expenses, return on investment, revenues, loan to value ratio and debt coverage ratio, any contribution provided by subsidy programs, and the economic effect created by the use and income restrictions of the affordable units;~~
- ~~2. An appraisal report indicating the value of the density bonus and any incentive(s) requested; and~~
- ~~3. A source and use of funds statement identifying any projected financing gap of the project. The developer shall establish how much of the gap is covered by the density bonus units, and how much will be covered by the requested incentive(s).~~

GE. Any such additional information in support of a request for a density bonus, incentive(s), or concession(s) as may be requested by the ~~planning and redevelopment department~~ Planning Director.

17.104.040 Eligibility for Density bonus and Incentive(s) or Concession(s).

Project applicants shall be granted a density bonus and incentive(s) or concession(s) to the extent and subject to the terms required by California Government Code Section 65915 et seq. Any request for approval of a density bonus, incentive(s) or concession(s) pursuant to this section shall be made along with other related land use applications filed for the project as specified in Title 17 – Zoning of the City of Colfax Municipal Code.

~~A developer of a housing development containing five or more units may qualify for a density bonus and at least one other incentive as provided by this chapter if the developer does one of the following:~~

- ~~A. Agrees to construct and maintain at least five percent of the units dedicated to very low income households;~~
- ~~B. Agrees to construct and maintain at least ten (10) percent of the units dedicated to lower income households;~~
- ~~C. Agrees to construct and maintain at least ten (10) percent of the units in a common interest development (as defined in Section 1351 of the California Civil Code) dedicated to moderate income households, provided that all units in the development are offered to the public for purchase;~~
- ~~D. Agrees to construct and maintain a senior citizen housing development as defined in Section 17.104.020 of this chapter;~~
- ~~E. Donates land to the city dedicated for the construction of very low income units pursuant to Section 17.104.080 of this chapter; or~~
- ~~F. Includes a qualifying child care facility as described in Section 17.104.070 of this chapter in addition to providing housing as described in subsections A. through C. of this section.~~

17.104.050 Density bonus calculation and allowance.

- ~~A. State Law Preemption. Pursuant to state law, the granting of a density bonus or the granting of a density bonus together with an incentive(s) shall not be interpreted, in and of itself, to require a general plan amendment, specific plan amendment, rezone, or other discretionary approvals.~~
- ~~B. Density Bonus Calculation. An applicant must choose a density bonus from only one applicable affordability category in below subsection C. and may not combine categories with the exception of child care facilities or land donation, which may be combined with an affordable housing development, for an additional density bonus up to a combined maximum of thirty five (35) percent.~~
- ~~C. Density Bonus Allowance. In calculating the number of units required for very low, lower and moderate income households, the density bonus units shall not be included. In no event shall a density bonus exceed thirty five (35) percent. A housing development that satisfies all applicable provisions of this chapter shall be allowed the following applicable density bonuses:~~
 - ~~1. Very Low Income. The density bonus for very low income units shall be calculated as follows:~~

Percentage of Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

2. ~~Lower Income. The density bonus for lower income units shall be calculated as follows:~~

Percentage of Lower Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

3. ~~Moderate Income. The density bonus for moderate income ownership units shall be calculated as follows:~~

Percentage of Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24

30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

- ~~4. Senior Citizen Housing Development. The density bonus for a senior citizen housing development that provides housing for seniors consistent with Section 17.104.040 of this chapter shall be twenty (20) percent.~~
- ~~5. Child Care Facility. A project (whether a housing, commercial, or industrial project) is eligible for a density bonus for a child care facility when in compliance with Section 17.104.070 of this chapter and California Government Code Section 65917.5.~~
- ~~6. Donation of Land. A project is eligible for the following density bonus for the donation of land when in compliance with Section 17.104.080 of this chapter:~~

Percentage of Very Low Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34

30

35

7. ~~Conversion of Apartments to Condominiums. A project is eligible for a twenty-five (25) percent density bonus for the conversion of apartments to condominiums when in compliance with California Government Code Section 65915.5.~~

7.104.060 Eligibility and application requirements for incentives.

- A. ~~Available Incentives. A housing development qualifying for a density bonus may be entitled to at least one incentive. Incentives may include, but are not limited to:~~
1. ~~A reduction in site development standards such as:

 - a. ~~Reduced minimum lot sizes and/or dimensions;~~
 - b. ~~Reduced minimum lot setbacks;~~
 - c. ~~Increased maximum lot coverage;~~
 - d. ~~Increased maximum building height and/or stories;~~
 - e. ~~Reduced street standards.~~~~
 2. ~~A reduction in architectural design requirements;~~
 3. ~~A density bonus greater than the amount required by this chapter;~~
 4. ~~Other regulatory incentives proposed by the developer or the city, which result in identifiable, financially sufficient, and actual cost reductions;~~
 5. ~~If an applicant qualifies for a density bonus pursuant to this chapter, the applicant may request, in addition to any requested incentive(s), that the following parking requirement be applied to the project in place of the city's current parking requirements. The parking requirement is inclusive of handicapped and guest parking for the entire housing development, but shall not include on-street parking spaces in the count towards the parking requirement:

 - a. ~~Zero to one bedroom: one on-site parking space;~~
 - b. ~~Two to three bedrooms: two on-site parking spaces;~~
 - c. ~~Four or more bedrooms: two and one-half on-site parking spaces.~~~~
- B. ~~Eligibility for Incentives. Incentives are available to a housing developer as follows:~~
1. ~~One incentive for housing developments that (a) restrict at least ten (10) percent of the total units to lower income households, at least five percent for very low income households, or at least ten (10) percent for persons and families of moderate income in a common interest development, or (b) are for senior housing.~~
 2. ~~Two incentives for housing developments that restrict at least twenty (20) percent of the total units to lower income households, at least ten (10) percent for very low income households, or at least twenty (20) percent for persons and families of moderate income in a common interest development.~~
 3. ~~Three incentives for housing developments that restrict at least thirty (30) percent of the total units for lower income households, at least fifteen (15) percent for very low income~~

households, or at least thirty (30) percent for persons and families of moderate income in a common interest development.

~~17.104.070 Child care facilities.~~

- ~~A. — Child Care Facility Density Bonus. When an applicant proposes to construct a housing development that is eligible for a density bonus under Section 17.104.040 of this chapter and California Government Code Section 65917.5, and includes a child care facility that will be located on the premises or adjacent to the housing development, the city shall grant either:~~
- ~~1. — An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the square footage of the child care facility up to a combined maximum of thirty five (35) percent of the project square footage without the density bonus; or~~
 - ~~2. — An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.~~
- ~~B. — Child Care Facility Requirements. The city shall require, as a condition of approving the housing development, the following to occur:~~
- ~~1. — The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable per this chapter; and~~
 - ~~2. — Of the children who attend the child care facility, the children of very low income households, lower income households or families of moderate income households shall equal a percentage that is equal to or greater than the percentage of affordable units in the housing development that are required for very low, lower or families of moderate income households.~~
- ~~C. — Child Care Facility Criteria. The city shall not be required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.~~

~~17.104.080 Donation of land.~~

- ~~A. — Donation of Land Density Bonus. When a developer of a tentative subdivision map, parcel map, or other residential development donates land to the city, the developer shall be entitled to a density bonus above the otherwise maximum allowable residential density, up to a maximum of thirty five (35) percent depending on the amount of land donated (see Section 17.104.050 of this chapter). This increase shall be in addition to any increase in density permitted by Section 17.104.040 of this chapter up to a maximum combined density increase of thirty five (35) percent if an applicant seeks both the increase required by Section 17.104.040 and this section of this chapter.~~

~~The developer shall be eligible for the density bonus for the donation of land, if all of the following conditions are met:~~

- ~~1. — The developer shall donate and transfer land no later than the date of approval of the final subdivision map, parcel map, or residential development application;~~
- ~~2. — The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in~~

~~the amount not less than ten (10) percent of the residential units in the proposed development;~~

- ~~3. The transferred land is at least one acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The transferred land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income units on the transferred land, except that the city may subject the proposed development to subsequent design review if the design is not reviewed by the local government prior to the time of transfer;~~
- ~~4. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 17.104.110 of this chapter if required by financing programs or subsidy programs;~~
- ~~5. The land is transferred to the city or to a housing developer approved by the city. The city may require the developer to identify and transfer the land to the affordable housing developer; and~~
- ~~6. The transferred land shall be within the boundary of the proposed development or, if the city determines appropriate, within one quarter mile of the boundary of the proposed development.~~

~~17.104.090 General guidelines.~~

- ~~A. Location of Bonus Units. As required by California Government Code Section 65915(g), the location of density bonus units within the qualifying housing development may be at the discretion of the developer, and need not be in the same area of the project where the units for the lower income households are located as long as the density bonus units are located within the same housing development.~~
- ~~B. Preliminary Review. A developer may submit to the planning and redevelopment department a preliminary proposal for the development of housing pursuant to this chapter prior to the submittal of any formal application for a density bonus. The city shall, within ninety (90) days of receipt of a written proposal, notify the housing developer in writing of either (1) any specific requirements or procedures under this chapter, which the proposal has not met, or (2) the proposal is sufficient for preparation of an application for density bonus.~~
- ~~C. Infrastructure and Supply Capacity. Criteria to be considered in analyzing the requested bonus will include the availability and capacity of infrastructure (water, sewer, road capacity, etc.) and water supply to accommodate the additional density.~~

~~17.104.050100 Findings for approval for density bonus and or incentive(s) Review process.~~

An application for a density bonus, incentive(s) or concession(s) will be processed concurrently with all other applications required for the development. When the application is complete, notice shall be given as required by Section 17.40.020 – Type A and a hearing shall be held by the Planning Commission. The Planning Commission shall make recommendations to the City Council regarding the proposed density bonus and incentive(s) or concession(s). The City Council's decision shall be final.

