

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

November 29, 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/84198972415>

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

841 9897 2415

1 (669) 900-6833

1 (346) 248-7799

1 (312) 626-6799

1 (929) 205-6099

1 (253) 215-8782

1 (301) 715-8592

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

1B. Pledge of Allegiance

1C. Roll Call

1D. Approval of Agenda Order

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

Recommended Action: By motion, accept the agenda as presented or amended.

1E. 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 5-6)

Recommendation: By Motion, approve the Colfax City Council minutes of 11/8/2023.



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.

November 29, 2023

- 2B. Cash Summary – October 2023** (Pages 7-14)
Recommendation: Accept and File.
- 2C. Construction Support Contract Amendment with Wood Rodgers** (Pages 15-19)
Recommendation: Adopt Resolution __-2023 authorizing an amendment to the existing contract with Wood Rodgers for Construction Management and Support for the SWRCB Construction Grant projects.
- 2D. SCADA Upgrades for Algae Reduction Project** (Pages 20-40)
Recommendation: Adopt Resolution __-2023 authorizing the Interim City Manager to enter into a professional services contract with ControlPoint Engineering for the design, programming, and installation of control programming and a SCADA system at the City’s Waste Water Treatment Plant.
- 2E. Planning Application for the Shady Glen Community Sewer Consolidation Project** (Pages 41-45)
Recommendation: Adopt Resolution __ 2023 authorizing the City Manager, Mayor, or Mayor Pro Tem to sign and file a Financial Assistance Application for a financing agreement for the State Water Resources Control Board for the planning, design and construction of the Shady Glen Sewer Consolidation Project.
- 2F. Administrative Services Officer Position / City Hall Administrative Adjustments** (Pages 46-53)
Recommendation: Approve Resolution __-2023 creating the Administrative Services Officer job description, eliminating the Public Works Director position, approving front office staffing adjustments and authorizing the Interim City Manager to contract with 4LeafInc for training services.
- 2G. Construction Management Contract Amendment with Psomas** (Pages 54-57)
Recommendation: Adopt Resolution __-2023 authorizing the Interim City Manager to execute an amendment to the existing contract with Psomas for Construction Management and Inspection for the SWRCB Construction Grant projects.

*** 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



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.

5A. Certification of the 2040 General Plan Update Environmental Impact Report, Adoption of the 2040 General Plan, and introduction and waiver of the first reading of Ordinance 556 to update the Zoning Code and Zoning Map. (Pages 58-197)

Recommendation: Approve Resolution __-2023 certifying the Final EIR for the 2040 General Plan Update and adopting the 2040 General Plan, and introducing the proposed ordinance by title only, waving the first reading and scheduling the proposed ordinance for a second reading, public hearing and adoption at the next regular City Council meeting currently scheduled for December 13, 2023, to be effective 30 days after adoption.

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. Discussion, Consideration and Possible Action to Adopt a Resolution Appointing Ronald Walker as City Manager effective January 15, 2024 (Pages 198-209)

Recommendation: Discuss, consider and adopt Resolution __-2023 approving an employment contract with Ronald Walker for City Manager and appointing Ronald Walker as City Manager effective January 15, 2024.



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 the Closed Session Item)

10D. (a) Conference with legal counsel – existing litigation pursuant to Government Code Section 54956.9(d)(1): ColfaxNet vs City of Colfax, United States District Court for the Eastern District of California Case Number 2:19-cv-02167-WBS-CKD.

10E. Conference with legal counsel – existing litigation pursuant to Government Code Section 54956.9(d)(1): People of the State of California, ex rel Alfred Cabral, City Attorney of the City of Colfax, a Municipal Corporation vs Snapdragon Provisions et al, Placer County Superior Court Case Number SCV0050502

10F. Report from Closed Session

11 ADJOURNMENT

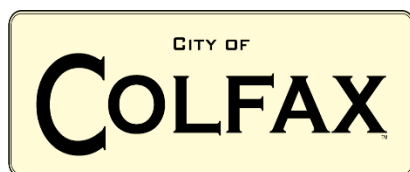
I, Marguerite Bailey, City Clerk for the City of Colfax, declare that this agenda was posted in accordance with the Brown Act at Colfax City Hall and Colfax Post Office. The agenda is also available on the City website at <http://colfax-ca.gov/>



Marguerite Bailey, 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.





City Council Minutes

Regular Meeting of Colfax City Council

Wednesday, November 8, 2023

City Hall Council Chambers, 33 S Main Street,

Colfax CA and attended via Teleconference through ZOOM

1

OPEN SESSION

1A. **Call Open Session to Order** – Mayor Burruss called the Open Session to order at 6:00 p.m.

1B. **Pledge of Allegiance**

1C. **Roll Call**

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

1D. **Approval of Agenda Order**

MOTION made by Councilmember McCully and seconded by Councilmember Lomen to approve the agenda order, and unanimously approved.