- A. ~~Density Bonus Approval. The following finding shall be made by the approval authority in order to approve a density bonus request:~~
1. ~~The density bonus request meets the requirements of this chapter.~~
- B. ~~Density Bonus Approval with Incentive(s). The following findings shall be made by the approval authority in order to approve a density bonus and incentive(s) request:~~
1. ~~The density bonus request meets the requirements of this chapter;~~
 2. ~~The incentive is required in order to provide affordable housing; and~~
 3. ~~Approval of the incentive(s) will have no specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate income households.~~
- C. ~~Denial of a Request for an Incentive(s). The approval authority shall make the following findings prior to disallowing an incentive (in the case where an accompanying density bonus may be approved, or in the case of where an incentive(s) is requested for senior housing or child care facility):~~
1. ~~That the incentive is not necessary in order to provide for affordable housing costs as defined in Section 17.104.020 of this chapter, or for rents for the targeted units to be set as specified in Section 17.104.020 of this chapter.~~
 2. ~~That the incentive would result in specific adverse impacts upon health, safety, or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low, and moderate income households.~~

17.104.060110 Affordable housing agreement required.

Prior to the issuance of a building permit for any dwelling unit in a development for which a density bonus, incentive(s) or concession(s) have been granted, the applicant shall enter into a written agreement with the city for the mandated duration of affordability. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the applicant, and shall be recorded in the Office of the Placer County Recorder. The agreement shall be approved by the City Council and shall address all issues required by state law.

- A. ~~Agreement Required. In approving a density bonus, the associated permit or tentative map shall require that an affordable housing agreement, or other form of agreement as approved by the city attorney, effectuating the terms of affordability of the development be executed prior to effectuation of the permit or recordation of the final map.~~
- B. ~~Continued Availability. The density bonus request shall include the procedures proposed by the developer to maintain the continued affordability of all affordable income density bonus units and shall be evidenced by an affordable housing agreement as follows:~~
1. ~~An applicant shall agree to, and the city shall ensure, continued affordability of all very low and low income units that qualified the applicant for the award of the density bonus for thirty (30) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 17.104.020 of this~~

~~chapter. Owner occupied units shall be available at an affordable housing cost as defined in Section 17.104.020 of this chapter.~~

- ~~2.—An applicant shall agree to, and the city shall ensure that, the initial occupants of the moderate income units are directly related to the receipt of the density bonus in the common interest development as defined in Section 1351 of the California Civil Code, are persons and families of moderate income, as defined in Section 17.104.020 of this chapter and that the units are offered at an affordable housing cost, as that cost is defined in Section 17.104.020 of this chapter. The city shall enforce an equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

 - ~~a.—Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote homeownership.~~
 - ~~b.—For purposes of this subdivision, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.~~
 - ~~c.—For purposes of this subdivision, the city's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.~~~~

15. Off-Street Parking and Loading.

Municipal Code section 17.108.040 is amended as follows:

17.108.040 Parking space requirements by use type.

The number of off-street parking spaces required for the land uses identified by Article III (regulations for the principal and special purpose zones) shall be as provided by this section, except where parking requirements are established by Article V (special area and specific use requirements) for a particular use, and except in the MU-1 zone where no on-site parking is required.

Municipal Code section 17.108.040(A)(3) is amended as follows:

3. Residential use types shall provide off-street parking spaces as follows:

RESIDENTIAL USE TYPES	NUMBER OF PARKING SPACES REQUIRED
<u>Accessory Dwelling Units</u>	<u>See Chapter 17.196</u>
Caretaker/Employee Housing	2 per dwelling
Community Care Facility, Small	2 per dwelling

Community Care Facility, Large	2 per dwelling plus 0.5 per sleeping room (a maximum of 2 spaces may be located within the front setback)
Dwelling	
Multifamily	
Studio	1.5 per unit, plus guest parking (see below)
1 Bedroom	1.5 per unit, plus guest parking (see below)
2+ Bedrooms	2 per unit, plus guest parking (see below)
Senior Citizen Apartments	1 per unit, plus guest parking (see below)
Guest Parking	Projects with 10 or more dwelling units shall provide 1 additional space for each 10 dwelling units or portion thereof
Single-Family and Two-Family	2 per dwelling
Family Day Care Home, Small	2 per dwelling plus 1 space for loading
Family Day Care Home, Large	2 per dwelling plus 1 space per employee not residing in the home, plus loading areas as required by Section 17.160.020B.
Mobilehome Park	2 per dwelling unit plus 1 guest space for each 10 dwelling units or portion thereof
Rooming and Boarding Houses	2 per dwelling plus 0.5 per sleeping room (a maximum of 2 spaces may be located within the front setback)
<u>Transitional and Supportive Housing</u>	<u>1 per staff member on-site during the largest shift plus one space for each bedroom</u>
Second Units	Same as Single Family and Two Family

16. Accessory Dwelling Units

Municipal Code Chapter 17.196 is amended as follows:

Chapter 17.196 ~~SECOND~~ ACCESSORY DWELLING UNITS

7.196.010 Purpose.

The purposes of this section are to improve affordable housing opportunities in the City and to protect the health, safety, and general welfare of the residents of the City. In addition, this section is intended to meet the requirements of state law regarding accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) [California Government Code Sections 65852.2 and 65852.22]. It is the purpose of this section to maintain the single family character of established single family neighborhoods, while allowing for the possibility of second residential units on such lots.

17.196.020 Definitions.

As used in this section: “Accessory dwelling unit” (ADU) and “junior accessory dwelling unit” (JADU) have the same meanings as defined in Government Code Sections 65852.2 and 65852.22, respectively, as they now exist or may hereafter be amended or replaced.

“Primary residential unit” means the first permanent residential structure built to serve as a dwelling unit on a parcel in an R-1 district.

~~"Second residential unit" means the second permanent residential structure built to serve as a separate dwelling unit on a parcel in an R-1 district. Mobilehomes without a permanent foundation and recreational vehicles are not considered, and shall not be allowed as, second residential units.~~

17.196.030 administrative permit required Application for accessory dwelling unit permit.

A. Accessory dwelling units are permitted in all zones within the City where single-family or multi-family residential units are permitted, subject to the owner first obtaining an accessory dwelling unit permit from City staff. Any application for an accessory dwelling unit that meets the unit size standards and development standards contained in Sections 17.196.040 and 17.196.050 or is the type of accessory dwelling unit described in Section 17.196.060, shall be approved ministerially by the city planner by applying the standards herein and without a public hearing.

B. An application for an accessory dwelling unit shall be made by the owner of the parcel on which the primary unit sits and shall be filed with the city planner on a city-approved application form and subject to the established fee.

~~A second residential unit may be permitted on a parcel in an R-1 district if an administrative permit is issued allowing it. The city may attach any conditions necessary to insure that the use is compatible with the neighborhood.~~

17.196.040 Development standards and requirements.

Any permit for an accessory dwelling unit shall be subject to the development standards listed below.

A. Legal lot/residence. An accessory dwelling unit shall only be allowed on a lot within the city that contains a single-family or multi-family residence as an existing or proposed primary unit on a lot.

B. Number of accessory dwelling units per lot.

1. For lots with proposed or existing single-family residences, no more than one (1) attached and one (1) detached accessory dwelling unit shall be permitted on the lot.

Notwithstanding the above, a lot with a single-family residence may also have one (1) junior accessory dwelling unit.

2. For lots with existing multi-family residential dwellings:

a. No more than twenty-five percent (25%) of the number of the existing units, but at least one (1) unit, shall be permitted as accessory dwelling units constructed within the non-livable space of the existing building provided that applicable building codes are met; and

b. Up to two (2) of either of the following types of units: a detached accessory dwelling unit or a new construction attached unit that adds square footage to the footprint of an existing building may be constructed.

C. Unit size and height standards.

1. The maximum floor area of an accessory dwelling unit shall not exceed either:

a. Eight hundred fifty (850) square feet for an accessory dwelling unit that is a studio or one-bedroom unit; or

b. One thousand (1000) square feet for an accessory dwelling unit that has two or more bedrooms.

2. The maximum height of accessory dwelling units shall not exceed:

a. Sixteen (16) feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.

b. Eighteen (18) feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of the Colfax train station. If necessary to align with the roof pitch of the accessory dwelling unit with the roof pitch of the primary dwelling unit, the building height may be increased up to two additional feet.

c. Eighteen (18) feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

d. The maximum height limitation that applies to the primary dwelling for an accessory dwelling unit that is attached to a primary dwelling.

D. Building Code Compliance. All new accessory dwelling units must satisfy the requirements contained in the building code and fire code as currently adopted by the city, including applicable energy efficiency standards associated with Title 24 of the California Code of Regulations. However, fire sprinklers shall not be required if they are not required for the primary residence.