1E. **Statement of Conflict of Interest** – No conflicts were identified by the Council or the public.

2

CONSENT CALENDAR

2A. **Minutes**

Recommendation: By Motion, approve the Colfax City Council minutes of 10/25/2023.

2B. **Quarterly Investment Report – Quarter ended September 30, 2023**

Recommendation: Accept and File.

2C. **Fiscal year 2023-2024 Local Transportation Funds and State Transit Assistance Funds Claim Documentation**

Recommendation: Adopt Resolution 38-2023 authorizing the City Manager to file claims or execute agreements for:

1. Fiscal Year 2023-2024 Local Transportation Funds in the amount of \$139,904 for streets and roads purposes (Article 8-Section 99400 of the California Public Utilities Code), and
2. Fiscal Year 2023-2024 State Transit Assistance Funds of \$5,585 for contracted transit services (Article 6.5, Chapter 4, Section 99313 of the California Public Utilities Code),
3. Fiscal Year 2023-2024 State Transit Assistance Funds of \$13,311 for transit capital (Article 6.5, Chapter 4, Section 99313 of the California Public Utilities Code).

2D. **Postponing the November 22, 2023, Regular City Council Meeting to November 29, 2023**

Recommendation: Adopt Resolution 39-2023 Postponing the November 22, 2023, Regular City Council Meeting to November 29, 2023.

End of Consent Calendar

MOTION made to approve the consent calendar by Councilmember Lomen and seconded by Councilmember Hillberg, and unanimously approved.

3

PUBLIC COMMENT

Resident Tom Parnham asked to rescind the City's Ordinance regarding chickens and asked the Council to prioritize retention in Waste Water Treatment personnel regarding to maintain institutional knowledge.

4

CLOSED SESSION

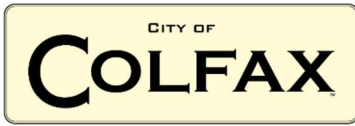
- 4A. Call Closed Session to Order – Closed Session called to order at 6:05 p.m.
- 4C. Public Employment Pursuant to Government Code Section 54957. Position to be Filled: City Manager.
- 4D. There were no reportable actions from Closed Session.

5 **ADJOURNMENT**

As there was no further business on the agenda, Mayor Burruss adjourned the meeting, by motion and without objection at 11:15 p.m. Respectfully submitted to City Council this 29th day of November, 2023.



Marguerite Bailey, City Clerk



Staff Report to City Council

FOR THE NOVEMBER 29, 2023 REGULAR CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Laurie Van Groningen, Finance Director
Subject: Cash Summary – October 2023

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Accept and File.

Summary/Background

The monthly financial report includes General Fund Reserved Cash Analysis Graphs and the City of Colfax Cash Summary Report (with supporting documentation). The purpose of these reports is to provide the status of funds and transparency for Council and the public regarding the financial transactions of the City. The reports are prepared monthly on a cash basis and are reconciled to the General Ledger accounting system, previous reports, and bank statements. Detailed budget comparisons are provided as a mid-year report and as part of the proposed budget process each year.

The attached reports reflect an overview of the financial transactions of the City of Colfax in October 2023. Some monthly highlights are listed below:

- October revenues included:
 - Allocation for Sales Tax revenues reported/paid to the State for the month of August 2023 (two-month lag).
 - LAIF Interest
 - Capital project reimbursements
- October expenditures included:
 - Approved capital project expenditures – expenditures on WWTP Construction Grant and other grant funded projects.
 - Annual payment for State Water Board loan.
- Negative cash fund balances at the end of September are due to the timing of funding allocations and reimbursements:
 - Fund 250 – Streets – Roads/Transportation. These expenses are funded by annual Transportation funding through Placer County Transportation Agency (PCTPA), transfer of City Gas Tax revenues, and a General Fund allocation. PCTPA has just initiated the claim process for the current fiscal year and Colfax has submitted fund requests in November. Allocations and transfers will be recorded with final fiscal year accounting process.
 - Fund 358 – CDBG Road Rehabilitation. This is a reimbursable grant – the final funding of the grant has been awarded in November. CDBG has approved the start date of expenditures. The City will begin the reimbursement request process as soon as possible.

- Fund 367 – SB2 Planning Grant – this is a reimbursable grant. Reimbursement requests are submitted on a quarterly basis. Final reimbursement request has been submitted in November.
- Fund 376 – Downtown Streetscape – This project is primarily (89%) funded with grant funds on a reimbursement basis. Reimbursement requests are expected to be submitted on a quarterly basis. The balance of funding (11%) will be a City General Fund match.
- Fund 378 – Zoning Code Update. This project is 100% funded with grant funds on a reimbursement basis. Reimbursement requests are expected to be submitted on a quarterly basis. Final reimbursement requests has been submitted in November.
- Fund 575 – WWTP Construction Grant. This is a reimbursable grant. Reimbursement requests are scheduled to be submitted at least quarterly.
- Fund 577 – Capital Projects. This is the new project for the installation of a metal storage building at the Waste Water Treatment Plant. The project is slated to be funded by Fund 564 – Sewer Connection Fees. Funds to be transferred at project completion.
- Fund 590 – Sewer Consolidation Planning Grant. This is a reimbursable grant – reimbursement requests are scheduled to be submitted quarterly upon final award of application grant.
- Anticipated revenues/expenditures for November include:
 - Revenues
 - Allocation for Sales Tax revenues reported/paid to the State for the month of September 2023 (two-month lag).
 - Capital project reimbursements.
 - Expenditures
 - Approved capital project expenditures. We anticipate continued large expenditures for the Wastewater Treatment Plant Construction project as the I/I Mitigation and Algae Reduction phases continue construction.

Attachments:

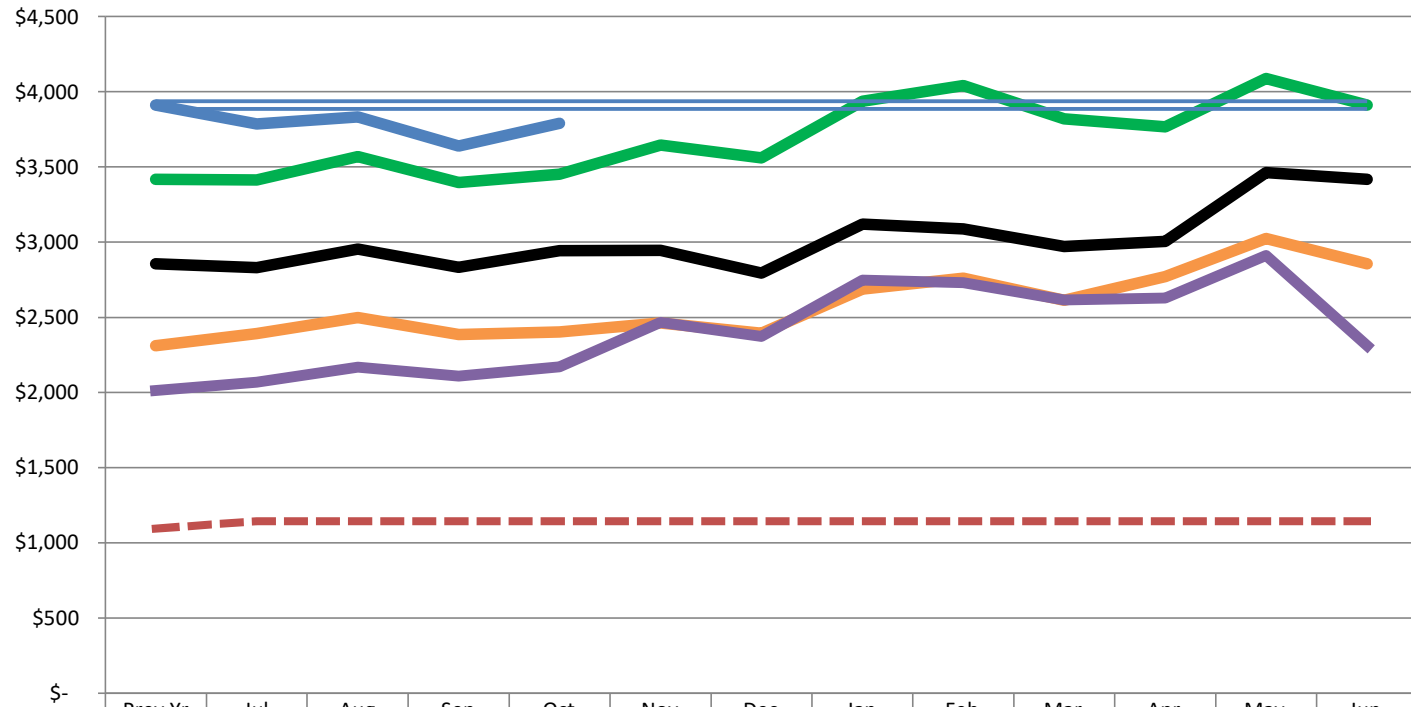
1. General Fund Reserved Cash Analysis Graph
2. Cash Activity Reports
 - a. Cash Summary
 - b. Cash Transactions Report – by individual fund
 - c. Check Register Report - Accounts Payable

City of Colfax - October 2023

General Fund Reserved Cash Analysis

(Dollars in Thousands)