E. Fees and Charges.

1. City/public utilities.

a. All accessory dwelling units must be connected to public utilities, including water, electric, and sewer services.

b. Except as provided in subsection c below, the City may require the installation of a new or separate utility connection between the accessory dwelling unit and the utility. The connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based on either its square feet or number of drainage fixture unit values.

c. No separate connection between the accessory dwelling unit and the utility shall be required for units created within a single-family dwelling unless the accessory dwelling unit is being constructed in connection with a new single-family dwelling.

d. Regardless of where it is located, for the purposes of calculating utility connection fees or capacity charges, accessory dwelling units shall not be considered a new residential use unless the accessory dwelling unit was constructed with a new single-family dwelling.

2. Impact Fees.

a. For accessory dwelling units of seven hundred fifty (750) square feet or larger, all impact fees applicable to accessory dwelling unit's construction shall be paid to the

city in amounts proportional to the size of the accessory dwelling unit relative to the square footage of the primary dwelling unit.

- b. For accessory dwelling units less than seven hundred fifty (750) square feet or smaller, no impact fees shall be charged, unless otherwise allowed by state law.
- c. For purposes of this subsection, "impact fee" has the same meaning as specified in Government Code section 66000(b) and includes in-lieu park fees as specified in Government Code section 66477.

- 3. Application Fees. Application fees for an accessory dwelling unit shall be paid in an amount specified by resolution of the City Council.

F. Parking.

- 1. One on-site parking space shall be provided per accessory dwelling unit or per bedroom, whichever is less. The required parking space may be provided as:

- a. Tandem parking on an existing driveway; or
- b. Within a setback area or as tandem parking in locations determined feasible by the City for such use. Locations will be determined infeasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the City.

- 2. No parking shall be required for a studio accessory dwelling unit that does not have a separate bedroom.

- 3. Notwithstanding the foregoing, no parking spaces shall be required for accessory dwelling units in the following instances:

- a. It is located within one-half mile walking distance of public transit;
- b. It is located within an architecturally and historically significant district;
- c. It is part of a proposed or existing primary residence or an accessory structure;
- d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
- e. Where there is a car share vehicle located within one block of the accessory dwelling unit.

- 4. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the off-street parking spaces do not have to be replaced.

- G. Deed Restriction: Except as allowed under the limited circumstances described in Government Code section 65852.26, an accessory dwelling unit may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence. Prior to the issuance of a building permit for an accessory dwelling unit, the owner shall record with the county recorder a deed restriction in a form approved by the city that includes a prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence.

- H. Conversion of existing primary unit. An existing primary dwelling may be converted to an accessory dwelling unit if it complies with all applicable requirements of this ordinance. If so, a new, larger primary residence may be constructed.

- I. Design requirements for new units. All new accessory dwelling units must comply with the following design requirements:

1. The materials, colors, and architecture shall be similar to and compatible with those of the primary unit.
 2. Accessory dwelling units shall comply with the height limitations of section 17.196.040(C)(2).
 3. Accessory dwelling unit entrances shall be separate from the main entrance to the proposed or existing single-family residence.
 4. Lighting shall not spill on to neighboring lots.
- J. Accessibility standards. New construction of any ground level accessory dwelling unit shall be designed and constructed to allow for disability/accessibility standards. Plans shall demonstrate future entrance capability and actual construction shall include adequate door and hallway widths, maneuvering space in kitchens and bathrooms, and structural reinforcements for grab bars.
- K. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
- L. For residential development, the garage door shall remain in place and look functional, or the garage door shall be removed. If the door is removed, the project shall include architectural features (including siding, doors, windows, trim and accent details), and landscaping (such as a landscape strip to disconnect the driveway from the building wall) so it is not apparent that the structure was originally a garage.
- M. Any ADU taking advantage of reduced setbacks pursuant to Section 17.196.050 shall not have doors or windows within such setback unless required to meet health and safety requirements.
- N. Accessory dwelling units approved under this Section 17.196.040 shall not be rented for a term of less than thirty (30) days.
- O. Setback requirements.
1. No setbacks are required for accessory dwelling units that are created by converting existing living area or existing accessory structures to new accessory dwelling units or constructing new accessory dwelling units in the same location and to the same dimensions as an existing structure.
 2. For all other accessory dwelling units, there must be a minimum of four feet from side and rear lot lines and they must comply with all other applicable front yard setbacks.

~~Second residential units must comply with the following standards, which are in addition to the general development standards set forth in Articles III and IV:~~

- ~~A. The second residential unit shall be in compliance with existing zoning requirements, including setbacks and lot coverage;~~
- ~~B. A second residential unit may be attached to or detached from the primary unit;~~
- ~~C. In addition to the two off-street parking spaces required for the primary residential unit, two (2) additional off-street parking spaces shall be required for the second residential unit. The additional parking spaces may not be purchased or leased pursuant to subsection 17.108.040D. (purchase or lease of parking spaces);~~
- ~~D. There shall be a maximum of one second residential unit per parcel;~~

- E. ~~The second residential unit shall conform in design, materials and color to the primary residence;~~
- F. ~~A minimum lot size of seven thousand five hundred (7,500) square feet shall be required;~~
- G. ~~Except in the case of smaller efficiency units allowed by law, the minimum allowable floor area for a second residential unit shall be four hundred (400) square feet. The maximum allowable floor area for a second residential unit shall be six hundred forty (640) square feet or thirty five (35) percent of the original gross floor area of the primary unit, whichever is greater, up to a maximum of one thousand two hundred (1,200) square feet, unless otherwise specified by the planning commission;~~
- H. ~~If attached, the secondary unit shall have a separate outside entrance or a hallway leading directly to the outside;~~
- I. ~~A second residential unit shall not be added on a parcel with a pre-existing primary residential unit which does not have a legal sewer connection or does not conform to this code. The second residential unit shall also be required to obtain a separate legal sewer connection.~~

17.196.050 Accessory dwelling units—Permitted regardless of compliance with other development standards and regulations.

- A. Accessory dwelling unit permits shall be approved for the following types of accessory dwelling units, regardless of whether the application meets the development standards contained in this Title 17.
 - 1. For lots with single family dwellings:
 - a. One interior accessory dwelling unit per lot constructed within an existing or proposed single-family or accessory structure, including the construction of up to a one hundred fifty (150) square foot expansion beyond the same physical dimensions as the existing accessory dwelling structure to accommodate ingress and egress. The accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety;
 - b. One new, detached accessory dwelling unit with a minimum four-foot side and rear setbacks, up to eight hundred (800) square feet and no more than sixteen (16) feet high on a lot with an existing or proposed single family dwelling; and
 - c. A junior accessory dwelling unit built within an existing or proposed single-family dwelling, including the construction of up to a one hundred fifty (150) square foot expansion beyond the same physical dimensions as the existing single-family structure to accommodate ingress and egress. The accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety. A junior accessory dwelling unit must also comply with the requirements of section 17.196.070 below.
 - 2. For lots with existing multifamily dwellings:
 - a. Accessory dwelling units may be constructed in areas that are not used as livable space within an existing multi-family dwelling structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior accessory dwelling units permitted on the lot shall not exceed twenty-five percent (25%) of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed. Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area; and

- b. Up to two (2) of either of the follow types of units: a detached accessory dwelling unit or a new construction attached unit that adds square footage to the footprint of an existing building may be constructed, provided they do not exceed eight hundred (800) square feet in floor area, are no taller than sixteen (16) feet, and they have at least four (4) feet of side and rear yard setbacks.
- B. Accessory dwelling units approved under this Section 17.196.050 shall not be rented for a term of less than thirty (30) days.
- C. Accessory dwelling units or junior accessory dwelling units approved under this Section 17.196.050 shall not be required to correct legal nonconforming zoning conditions.

17.196.0560 General plan.

In adopting this section, the city recognizes that the approval of second residential units may, in some instances, result in dwelling unit densities exceeding the maximum densities prescribed by the general plan. The city finds that this occurrence is consistent with the general plan, as allowed under state planning and zoning law applicable to ~~second residential~~ accessory dwelling units and that the adoption of these sections furthers the goals, objectives and policies of the general plan housing element.

17.196.070 Junior Accessory Dwelling Units.

- A. Purposes: This Section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing or proposed single family residence and requires owner occupancy in the single-family residence where the unit is located.
- B. Size: A junior accessory dwelling unit shall not exceed 500 square feet in size.
- C. Owner Occupancy: The owner of a parcel proposed for a junior accessory dwelling unit shall occupy as a primary residence either the primary dwelling or the junior accessory dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.
- D. Sale Prohibited: A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
- E. Short term rentals: The junior accessory dwelling unit shall not be rented for periods of less than 30 days.
- F. Location of Junior Accessory Dwelling Unit: A junior accessory dwelling unit shall be created within the existing walls of an existing primary dwelling.
- G. Kitchen Requirements: The junior accessory dwelling unit shall include an efficiency kitchen, including a food preparation counter, cooking appliances, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- H. Parking: No additional parking is required beyond that required at the time the existing primary dwelling was constructed.
- I. Fire Protection; Utility Service: For the purposes of any fire or life protection ordinance or regulation or for the purposes of providing service for water, sewer, or power, a junior accessory dwelling unit shall not be considered a separate or new unit, unless the junior accessory dwelling unit was constructed in conjunction with a new single-family dwelling. No separate connection between the junior accessory dwelling unit and the utility shall be required for units created within a single-family dwelling, unless the junior accessory dwelling unit is being constructed in connection with a new single-family dwelling.

J. Deed Restriction: Except as allowed under the limited circumstances described in Government Code section 65852.26, prior to the issuance of a building permit for a junior accessory dwelling unit, the owner shall record with the county recorder a deed restriction in a form approved by the city that includes a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, requires owner-occupancy consistent with subsection (C) above, does not permit short-term rentals, and restricts the size and attributes of the junior dwelling unit to those that conform with this section.

Section B. The remainder of Colfax Municipal Code Title 17-Zoning shall remain in full force and effect. If any of the provisions of Colfax Municipal Code Title 17 – Zoning are inconsistent with the provisions of this Ordinance, then this Ordinance and the provisions hereof shall control any inconsistent interpretation.



Staff Report to City Council

FOR THE OCTOBER 11, 2023 REGULAR CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Mike Luken, Interim City Manager
Subject: Response to the Grand Jury on Account for City Homeless Spending

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Direct staff to respond to the Grand Jury Report on Homeless Spending as indicated in this report.

Summary/Background

City staff have reviewed and considered the findings and recommendations of the Placer County Grand Jury in its report dated June 21, 2023, entitled: “Spending on Homelessness within Placer County.” In the letter, the Grand Jury recommends each of the five incorporated cities and one incorporated town in Placer County establish a full accounting of homeless funding and expenditures to its citizens on an annual basis by January 1, 2024, and include in the annual budget going forward. Staff recommends that the Council find that Recommendation R2 is not reasonable. The City of Colfax is a very small city and does not have a singular-focused unit or personnel dedicated specifically to homelessness. The city works with the Sheriff’s Office and Placer County Department of Health and Human Services to direct individuals to resources as needed. Extracting that data would be an unreasonable burden on City resources. Any ongoing budgetary line item would also similarly be unreasonable for the same reasons. The Auburn and Loomis Councils, comparable in size to Colfax, have made the same finding that both items are unreasonable.

Fiscal Impacts

There are no fiscal impacts that would result from the approval of the recommended action.

Attachments:

1. Grand Jury Report

Spending on Homelessness Within Placer County



Photo Credit: Richard Ferguson, February 2, 2023



Spending on Homelessness Within Placer County

Summary

The 2020-2021 and 2021-2022 Placer County Grand Juries published reports on the homeless population in Placer County. On June 14, 2022, the Board of Supervisors published a chart showing County of Placer government spending of approximately \$20 million for FY 2021 to 2022. The 2022-2023 grand jury found the total spending by city, town, and county during July 2021 through March 2023 amounted to more than \$80 million.

Glossary

Advocates for Mentally Ill Housing: Non-profit organization dedicated to the homeless and operating in Placer County. Advocates for Mentally Ill Housing has been granted the contract to manage the Hampton Inn/Sun Rose Apartments in Roseville and the 7 Pines Motel in Tahoe.

All-States Funding Report: The Department of Housing and Urban Development annually publishes the All-States Funding Report. This report shows Housing and Urban Development funds for the homeless by county.

American Rescue Plan Act: Known as the federal COVID-19 stimulus package.

First Step Communities: A non-profit organization dedicated to the homeless.

IRS Form 990: An IRS tax form on revenue and expenses filed by organizations exempt from income tax.

Low/no barrier shelter: An overnight or temporary housing accommodation for individuals who are homeless, provided directly by or through county contracted service agencies, for the purpose of providing shelter to individuals without the imposition of identification, time limits, or any other program requirements.

PIT Count: Point-in-Time head count conducted annually, on one night typically in January, of sheltered and unsheltered individuals experiencing homelessness. For the year 2023 the count was 709 individuals.

The Gathering Inn: A non-profit organization dedicated to the homeless and operating in Placer County.

Sun Rose Apartments: Formerly the Hampton Inn, a Roseville hotel being converted into an eighty-two-room permanent housing facility for the homeless.

Background

The 2021-2022 grand jury published an extensive report covering a variety of concerns related to the homeless population. The grand jury report found that “No Placer County official was able to provide the grand jury accurate statistics related to costs and funding of the homeless.”¹ The Board of Supervisors (BOS) later provided a chart, dated June 14, 2022, listing the county’s annual homeless budget at approximately \$20 million (Appendix A). The 2022-2023 grand jury is seeking to quantify how much money is actually spent on homelessness throughout the county.

During its investigation, the grand jury experienced challenges in determining sources, amounts, and uses of funding. Some of this is due to different reporting periods by many stakeholders. Despite these challenges, the 2022-2023 grand jury was able to identify many, but not all, sources of funding, amounts, and reporting periods.

The grand jury learned there is a lack of coordination and budgeting among city, town, county, state, and federal sources providing funding. Additionally, there are no line items identifying homeless spending in the five city budgets, one town budget, or in the county budget.

Methodology

The grand jury interviewed numerous cities, town, and county officials. Past grand jury reports and responses, city, town, and county budgets, state grants, IRS Form 990 filings, and Federal Department of Housing and Urban Development (HUD) grants were also reviewed. The entities listed in this report do not follow the same reporting principles; therefore, a definitive time span regarding overall spending within the county, as a whole, could not be reconciled by the grand jury.

Discussion

In its detailed budget, the county can quantify monies received and disbursed by department. Similarly, city budgets do the same. An example of this is the Enterprise Fund in the county’s 2022-2023 budget (Appendix B). This budget item is broken down with line items for revenues and shows expenditures for that same department. Specific monies received and disbursed for homeless services, however, are not listed in any county or city departments’ line-item budgets.

¹ Placer County Grand Jury 2021-2022 Final Report, page 65, Finding 3, [final-report-v3-release-june-30.pdf \(ca.gov\)](https://www.placer.ca.gov/files/2022/06/final-report-v3-release-june-30.pdf). Accessed February 7, 2023.

Cities and Towns

The grand jury conducted interviews with officials from the five cities and one incorporated town in Placer County. The chart below contains information received.

City/Town	Expenditure	Detail
Auburn	\$0	No funds budgeted
Colfax	\$0	No funds budgeted
Lincoln	\$45,000	Funds for clean-up only
Loomis	\$0	No funds budgeted
Rocklin	\$110,475	<ul style="list-style-type: none"> • \$60,475 for The Gathering Inn (TGI) Homeless Prevention and Rapid Rehousing Program in the Community Development Block Grant (CDBG) Low- and Moderate-Income Housing Asset Fund. • \$50,000 for the TGI Homeless Prevention and Rapid Rehousing program in the CDBG Coronavirus 2019 CARES Act Fund.
Roseville	\$17,200,000	<ul style="list-style-type: none"> • \$15.1 million for its Economic Development and Housing Department budget for affordable housing programs and homeless prevention. Of this amount the city estimates that \$8.5 million is federal funding and \$3.8 million is state funding. • Police estimates its budgeted costs to be \$1.625 million in the current fiscal year. • Parks, Recreation and Libraries Department staff estimates the current fiscal year budget includes \$330,000 for open space cleanup. • Public works department estimates \$47,000 in its current year budget for debris cleanup and \$81,000 for facilities maintenance and custodial services. • The city attorney's office estimates its current budget includes \$53,000 for time spent on homelessness issues.
Total	<u>\$17,355,475</u>	

Roseville is the largest city in Placer County and accounts for nearly 38 percent of the county's population. The response from Roseville was a complete accounting of their expenditures and lists many of the ancillary homeless costs not mentioned by other cities.

State Funding

A large percentage of funding that comes into Placer County is in the form of state grants. A portion of this money was spent in acquiring hotels for housing. In 2022 the purchase of the Hampton Inn in Roseville, now the Sun Rose Apartments, was approved for conversion into an eighty-two-room permanent housing facility to be managed by AMI.² The cost of the purchase, including improvements and management, through June 30, 2023, is \$23.5 million.

Using various grant funding sources, the 7 Pines Motel in Tahoe, consisting of fourteen units, was purchased by the Placer County in 2020 for \$1.45 million. The motel will be owned and managed by AMI Housing, who was awarded the contract to operate this facility for the period October 1, 2019, through June 30, 2023. Furthermore, on January 24, 2023, the BOS authorized increasing the base contract by an additional \$700,000, not to exceed a total of \$2,207,835.³ The contract also stipulates that the additional funds must be expended by June 25, 2023.

The Sun Rose Apartments and the 7 Pines Motel are in the process of being retrofitted. The following amounts include purchase price, retrofitting, ongoing management, closing, and remodeling costs:

Sun Rose Apartments in Roseville ⁴	\$23,500,000
7 Pines Motel in Tahoe ⁵	\$2,207,835
Total	\$25,707,835

Legal Settlement

On January 24, 2023, because of a settlement reached with thirty-three unhoused individuals, the BOS approved a six-month agreement with First Step Communities (FSC) to manage a temporary low-barrier shelter located on the Placer County Government Center grounds. As a further outcome of this settlement the BOS increased the value of the contract with FSC from \$100,000 to \$1.088 million. These funds were awarded to the county through an American Rescue Plan Act (ARPA) Federal grant.

In addition to the \$1.088 million spent on the temporary low-barrier shelter, the BOS approved each of the thirty-three plaintiffs be awarded \$4,000. The attorney representing the plaintiffs received \$50,000. This increased the settlement costs by \$182,000, bringing the total amount to \$1.27 million for the first six months of operation. At the end of six

² AMI Housing Inc., www.amihousing.org. Accessed November 27, 2022.

³ [Board of Supervisors Agenda - PLACER COUNTY \(ca.gov\)](#). Accessed May 17, 2023.

⁴ [Roseville hotel to be converted into permanent housing for homeless - Roseville Today](#) April 28, 2022. Accessed November 12, 2022.