Fiscal Year 2023-24 >>



	Prev Yr	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Cash Balance FY2023-24	\$3,911	\$3,785	\$3,834	\$3,638	\$3,789								
Cash Balance FY2022-23	\$3,418	\$3,412	\$3,568	\$3,396	\$3,451	\$3,644	\$3,560	\$3,935	\$4,039	\$3,819	\$3,765	\$4,087	\$3,911
Cash Balance FY2021-22	\$2,857	\$2,831	\$2,953	\$2,833	\$2,943	\$2,946	\$2,794	\$3,120	\$3,088	\$2,971	\$3,004	\$3,462	\$3,418
Cash Balance FY2020-21	\$2,311	\$2,392	\$2,497	\$2,386	\$2,402	\$2,463	\$2,393	\$2,688	\$2,760	\$2,612	\$2,771	\$3,023	\$2,857
Cash Balance FY2019-20	\$2,013	\$2,069	\$2,169	\$2,110	\$2,170	\$2,467	\$2,373	\$2,747	\$2,730	\$2,615	\$2,627	\$2,910	\$2,311
*Reserves (Ops, Cap, Pen)	\$1,095	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145	\$1,145
Budget FY2023-24	\$3,911	\$3,911	\$3,911	\$3,911	\$3,911	\$3,911	\$3,911	\$3,911	\$3,911	\$3,911	\$3,911	\$3,911	\$3,911

**City of Colfax
Cash Summary
October 31, 2023**

	Balance 09/30/23	Revenues In*	Expenses Out*	Transfers	Balance 10/31/23
US Bank	\$ 152,504.52	\$ 1,898,319.64	\$ (1,321,214.71)	\$ (425,000.00)	\$ 304,609.45
LAIF	\$ 7,641,854.32	\$ 80,205.30	\$ -	\$ 425,000.00	\$ 8,147,059.62
Total Cash - General Ledger	<u>\$ 7,794,358.84</u>	<u>\$ 1,978,524.94</u>	<u>\$ (1,321,214.71)</u>	<u>\$ -</u>	<u>\$ 8,451,669.07</u>
Petty Cash (In Safe)	\$ 300.00				\$ 300.00
Total Cash	<u>\$ 7,794,658.84</u>	<u>\$ 1,978,524.94</u>	<u>\$ (1,321,214.71)</u>	<u>\$ -</u>	<u>\$ 8,451,969.07</u>

Change in Cash Account Balance - Total	<u><u>\$ 657,310.23</u></u>
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Attached Reports:

1. Cash Transactions Report (By Individual Fund)	
2. Check Register Report (Accounts Payable)	\$ (1,214,784.58)
Cash Receipts	\$ 1,700,189.98
Payroll Checks and Tax Deposits	\$ (63,971.62)
Utility Billings - Receipts	\$ 155,671.15
LAIF Interest	\$ 80,205.30
Void CK - Reissued July Check	\$ -
	<u><u>\$ 657,310.23</u></u>

\$	-
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*Does not include transfers between funds

Prepared by: Laurie Van Groningen, Finance Director
Laurie Van Groningen, Finance Director