⁵ [County acquires Tahoe property as part of 'Project Homekey' | Placer County, CA](#). Accessed November 11, 2022.

months the county will re-evaluate whether to extend the program and put the contract through a bidding process.

Further, the BOS at its February 28, 2023 meeting, approved providing two meals a day to individuals who reside at the low barrier shelter. This adds an additional \$40,000 to the settlement cost bringing the total cost to \$1.31 million.⁶



Photo credit: Placer County Public Affairs

Federal Funding

The Department of Housing and Urban Development annually publishes the All-States Funding (ASF) Report. The report of the funds granted to Placer County in calendar year 2021 is listed below. The amount of money granted by HUD, in calendar year 2021, totaled \$1,499,064. At the time of this writing, ASF for Placer County has not been published for 2022.

⁶ [Placer County to provide meals at temporary shelter in Auburn - Roseville Today](#). Accessed March 1, 2023.

2021 All-States Funding Report (excerpt) ⁷				
Department of Housing and Urban Development				
<u>State</u>	<u>City/County</u>	<u>Funding Recipient</u>	<u>Funding Source</u>	<u>Funding Amount</u>
California	Roseville, Rocklin/Placer County	Homeless Resource Council of the Sierras	CA-515 Planning Grant 2021	\$39,247
California	Roseville, Rocklin/Placer County	Stand Up Placer, Inc.	Stand Up Placer Permanent Housing 2021	\$298,899
California	Roseville, Rocklin/Placer County	Placer County Health and Human Services Adult System of Care	ASOC Permanent Supportive Housing FY2 021	\$502,979
California	Roseville, Rocklin/Placer County	Placer County Health and Human Services Adult System of Care	ASOC Project Based SPC FY2021	\$49,860
California	Roseville, Rocklin/Placer County	Placer County Health and Human Services Adult System of Care	Shelter Plus Care Renewal FY2021	\$421,628
California	Roseville, Rocklin/Placer County	Placer County Health and Human Services Adult System of Care	AMIHPSH FY 2021	\$21,060
California	Roseville, Rocklin/Placer County	Homeless Resource Council of the Sierras	CA-515 HMIS Renewal FY2021	\$51,266
California	Roseville, Rocklin/Placer County	Stand Up Placer, Inc.	Stand Up Placer DV Bonus 2021	\$114,125
<u>Total</u>				<u>\$1,499,064</u>

⁷ <https://www.hud.gov/sites/dfiles/CPD/documents/All-States-2021-Funding-Report.xlsx>.
Accessed November 11, 2022.

Non-Profits

The grand jury examined the funding provided by non-profit organizations by reviewing IRS forms 990. Two of the larger and dedicated non-profits are The Gathering Inn (TGI) and Advocates for Mentally III Housing (AMI). These organizations support the approximately 709 homeless individuals per the 2023 Point-in-Time (PIT) Count.^{8, 9}

The most recent IRS form 990 filings the grand jury could obtain were for the year 2020. The filings by TGI and AMI showed revenues of \$6,506,165 and \$8,138,694, respectively. Both organizations receive a portion of revenues from government funds. The Gathering Inn disclosed that \$3,949,302 came from government grants, which accounts for 60.7 percent of their funding. For the same period AMI reported that \$3,963,600 came from government grants, or 48.7 percent. For the purpose of this report, non-profits account for approximately \$15 million. Additional money from other non-profits varies from year to year.

Total Funding

Source of Funds	Amount	Percentage of Total Funding
Placer County	\$20,000,000	24.7%
Cities	\$17,355,475	21.5%
Legal settlement	\$1,310,000	1.6%
State funding	\$25,707,835	31.8%
Federal funding	\$1,498,884	1.9%
Non-profits (estimate)	\$15,000,000	18.5%
Total	\$80,872,194	100%

Future Spending

In next year's state budget approximately \$3 billion, from the general fund, has been earmarked for homelessness. It is unknown at this time how much of this money will be allocated to Placer County, its cities and town.

⁸ HUD Exchange "Point-in Time Count and Housing Inventory count", www.hudexchange.info/programs/hdx/pit-hic/. Accessed April 18, 2022.

⁹ [Homelessness appears to decline in Placer County: new data | The Sacramento Bee \(sacbee.com\)](https://www.sacbee.com/news/local/homelessness/article284848481.html). Accessed May 17, 2023.

Conclusion

The grand jury discovered over \$80 million was spent in the county for the periods covered in this report. The money came from funds distributed by county, cities, town, state, federal, and non-profits. The 2023 PIT count of 709 individuals represents 0.2 percent of the Placer County population of 412,300.¹⁰

Through all of its research, the grand jury found no evidence that the county, town, and cities coordinate or discuss monies being spent or possible funding opportunities.

Findings

The grand jury found:

- F1: Spending for homelessness in Placer County exceeded \$80 million for the periods covered in this report and is made up of funding by city, town, county, state, federal, and non-profit organizations.
- F2: The Placer County does not clearly define or report all sources of funding and expenditures on homelessness in the county budget.
- F3: It appears there is little to no communication or coordination of spending among the incorporated cities and town, and the county.
- F4: Funding for homelessness services comes from various sources including city, town, county, state and federal governments, and non-profit organizations.
- F5: The five incorporated cities and one incorporated town in Placer County do not have homeless budget line items that define sources of funding and expenditures.

Recommendations

The grand jury recommends that:

- R1: Placer County establish a full accounting of homeless funding and expenditures to citizens on an annual basis by January 1, 2024, and include in the annual budget going forward.
- R2: Each of the five incorporated cities and one incorporated town in Placer County establish a full accounting of homeless funding and expenditures to its citizens on an annual basis by January 1, 2024, and include in the annual budget going forward.

Request for Response:

Pursuant to Penal Code § 933.05, the Placer County Grand Jury requests a response from the following governing bodies:

¹⁰ July 1, 2021 census, www.census.gov/quickfacts/placercountycalifornia, [U.S. Census Bureau QuickFacts: Placer County, California](https://www.census.gov/quickfacts/placercountycalifornia). Accessed March 9, 2023.

	<u>Recommendations Requiring Response</u>	<u>Response Due Date</u>
Placer County Board of Supervisors 175 Fulweiler Ave Auburn, CA 95603	R1	October 1, 2023
Auburn City Council 1225 Lincoln Way Auburn, CA 95603	R2	October 1, 2023
Colfax City Council 33 South Main St Colfax, CA 95713	R2	October 1, 2023
Lincoln City Council 600 6th St Lincoln, CA 95648	R2	October 1, 2023
Loomis Town Council 3665 Taylor Rd Loomis, CA 95650	R2	October 1, 2023
Rocklin City Council 4060 Rocklin Rd Rocklin, CA 95677	R2	October 1, 2023
Roseville City Council 311 Vernon St Roseville, CA 95678	R2	October 1, 2023

Copies Sent to:**Placer County Executive Officer**

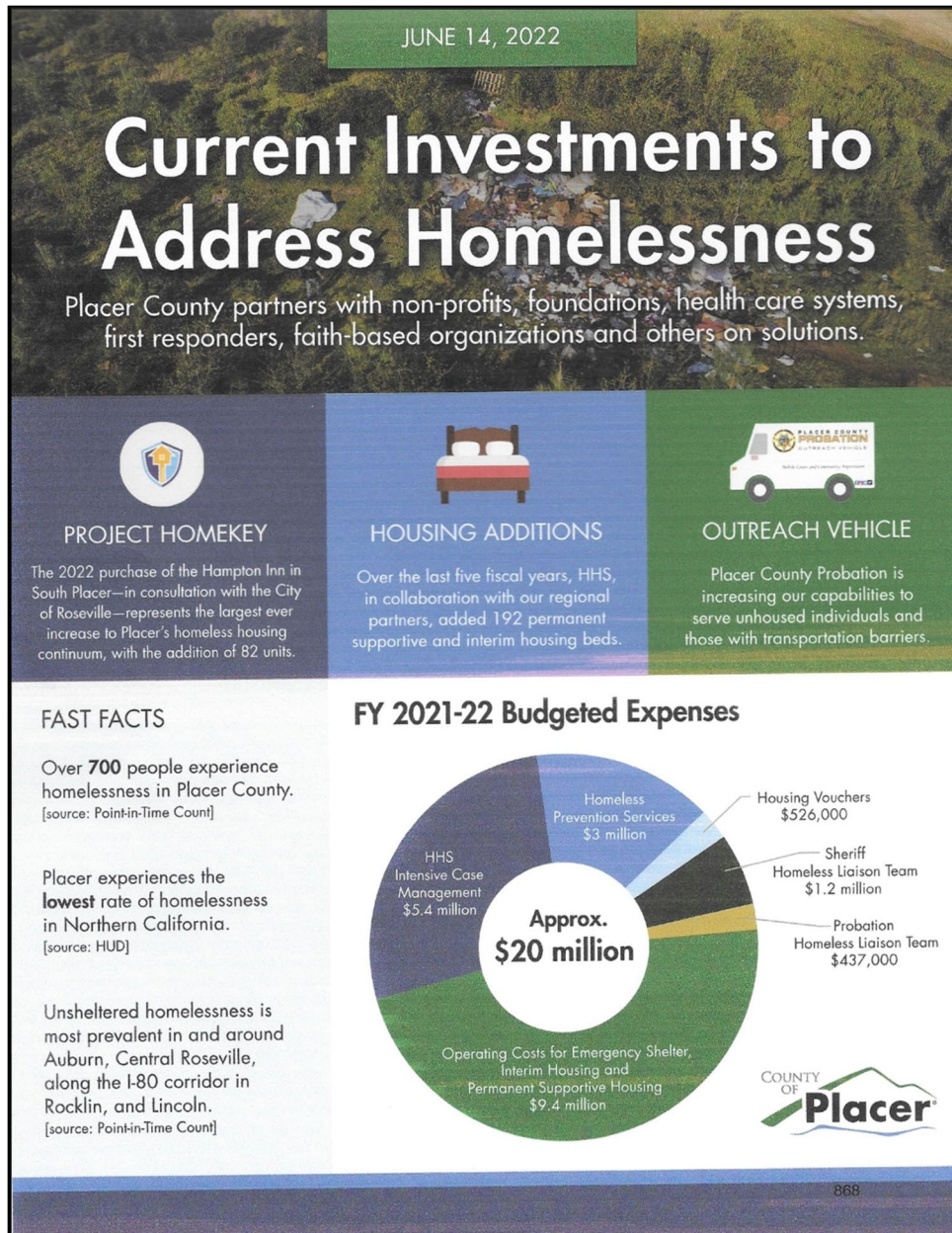
175 Fulweiler Ave
Auburn, CA 95603

Placer County Health and Human Services

Director
3901 County Center Dr
Auburn, CA 95603

Appendices

Appendix A County Spending¹¹



¹¹ Current Investments to Address Homelessness, [Investments in Homelessness 6.14.22 v5 \(ca.gov\)](https://www.placer.ca.gov/DocumentCenter/View/62346/Investments-in-Homelessness), www.placer.ca.gov/DocumentCenter/View/62346/Investments-in-Homelessness. Accessed February 7, 2023.

Appendix B - Budget Example¹²

Public Works				
County of Placer Cost Center Budget Detail Governmental Funds Fiscal Year 2022-23				
Fund: Road Fund Cost Center: CC19006 Engineering				
Ledger Account	2020-21 Actuals	2021-22 Adopted Budget	2022-23 Recommended Budget	2022-23 Adopted Budget
1	2	3	4	5
Revenue				
Sales and Use Taxes	25,000	-	-	-
Vehicle Code Fines	6,538	7,500	7,500	7,500
Investment Income	996	-	-	-
Federal Aid - Construction	12,631,811	30,073,000	15,125,000	15,125,000
Federal Aid - Other Programs	439,387	298,000	-	-
State Highway Users Tax	404,940	-	2,570,000	2,570,000
State Aid - Construction	508,899	2,773,000	4,422,000	4,422,000
State Aid - Other Programs	248	-	-	-
Aid from Other Agencies	(18,249)	-	-	-
Planning and Engineering Services	33,079	40,000	40,000	40,000
Road and Street Services	1,424,571	-	-	-
Other Fees and Charges	3,728,119	3,120,000	2,503,000	2,503,000
Insurance - Other	5,660	-	-	-
Miscellaneous	975	-	-	-
Contributions from General Fund	884,109	-	-	-
Operating Transfers In	4,857,338	19,307,584	19,960,000	19,960,000
Total Revenue	\$ 24,933,420	\$ 55,619,084	\$ 44,627,500	\$ 44,627,500
Expenditures / Appropriations				
Salaries and Wages	3,635,811	3,774,716	3,683,615	3,683,615
Salary Savings	-	(262,081)	(249,320)	(249,320)
Employee Paid Sick Leave	71,044	-	-	-
Extra Help	-	5,000	5,000	5,000
Overtime and Call Back	5,838	5,000	5,000	5,000
Cafeteria Plans (Non-PERS)	184,499	200,574	195,865	195,865
Uniform Allowance	1,077	1,200	1,200	1,200
Retirement	1,167,000	1,397,615	1,409,810	1,409,810
Payroll Tax	268,021	279,347	274,825	274,825
Other Postemployment Benefits (OPEB)	201,131	137,280	98,145	98,145
401 (k) Employer Match	2,345	2,250	2,250	2,250
Employee Group Insurance	510,521	523,633	554,830	554,830
Workers Comp Insurance	16,874	17,286	23,695	23,695
Communication Services Expense	20,042	25,000	17,000	17,000
Janitorial Supplies	203	-	-	-
Refuse Disposal	7,347	500	7,000	7,000
Insurance	68,362	95,939	73,660	73,660
Parts	2,081	-	-	-
Maintenance	33,831	35,000	30,000	30,000
Maintenance - Building	23,983	29,228	32,450	32,450
Materials - Buildings & Improvements	128	-	-	-
Services	9	-	-	-
Professional / Membership Dues	16,433	10,000	10,000	10,000
Services and Supplies	79	-	-	-
Misc Expense	346	-	-	-

¹² Placer County FY 2022-2023 Budget, Page 363, [FY-22-23-Budget-Book-Final \(ca.gov\)](http://www.placer.ca.gov/FY-22-23-Budget-Book-Final), www.placer.ca.gov/DocumentCenter/View/62118/FY-22-23-Budget-Book-Final. Accessed February 7, 2023.

Additional Photos



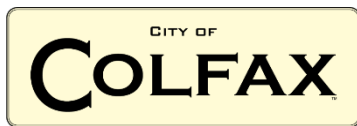
Photo Credit: Richard Ferguson, February 2, 2023





Photo Credit: Barbara Ferguson, February 12, 2023





Staff Report to City Council

FOR THE OCTOBER 11, 2023 CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Mike Luken, Interim City Manager
Subject: Interim City Manager Attend CalLAFCO Annual Conference

Budget Impact Overview:

N/A:	Funded: √	Un-funded:	Amount: \$1,078	Fund(s): 120-5820
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RECOMMENDED ACTION: Authorize the Interim City Manager to attend the CalLAFCO Annual Conference in Monterey with reimbursement of conference fees only.

Summary/Background

The City is in the middle of preparing a planning grant application to the State Water Board to fund the pre-development activities for providing sewer service to the Shady Glen Mobile Home Park. If the planning grant and construction project is funded by the State, it could mean up to \$55 million in grant funding to extend sewer service to Shady Glen, upgrade sewer lines in Shady Glen and improve the wastewater system of the City.

An important recent development of this project is that the city will have to annex Shady Glen and potentially a portion of a disadvantaged unincorporated community north of the city to comply with state LAFCO law. Annexation is an extremely complicated endeavor, and the Interim City Manager has working closely with LAFCO, Wood Rogers Engineering, other consulting firms and the Shady Glen Project Council Ad Hoc committee to accurately scope these predevelopment activities to ensure success. It is imperative to scope the pre-development portion of this project accurately to minimize city costs, to provide adequate information to the city, LAFCO, and other agencies. This planning grant application for pre-development activities will be completed before the end of the calendar year by Wood Rogers and the Interim City Manager.

Placer LAFCO recommends that the city participate in the annual conference in Monterey October 18-20 to obtain more information to scope the project correctly. Interim City Manager, Mike Luken, has offered to attend and split the cost of attendance with the city. Registration, Lodging, Meals, and Mileage are approximately \$2,156. The total cost to the city would be \$1,078.

Fiscal Impact

Costs would be paid by the City from the General Fund.



Staff Report to City Council

FOR THE OCTOBER 11, 2023, REGULAR CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Emmanuel Ursu, Planning Director
Subject: Draft Environmental Impact Report (Draft EIR) on the General Plan Update

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Accept public comments on the Draft EIR.

Summary/Background

A Draft EIR for the Colfax General Plan update has been prepared and was circulated for public comment and the 45-day public comment period ends at 5 PM on November 6, 2023.

The Draft EIR identifies environmental impacts that are less than significant or require mitigation to reduce impacts to less than significant in the following topic areas: aesthetics, biological resources, energy, geology, soils and mineral resources, hydrology and water quality, land use and planning, noise, public services and recreation, utilizes and service systems. Significant and unavoidable impacts have been identified in the following topic areas: agriculture and forestry resources, air quality, cultural and tribal cultural resources, greenhouse gas emissions, hazards and hazardous materials, population and housing, transportation, and wildfire.

Discussion

During the comment period, written comments on the Draft EIR will be accepted and addressed in the Final EIR. The Final EIR along with the response to comments will be published at least 10 days before the Final EIR is presented to the City Council for certification at a public hearing on November 29, 2023. The General Plan update will also be presented for adoption to the City Council at its meeting on November 29, 2023.

The purpose for this agenda item is to provide the public an opportunity to present comments verbally on the Draft EIR. The City Council will not take any action on the Draft EIR or the General Plan update at the October 11th meeting. Staff will note general themes of verbal comments made at the meeting and will address them in the Final EIR. Members of the public are encouraged to submit written comments to ensure that their specific comments are represented in the project record and addressed in the Final EIR.

Fiscal Impacts

Accepting public comment on the Draft EIR will not create a fiscal impact or require budget amendment or augmentation.

Attachments:

1. Notice of Availability
2. [Link to Colfax General Plan Update 2040 - Draft EIR](#)

**NOTICE OF AVAILABILITY
DRAFT ENVIRONMENTAL IMPACT REPORT
COLFAX GENERAL PLAN 2040 UPDATE AND
PUBLIC MEETING TO SOLICIT PUBLIC COMMENTS**

NOTICE IS HEREBY GIVEN that the City of Colfax (City), as the lead agency under the California Environmental Quality Act (CEQA) has prepared a Draft Environmental Impact Report (DEIR) for the City’s General Plan Update 2040 (the “Project”). The Draft EIR and technical appendices will be available for public review/comment beginning on **September 22, 2023**. A City Council public meeting to receive comments on the Draft EIR will be held on October 11, 2023, at 6 PM in the City Council Chambers, 33 South Main, Colfax, CA 95713.