Reviewed by: Mike Luken, Interim City Manager
Mike Luken, Interim City Manager

City of Colfax

Cash Transactions Report - October 2023

	Beginning Balance	Debit Revenues	Credit (Expenditures)	Ending Balance
Fund Type: 1.11 - General Fund - Unassigned				
Fund: 100 - General Fund	\$ 3,450,446.84	\$ 254,140.65	\$ (113,307.15)	\$ 3,591,280.34
Fund: 120 - Land Development Fees	\$ 175,519.86	\$ 16,747.76	\$ (7,283.11)	\$ 184,984.51
Fund: 200 - Cannabis Application	\$ 12,434.09	\$ -	\$ -	\$ 12,434.09
Fund Type: 1.11 - General Fund - Unassigned	\$ 3,638,400.79	\$ 270,888.41	\$ (120,590.26)	\$ 3,788,698.94
Fund Type: 1.14 - General Fund - Restricted				
Fund: 205 - Escrow Funds	\$ 39,737.00	\$ -	\$ -	\$ 39,737.00
Fund: 571 - AB939 Landfill Diversion	\$ 23,317.26	\$ -	\$ -	\$ 23,317.26
Fund: 572 - Landfill Post Closure Maintenance	\$ 851,801.90	\$ 32,329.94	\$ (8,424.74)	\$ 875,707.10
Fund Type: 1.14 - General Fund - Restricted	\$ 914,856.16	\$ 32,329.94	\$ (8,424.74)	\$ 938,761.36
Fund Type: 1.24 - Special Rev Funds - Restricted				
Fund: 210 - Mitigation Fees - Roads	\$ 144,711.37	\$ 1,333.80	\$ -	\$ 146,045.17
Fund: 211 - Mitigation Fees - Drainage	\$ 5,531.00	\$ 50.98	\$ -	\$ 5,581.98
Fund: 212 - Mitigation Fees - Trails	\$ 76,836.57	\$ 708.20	\$ -	\$ 77,544.77
Fund: 213 - Mitigation Fees - Parks/Rec	\$ 190,925.42	\$ 1,777.73	\$ -	\$ 192,703.15
Fund: 214 - Mitigation Fees - City Bldgs	\$ 103,799.12	\$ 956.72	\$ -	\$ 104,755.84
Fund: 215 - Mitigation Fees - Vehicles	\$ 22,669.55	\$ 208.95	\$ -	\$ 22,878.50
Fund: 217 - Mitigation Fees - DT Parking	\$ 34,975.01	\$ 322.37	\$ -	\$ 35,297.38
Fund: 218 - Support Law Enforcement	\$ (25,000.00)	\$ 99,673.76	\$ -	\$ 74,673.76
Fund: 244 - CDBG Program Inc - ME Lending	\$ 500.00	\$ 3.08	\$ -	\$ 503.08
Fund: 250 - Streets - Roads/Transportation	\$ (70,456.18)	\$ 665.00	\$ (21,208.54)	\$ (90,999.72)
Fund: 253 - Gas Taxes	\$ 8,795.91	\$ 10,678.53	\$ (1,416.39)	\$ 18,058.05
Fund: 257 - Street /Road - Transit Capital	\$ 47,904.50	\$ 441.54	\$ -	\$ 48,346.04
Fund: 258 - Road Maintenance - SB1/RSTBG	\$ 223,580.18	\$ 6,296.62	\$ -	\$ 229,876.80
Fund: 270 - Beverage Container Recycling	\$ 19,585.75	\$ 180.53	\$ -	\$ 19,766.28
Fund: 280 - Oil Recycling	\$ 3,861.88	\$ 35.60	\$ -	\$ 3,897.48
Fund: 290 - SB1383 Implementation Grant	\$ 20,686.58	\$ 190.67	\$ (1,647.92)	\$ 19,229.33
Fund: 292 - Fire Department Capital Funds	\$ 95,634.20	\$ 881.46	\$ -	\$ 96,515.66
Fund: 342 - Fire Construction - Mitigation	\$ 79,470.43	\$ 732.48	\$ -	\$ 80,202.91
Fund: 343 - Recreation Construction	\$ 79,470.91	\$ 732.48	\$ -	\$ 80,203.39
Fund: 367 - SB2 - Planning Grant	\$ (68,289.19)	\$ 32,068.27	\$ (806.35)	\$ (37,027.27)
Fund: 376 - Downtown Streetscape	\$ (31,066.90)	\$ -	\$ (864.00)	\$ (31,930.90)
Fund: 378 - Zoning Code Update	\$ (19,834.61)	\$ -	\$ (8,726.14)	\$ (28,560.75)
Fund Type: 1.24 - Special Rev Funds - Restrict	\$ 944,291.50	\$ 157,938.77	\$ (34,669.34)	\$ 1,067,560.93
Fund Type: 1.34 - Capital Projects - Restricted				
Fund: 300 - GF Capital Projects	\$ (122.02)	\$ -	\$ -	\$ (122.02)
Fund: 358 - CDBG Pavement	\$ (229,909.02)	\$ 4,322.50	\$ (5,080.00)	\$ (230,666.52)
Fund Type: 1.34 - Capital Projects - Restricted	\$ (230,031.04)	\$ 4,322.50	\$ (5,080.00)	\$ (230,788.54)
Fund Type: 2.11 - Enterprise Funds				
Fund: 560 - Sewer	\$ 1,750,062.96	\$ 128,359.84	\$ (96,364.17)	\$ 1,782,058.63
Fund: 561 - Sewer Liftstations	\$ 674,794.68	\$ -	\$ -	\$ 674,794.68
Fund: 563 - Wastewater Treatment Plant	\$ 1,274,154.30	\$ 15,465.80	\$ (34,953.20)	\$ 1,254,666.90
Fund: 564 - Sewer Connections	\$ 321,774.88	\$ 42,689.25	\$ (438,973.80)	\$ (74,509.67)
Fund: 575 - WWTP Construction Grant	\$ (1,487,217.97)	\$ 1,325,644.50	\$ (579,328.50)	\$ (740,901.97)
Fund: 577 - Capital Projects	\$ (122.01)	\$ -	\$ -	\$ (122.01)
Fund: 590 - Sewer Consolidation Planning	\$ (6,125.25)	\$ -	\$ (2,830.70)	\$ (8,955.95)
Fund Type: 2.11 - Enterprise Funds - Unassign	\$ 2,527,321.59	\$ 1,512,159.39	\$ (1,152,450.37)	\$ 2,887,030.61
Fund Type: 9.0 - CLEARING ACCOUNT				
Fund: 998 - PAYROLL CLEARING FUND	\$ (480.16)	\$ 885.93	\$ -	\$ 405.77
Fund Type: 9.0 - CLEARING ACCOUNT	\$ (480.16)	\$ 885.93	\$ -	\$ 405.77
Grand Totals:	\$ 7,794,358.84	\$ 1,978,524.94	\$ (1,321,214.71)	\$ 8,451,669.07