A copy of the DEIR, all documents incorporated by reference in the DEIR, and the Draft Colfax General Plan 2040 Update are available at: <https://colfax-ca.gov/government/planning/colfax-planning-documents/>

PROJECT DESCRIPTION: A Draft Environmental Impact Report (DEIR) was prepared for the City of Colfax in accordance with the California Environmental Quality Act (CEQA) to analyze the potential environmental impacts associated with the Colfax General Plan 2040 Update. A General Plan is a legal document that guides decision-makers on resource allocation and development in Colfax. The 2040 General Plan includes updates to required elements under State Planning and Zoning Law, as well as optional elements. The updated plan includes Land Use, Community Design, Circulation, Housing (separate element), Noise, Safety, Conservation and Open Space, and Economic Development Elements. The proposed General Plan goals, policies, and implementation measures would guide development and conservation in Colfax through 2040. The 2040 General Plan Update would introduce new land use designations of public-quasi public facilities, parks, mixed-use, and downtown mixed-use and modify the city's land use diagram to increase low-density residential land and reduce medium-density, high-density, industrial, and commercial land.

PROJECT LOCATION: City of Colfax and Sphere of Influence

ENVIRONMENTAL REVIEW FINDINGS: The Draft EIR identifies environmental impacts that are less than significant or require mitigation to reduce impacts to less than significant in the following topic areas: aesthetics, biological resources, energy, geology, soils and mineral resources, hydrology and water quality, land use and planning, noise, public services and recreation, utilizes and service systems. Significant and unavoidable impacts have been identified in the following topic areas: agriculture and forestry resources, air quality, cultural and tribal cultural resources, greenhouse gas emissions, hazards and hazardous materials, population and housing, transportation, and wildfire.

DOCUMENT AVAILABILITY: A copy of the DEIR is available online at <https://colfax-ca.gov/government/planning/colfax-planning-documents/>.

PUBLIC MEETING AND COMMENT: This public notice is posted to officially notify the public, public agencies, and responsible and trustee agencies that the required 45-day public review/comment period will commence on **September 22, 2023**, and conclude on **November 6, 2023**. Any written comments (via email or letter) on the Draft EIR must be submitted no later than 5 p.m. on **November 6, 2023**. Written comments may be mailed to City of Colfax Planning Department, PO Box 702, 33 S. Main Street, Colfax, CA 95713. Email comments can be sent to planning@colfax-ca.gov.

You may comment by providing testimony at a public hearing before the City Council. **The public meeting will be on October 11, 2023, at 6 PM in the City Council Chambers, 33 S Main Street, Colfax, CA 95713.** This meeting will be open to the public. Written and verbal comments on the Draft EIR will be accepted during the meeting. The City Council will preside over the meeting; however, it will not take any action on the Draft EIR or project. Staff will note general themes of verbal comments made and will address them in the Final EIR. Members of the public are encouraged to submit written comments to ensure that their specific comments are represented in the project record and addressed in the Final EIR.

If you challenge this environmental document in court, you may be limited to raising only those issues raised by you or others in written correspondence or in hearings on the proposed project.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this hearing, please contact us at (530) 346-2313. Notification at least 72 hours prior to the hearing will enable staff to make reasonable arrangements.



Staff Report to City Council

FOR THE OCTOBER 11, 2023 REGULAR CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Marguerite Bailey, City Clerk
Subject: Winterfest Event Fireworks Funding

Budget Impact Overview:

N/A:	Funded: √	Un-funded:	Amount: \$7,000	Fund(s): 100
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RECOMMENDED ACTION: Discuss and consider the Colfax Area Chamber of Commerce's request of \$7,000 to fund the 2023 Winterfest fireworks.

Summary/Background

Staff received a letter from Colfax Area Chamber of Commerce announcing the intent of the 2023 Winterfest Celebration. This event is to be held in Historic Downtown Colfax on Saturday, December 9th from 12-8pm. The letter requests a donation in the amount of \$7,000 for this year's event. The City donated \$6,500 last year.

Staff has prepared a historical analysis of City contributions for events reflected in the chart below:

City Council 100-110									
Economic Development - Event Support									
Revised: October 4, 2023									
Fiscal Year	Winterfest	3rd of July	Railroad Days	Art Walk	Banner	Green Machine Crab Feed	Every 15 Minutes Event	Total	Budget
Fiscal Year 2012-2013	\$ 400.00	\$ 1,100.00						\$ 1,500.00	
Fiscal Year 2013-2014								\$ -	
Fiscal Year 2014-2015	\$ 500.00	\$ 500.00	\$ 500.00					\$ 1,500.00	
Fiscal Year 2015-2016	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00				\$ 2,000.00	
Fiscal Year 2016-2017	\$ 500.00	\$ 500.00						\$ 1,000.00	
Fiscal Year 2017-2018	\$ 500.00	\$ 500.00			\$ 50.00		\$ 500.00	\$ 1,550.00	
Fiscal Year 2018-2019	\$ 500.00	\$ 500.00	\$ 500.00					\$ 1,500.00	
Fiscal Year 2019-2020	\$ 1,000.00		\$ 1,000.00					\$ 2,000.00	
Fiscal Year 2020-2021	\$ -	\$ 1,000.00				\$ 1,000.00		\$ 2,000.00	
Fiscal Year 2021-2022	\$ 1,000.00	\$ 11,000.00	\$ 1,000.00					\$ 13,000.00	
Fiscal Year 2022-2023	\$ 6,500.00	\$ 12,500.00	\$ 2,500.00					\$ 21,500.00	\$ 20,000.00
Fiscal Year 2023-2024			\$ 2,500.00					\$ 2,500.00	\$ 20,000.00
Total	\$11,400	\$28,100	\$8,500.00	\$500	\$50.00	\$1,000.00	\$500.00	47,550.00	

Staff is requesting the council discuss the Colfax Area Chamber of Commerce request and provide direction.

Fiscal Impact:

City contributions to events are funded by the Fund 100 (General Fund). The current year (fiscal year 2023-2024) budget was adopted in the amount of \$20,000 of which \$2,500 has already been expended – leaving a budget balance of \$17,500 for all annual events.

Attachments:

1. Colfax Area Chamber of Commerce Letter
2. Winterfest Fireworks Proposal

Colfax Area Chamber of Commerce
P.O. Box 86, Colfax, CA 95713
(530)346-8888
ColfaxAreaChamber@gmail.com
www.ColfaxChamber.com



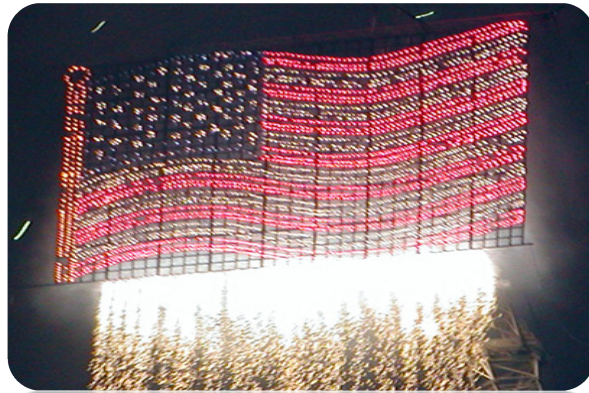
Dear City of Colfax & Colfax City Council,

The Colfax Area Chamber of Commerce is seeking sponsorships for our 2023 Winterfest Celebration. This event is held in Historic Downtown Colfax on Saturday, December 9th from 12-8PM. As a 501-c6 non-profit organization, we would like to request the support of the City for the event's fireworks. We are asking for a total of \$7000 to cover the costs of producing the show. This unique show is the spirit of Winterfest and your contribution would provide this experience to our community. We appreciate your consideration in this matter and your continued support of community events.

Regards,

Colfax Area Chamber of Commerce

Colfax Chamber of Commerce



Presents

Colfax Winterfest **A Fireworks Extravaganza** **12.09.2023**

Produced by



"The Difference Is Quality"

Colfax Chamber of Commerce
Colfax Winterfest
12.09.2023

Main Show

Aerial Titanium Flash Salutes	
3"	5
Color, Multi-Color, Flitter, Glitter, Electric Color & Color Changing Shells	
2.5"	30
3"	15
4"	15
 Distinctive & Unique Aerial Shells	
2.5"	10
3"	10
4"	10
 Premium Aerial Shells	
3"	5
4"	5

Totals

		Program
		A
Shells		
2.5"	120	
3"	95	
4"	50	
Total Shells		265
Grand Total		265

Running Time in Minutes

Minimum	4.1
Maximum	7.6

Aerial Grand Finale

Color/Multicolor Finale	
2.5"	80
3"	60
4"	20

Price

Program A	\$7,000.00
Total Cost	\$7,000.00



Colfax Chamber of Commerce
Show Concept, Services List,
and Miscellaneous Details

Services List:

Fireworks America to Provide:

- 1) Permit Filings as Required
- 2) Storage and Delivery of fireworks
- 3) All Equipment to produce the display
- 4) Insurance Aggregate amount of \$6,000,000 (Combined Single Limits)
- 5) Worker's Compensation Insurance (Statute)

Colfax Chamber of Commerce to Provide:

- 1) A Suitable Firing Site
- 2) Adequate Security for Firing Site
- 3) Permit Fees
- 4) Standby Firefighter Fees, if req'd
- 5) Sound System and Playback
- 6) Adequate Permit Time as listed below.
- 7) Suitable Restroom and Handwash facilities for the crew

Minimum Time Required

Fireworks America will provide permitting services on your behalf. There are minimum times required to pull these permits. Contracts and deposits must be signed and back to us prior to starting these services. Here are the **minimum permit times.**

Land Based Shows based require a minimum of **30 days** to permit based on Local and State Ordinance, FAA and other requirements.

Water based shows require a minimum of **60 days** to permit based on all of the above PLUS Coast Guard requirements.

Please plan your show accordingly.

Operators and Assistants:

Fireworks America will provide the services of a State Licensed Pyrotechnic Operator and experienced crew to fire your display. The entire crew will be covered under Fireworks America's Worker's Compensation Insurance.

Continued

Payment Terms:

50% of the Sum is to be paid to FA at the signing of the Contract, Balance Net 10 Days After Display

Method of Discharge:

The show will be fired manually.





PYROTECHNIC PUBLIC DISPLAY CONTRACT

Fireworks & Stage FX America, LLC
 dba: Fireworks America
 PO Box 488
 Lakeside, CA 92040
 619-938-8277
 619-938-8273 Fax

- 1) This Contract, entered into this 24th day of August, 2023, by and between FIREWORKS & STAGE FX AMERICA, LLC., dba FIREWORKS AMERICA, a California Corporation, duly licensed by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives and the State of California, hereinafter referred to as "FA" and COLFAX CHAMBER OF COMMERCE hereinafter referred to as "BUYER".
- 2) FA agrees to furnish BUYER, in accordance with the terms and conditions set forth herein, One (1) fireworks/special effects display(s) as per Program A, submitted, accepted and made part hereof, and the services of a licensed pyrotechnic operator who will be in charge of the execution of said display unless otherwise agreed in writing. This display is to be performed on 12.09.2023, located at Hansen Brothers Street.
 The time of the display is to be at: 8:30PM
- 3) BUYER agrees to pay FA the sum of: Seven Thousand Dollars and No Cents (\$7,000.00), per the following terms:
 50% of the Sum is to be paid to FA at the signing of the Contract, Balance Net 10 Days After Display Contract and Deposit to be received by: 9/18/2023
- 4) Should the BUYER default on these payment terms, a finance charge at a rate of 1.5% per month, 18% annual percentage rate, or the maximum rate permitted by law, whichever is greater, will be charged and accrued on the unpaid balance of the Contract until the Contract is satisfied.
 FA is hereby authorized to receive BUYER's financial information from any person or entity for the purpose of verifying BUYER's ability to pay.
- 5) BUYER, at its expense, agrees to provide FA a suitable DISPLAY SITE in which to stage, setup and fire the display. This DISPLAY SITE will incorporate an appropriate fallout zone, which has to be approved by FA, and that will fulfill any requirements set forth by any governing legal authority. Should the proposed site require the involvement of specialized equipment, watercraft or clean up, BUYER agrees to provide said equipment and labor at BUYER's expense.

Fireworks America Public Display Contract

- 6) BUYER, at its expense, agrees to provide adequate security to prevent any access to the DISPLAY SITE by members of the general public or any persons not expressly approved by FA. Any claim arising from damage to persons or property caused by any unauthorized access to the DISPLAY SITE is the sole responsibility of the BUYER. Should a multiple day setup be required, BUYER shall provide appropriate security during all the times FA is away from the DISPLAY SITE.
- 7) BUYER, at its expense, agrees to pay for any required "standby" Firemen, and/or any applicable permit costs and fees as required by state and local statutes, ordinances or regulations. BUYER agrees to indemnify FA for any and all changes or adjustments made to the DISPLAY at the request of any governing legal authority.
- 8) BUYER, at its expense, shall provide FA sufficient parking, all necessary site and event passes and allow FA sufficient time and available access, as determined by FA, to safely and professionally setup and discharge the display and subsequently remove the display equipment from the DISPLAY SITE.
- 9) Should BUYER fail to comply or prove itself unable to comply with the requirements stated in paragraphs 5, 6, 7 and 8 herein, FA shall have no obligation to continue with the performance of the display and the BUYER agrees to pay the full contract price plus any additional associated expenses incurred by FA.
- 10) BUYER agrees to assume the risk of weather, or any other cause that is beyond FA's control, that may prevent the display from being discharged on the scheduled date and time. In the event that FA, at its sole discretion, determines that the weather unsuitable for the discharge of the display, BUYER shall pay per the cancellation terms contained in paragraph 11 herein.
- 11) BUYER shall have the option to cancel this display at any time. If BUYER decides to cancel, BUYER agrees to pay to FA 35% of the display contract price and all other associated costs incurred by FA, including, but not limited to, permits, insurance, pyrotechnic operator's fee, transportation, choreography, custom design or any other provable expense associated with the execution of the Display.
- 12) BUYER agrees to hold FA harmless from all claims and penalties made against FA in the event that the display fails to start on time or is disrupted after commencement as a direct result of equipment or product malfunction or failure.
- 13) FA agrees to provide insurance coverage of Six Million Dollars, Bodily Injury and Property Damage and statutory limits for Worker's Compensation. This insurance covers the operations of FA only and does not extend to any other aspect of the event at which such a display may be held. FA's operations are deemed complete when FA has vacated the premises.
- 14) Should BUYER fail to perform its obligations as set forth herein, BUYER agrees to indemnify, defend and hold FA harmless from all claims and suits made against FA in conjunction with the discontinuance or cancellation of the display.

Fireworks America Public Display Contract

15) FA agrees to defend, indemnify and hold harmless BUYER from and against all claims and liability arising out of the services to be performed by FA hereunder, except to the extent arising from BUYER'S negligence or willful misconduct.

16) The laws of the State of California shall govern this contract. It is agreed that any court of competent jurisdiction located in the County of San Diego, CA shall be proper venue for an action. Should such action be brought to enforce or interpret the terms or provisions of this Contract, the prevailing party shall be entitled to reasonable attorney fees and costs in addition to any other relief to which they may be entitled.

17) Nothing in this contract shall be construed as forming a partnership, joint venture, agency or any form of legal relationship, other than contractual, between BUYER and FA. Neither party shall be held responsible for any agreements or obligations not expressly provided for herein and shall be severally responsible for their own separate debts and obligations.

18) BUYER shall not under any circumstances, be entitled to recover any consequential damages from FA. Nothing in this paragraph shall be construed as a modification or limitation on the insurance coverages afforded in Paragraph 13 herein.

19) Buyer, at its expense, agrees to provide FA crews with suitable restroom and handwash facilities in the immediate area of the shooting/working location.

20) Other Considerations: NONE

21) This agreement shall be binding on the parties and on their heirs, executors, administrators, successors and assigns.

In Witness the parties hereto, by or through their duly authorized agents, have set their hands and seals this 24th day of August, 2023.

Fireworks & Stage FX America, LLC.

Colfax Chamber of Commerce

By: James Acker

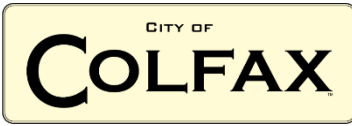
By: _____

Title: Area Manager

Title: _____

Signature: _____

Signature: _____



Staff Report to City Council

FOR THE OCTOBER 11, 2023 CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Mike Luken, Interim City Manager
Subject: Consideration of Terminating Public Comment Via Teleconference

Budget Impact Overview:

N/A: <input checked="" type="checkbox"/>	Funded: <input type="checkbox"/>	Un-funded: <input type="checkbox"/>	Amount: <input type="text"/>	Fund(s): <input type="text"/>
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RECOMMENDED ACTION: Terminate All Public Comment Via Teleconference at Future Council meetings.

Summary/Background

Since the pandemic in March 2020, the city has permitted the use of teleconferencing via Zoom and Facebook Live for City Council meetings. Although this has made meetings more complicated to set up and manage, the city has felt this provided an enhanced method for public comment for those who could not attend Council meetings in person. The city navigated the Governor's Emergency Orders and SB2499 to make this work as best as possible.

In the last 45 days, local government has experienced an unprecedented amount of abuse of this new system of public comment to address issues which have little bearing on the actual business of local government. By relating this speech vaguely to business which might be before a particular public body at some time in the future, people have used teleconferencing to bring meetings to a virtual stop during agendized public comment. Frequently this speech has been composed of issues of hate, bigotry, violence, and prejudice which could violate local government's software agreements with teleconferencing software. Many local governments, including the City of Rocklin, ended their use of teleconferencing for public comment in the past few weeks. Other local governments are investigating or have initiated discontinuing use of teleconferencing software for public comment.

At the September 27th Colfax Council meeting, during the public comment portion of the agenda, this also occurred. The result of this hour-long delay to the Council meeting, all persons attending the meeting left the meeting, which was very unusual and counterproductive to normal Council interaction with the public.

Unfortunately, this abuse of the teleconference system for public comment is counter to encouraging Colfax and surrounding areas citizen and business input to the Council. Staff therefore recommends the Council suspend the use of teleconference software for public comment until further notice. Councilmembers, staff, and consultants may still use teleconference software for agendized items.

The Interim City Manager, City Clerk and City Attorney have worked together to prepare this report and make this recommendation. Suspension of teleconferencing for public comment complies with state and federal law but must be done unilaterally for all public comment.

Fiscal Impact

Costs would be paid by the City from the General Fund.