Check Register Report

Item 2B

October 2023 Check Register

Date: 11/10/2023

Time: 11:35 am

Page: 1

CITY OF COLFAX

BANK: US BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
US BANK Checks								
59898	10/06/23	Reconciled		10/31/23	03141	CALPERS	HEALTH PREMIUMS OCT 2023	14,895.30
59899	10/10/23	Reconciled		10/31/23	01500	ANDERSON'S SIERRA	WWTP SUPPLIES	339.08
59900	10/10/23	Reconciled		10/31/23	03121	CALIFORNIA BUILDING	GREEN FEES Q1 FY 23/24	29.70
59901	10/10/23	Reconciled		10/31/23	8062	CATHERINE HANSFORD	SEWER RATE STUDY SEPT 2023	745.00
59902	10/10/23	Reconciled		10/31/23	3425	CINTAS	UNIFORM SVCS SEPT 2023	557.47
59903	10/10/23	Reconciled		10/31/23	3475	CLARK PEST CONTROL	PEST CONTROL	508.00
59904	10/10/23	Reconciled		10/31/23	3494	COLANTUONO, HIGHSMITH &	LEGAL MATTER SEPT 2023	4,585.49
59905	10/10/23	Reconciled		10/31/23	04234	DE LAGE LANDEN FINANCIAL	COPY MACH LEASE OCT 2023	472.79
59906	10/10/23	Reconciled		10/31/23	04250	DEPARTMENT OF CONSERVATION	SMIP FEES Q1 FY 23/24	18.59
59907	10/10/23	Reconciled		10/31/23	04532	DIVISION OF STATE ARCHITECT	SB1186 FEES Q1 FY 23/24	60.00
59908	10/10/23	Reconciled		10/31/23	06278	FRONTIER COMMUNICATIONS	WWTP PHONE	249.14
59909	10/10/23	Reconciled		10/31/23	7798	G&T TRUCK REPAIR	BACKHOE RPRS	1,171.71
59910	10/10/23	Reconciled		10/31/23	7223	GEOCON CONSULTANTS INC.	I&I CONST MAN SEPT 2023	4,960.00
59911	10/10/23	Reconciled		10/31/23	07460	GOLD MOUNTAIN CALIFORNIA	ORDINANCE NOTICE	71.31
59912	10/10/23	Reconciled		10/31/23	07460	GOLD MOUNTAIN CALIFORNIA	ORDINANCE NOTICE	75.71
59913	10/10/23	Reconciled		10/31/23	08086	HBE RENTALS	AERATOR/LASER RENTAL	323.80
59914	10/10/23	Reconciled		10/31/23	08159	HILL BROTHERS CHEMICAL CO.	WWTP CHEMICALS	5,188.49
59915	10/10/23	Reconciled		10/31/23	08170	HILLS FLAT LUMBER CO	SUPPLIES	834.36
59916	10/10/23	Reconciled		10/31/23	08501	HOME DEPOT CREDIT SERVICES	SUPPLIES	498.65
59917	10/10/23	Reconciled		10/31/23	8661	HYDROCOMPLIANCE	WWTP CONST GRANT SEPT 2023	3,200.00
59918	10/10/23	Reconciled		10/31/23	12576	LUTZ, ANDREW	2023 BOOT ALLOWANCE	112.28
59919	10/10/23	Reconciled		10/31/23	013278	MNJ ADVISORS INC.	CITY MANAGER SVCS SEPT 2023	16,181.64
59920	10/10/23	Reconciled		10/31/23	14356	NORTHERN CALIFORNIA GLOVE	WWTP GLOVES	92.44
59921	10/10/23	Reconciled		10/31/23	16011(2)	PELLETREAU, ALDERSON & CABRAL	LEGAL SVCS SEPT 2023	13,668.95
59922	10/10/23	Reconciled		10/31/23	16035	PG&E	ELECTRICITY	26,256.84
59923	10/10/23	Reconciled		10/31/23	16192	PLACER COUNTY DOCUMENT	ENVELOPES	137.23
59924	10/10/23	Reconciled		10/31/23	03580	PLACER COUNTY HHS	ANIMAL & FIELD SVCS Q2	6,513.00
59925	10/10/23	Reconciled		10/31/23	19037	SAFE SIDE SECURITY	CORP YARD SECURITY OCT 2023	155.00
59926	10/10/23	Reconciled		10/31/23	19037	SAFE SIDE SECURITY	WWTP SECURITY OCT 2023	95.00
59927	10/10/23	Reconciled		10/31/23	19070	SCORE - SMALL CITIES ORGANIZED	Q2 FY 23/24 WORKERS COMP	19,841.84
59928	10/10/23	Reconciled		10/31/23	19591	SECURITAS TECHNOLOGY	DEPOT SECURITY Q2 23/24	167.34
59929	10/10/23	Reconciled		10/31/23	19650	STATE BOARD OF EQUALIZATION	Q1 FY 23/24 SELF ASSESSED TAX	51.00
59930	10/10/23	Reconciled		10/31/23	19743	WILLIAM STOCKWIN	COLFAX CONN EDITING OCT 2023	300.00
59931	10/10/23	Reconciled		10/31/23	19696	SWRCB	ANNUAL LOAN PYMT FY 23-24	438,973.80
59932	10/10/23	Reconciled		10/31/23	21560	US BANK CORPORATE PMT SYSTEM	SUPPLIES	2,103.54
59933	10/10/23	Reconciled		10/31/23	21500	USA BLUE BOOK, INC	WWTP LAB SUPPLIES	178.43
59934	10/10/23	Reconciled		10/31/23	22106	VAN GRONINGEN & ASSOCIATES	FINANCIAL SVCS SEPT 2023	9,213.75
59935	10/10/23	Reconciled		10/31/23	22134	VISION QUEST	TECH SUPPORT NOV 2023	3,800.00
59936	10/10/23	Reconciled		10/31/23	22240	VULCAN MATERIALS COMPANY	ASPHALT SUPPLIES	220.38
59937	10/10/23	Reconciled		10/31/23	22240	VULCAN MATERIALS COMPANY	ASPHALT	220.38
59938	10/10/23	Reconciled		10/31/23	22240	VULCAN MATERIALS COMPANY	ASPHALT SUPPLIES	177.38
59939	10/10/23	Reconciled		10/31/23	22240	VULCAN MATERIALS COMPANY	ASPHALT SUPPLIES	167.97
59940	10/10/23	Reconciled		10/31/23	22240	VULCAN MATERIALS COMPANY	ASPHALT SUPPLIES	177.38

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CITY OF COLFAX

BANK: US BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
US BANK Checks								
59941	10/10/23	Reconciled		10/31/23	22240	VULCAN MATERIALS COMPANY	ASPHALT SUPPLIES	220.38
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59946	10/10/23	Reconciled		10/31/23	22240	VULCAN MATERIALS COMPANY	ASPHALT SUPPLIES	354.75
59947	10/10/23	Reconciled		10/31/23	23169	WAVE BUSINESS SOLUTIONS	CITY HALL INTERNET	159.90
59948	10/10/23	Reconciled		10/31/23	23169	WAVE BUSINESS SOLUTIONS	DEPOT PHONE	18.77
59949	10/10/23	Reconciled		10/31/23	18883	WAXIE SANITARY SUPPLY	DOG WASTE BAGS	144.14
59950	10/10/23	Reconciled		10/31/23	18883	WAXIE SANITARY SUPPLY	PW SUPPLIES	654.79
59951	10/10/23	Reconciled		10/31/23	23451	WOOD RODGERS	SEWER CONSOLIDATION AUG 2023	2,830.70
59952	10/10/23	Reconciled		10/31/23	23451	WOOD RODGERS	WWTP CONST GRANT AUG 2023	11,264.00
59953	10/23/23	Printed			01414	ALHAMBRA & SIERRA SPRINGS	WATER	133.41
59954	10/23/23	Printed			01500	ANDERSON'S SIERRA	WWTP PVC SUPPLIES	580.74
59955	10/23/23	Reconciled		10/31/23	01766	AT&T MOBILITY	CITY CELL PHONES	893.59
59956	10/23/23	Reconciled		10/31/23	02054	BANNER BANK	WWTP CONST GRANT RETENTION	49,933.00
59957	10/23/23	Reconciled		10/31/23	2819	BIG BRAND TIRE & SERVICE	PW PLOW RPR	198.84
59958	10/23/23	Reconciled		10/31/23	02901	BUREAU VERITAS NORTH AMERICA	BLDG OFFICIAL SVCS SEPT 2023	5,760.00
59959	10/23/23	Reconciled		10/31/23	02901	BUREAU VERITAS NORTH AMERICA	PLAN REVIEW	632.50
59960	10/23/23	Reconciled		10/31/23	03401	CHOICE BUILDER	PREMIUMS NOV 2023	851.36
59961	10/23/23	Reconciled		10/31/23	3468	CIVICWELL	DOWNTOWN STREETScape AUG 2023	864.00
59962	10/23/23	Reconciled		10/31/23	03482	CLEAR PATH LAND EVOLVEMENT,	SCHOOL/MAIN LLA	1,275.00
59963	10/23/23	Printed			03502	COLFAX AREA CHAMBER OF	OKTOBERFEST EVENT DEPOSIT REF	100.00
59964	10/23/23	Reconciled		10/31/23	3652	CRAWFORD & ASSOCIATES INC.	CDBG GEOTECH SEPT 2023	757.50
59965	10/23/23	Printed			04592	DACOMM	WWTP INTERNET	103.45
59966	10/23/23	Reconciled		10/31/23	06424(2)	FLO-LINE TECHNOLOGY, INC	LS 2 PUMP RPR	11,436.78
59967	10/23/23	Void	10/30/23		14859	GHD INC.	ENG SVCS AUG 2023	0.00
59968	10/23/23	Reconciled		10/31/23	07460	GOLD MOUNTAIN CALIFORNIA	GEN PLAN UPDATE PUBLIC NOTICE	397.89
59969	10/23/23	Reconciled		10/31/23	07460	GOLD MOUNTAIN CALIFORNIA	MITIGATION REPORTING PUBLIC NO	168.39
59970	10/23/23	Reconciled		10/31/23	07460	GOLD MOUNTAIN CALIFORNIA	ORDINANCE SUMMARY	71.31
59971	10/23/23	Reconciled		10/31/23	07551	GORBA, WALTER	BIKE RIDE EVENT DEP REFUND	100.00
59972	10/23/23	Reconciled		10/31/23	07570	GRAINGER	WWTP LAB SUPPLIES	241.37
59973	10/23/23	Reconciled		10/31/23	08660	HUNT AND SONS, INC.	FUEL	1,211.08
59974	10/23/23	Reconciled		10/31/23	08660	HUNT AND SONS, INC.	FUEL	1,135.66
59975	10/23/23	Reconciled		10/31/23	09520	INTERNATIONAL INSTITUTE OF	ANNUAL MEMBERSHIP	210.00
59976	10/23/23	Printed			23101	LARRY WALKER ASSOCIATES	NPDES PERMIT ASS SEPT 2023	1,680.75
59977	10/23/23	Printed			12180	LAWRENCE & ASSOCIATES INC	LANDFILL MONITORING SEPT 2023	1,853.30
59978	10/23/23	Reconciled		10/31/23	13191	MANAGEMENT ADVISORY SERVICES	COLFAX NET APP PROCESSING SEPT	3,438.75
59979	10/23/23	Reconciled		10/31/23	13239	MCGUIRE & HESTER	WWTP CONST I&I SEPT 2023	449,397.00
59980	10/23/23	Printed			14056	NAVE, CHRIS	CORNHOLE TOURNAMENT DEP REF	100.00
59981	10/23/23	Printed			16300	PCWA -PLACER COUNTY	WATER	2,806.55
59982	10/23/23	Printed			16043	PIONEER COMMUNITY ENERGY	SB1383 LEGAL FEES	1,647.92
59983	10/23/23	Printed			16165	PLACER COUNTY ENVIRONMENTAL	LANDFILL MONITORING Q1 FY 24	892.00

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CITY OF COLFAX

BANK: US BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
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59986	10/23/23	Reconciled		10/31/23	18119	RDO EQUIPMENT CO.	VAC TRUCK HOSE	241.68
59987	10/23/23	Reconciled		10/31/23	20538	TROJAN TECHNOLOGIES	WWTP SUPPLIES	4,703.68
59988	10/23/23	Reconciled		10/31/23	06740	TYLER TECHNOLOGIES	ANNUAL SOFTWARE MAINT	6,098.58
59989	10/23/23	Reconciled		10/31/23	21105	UNICO ENGINEERING	ARCO CONST INSP SEPT 2023	295.60
59990	10/23/23	Reconciled		10/31/23	21452	EMMANUEL URSU	PLANNING SVCS SEPT 2023	14,518.81
59991	10/23/23	Reconciled		10/31/23	21500	USA BLUE BOOK, INC	WWTP LAB SUPPLIES	555.79
59992	10/23/23	Reconciled		10/31/23	22240	VULCAN MATERIALS COMPANY	ASPHALT SUPPLIES	324.14
59993	10/23/23	Reconciled		10/31/23	22240	VULCAN MATERIALS COMPANY	ASPHALT SUPPLIES	118.25
59994	10/23/23	Reconciled		10/31/23	23169	WAVE BUSINESS SOLUTIONS	CITY HALL PHONE	215.91
59995	10/23/23	Reconciled		10/31/23	23169	WAVE BUSINESS SOLUTIONS	CORP YARD INTERNET	67.87
59996	10/23/23	Reconciled		10/31/23	23301	WESTERN PLACER WASTE	SLUDGE REMOVAL SEPT 2023	1,413.05

Total Checks: 99

Checks Total (excluding void checks):

1,214,784.58

Total Payments: 99

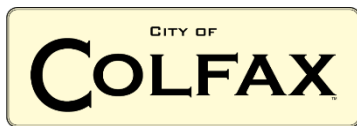
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1,214,784.58

Total Payments: 99

Grand Total (excluding void checks):

1,214,784.58



Staff Report to City Council

FOR THE NOVEMBER 29, 2023 REGULAR CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Mike Luken, Interim City Manager
Subject: Construction Support Contract Amendment with Wood Rodgers

Budget Impact Overview:

N/A:	Funded: √	Un-funded:	Amount: \$100,000	Fund(s): 575
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RECOMMENDED ACTION: Adopt Resolution __-2023 authorizing an amendment to the existing contract with Wood Rodgers for Construction Management and Support for the SWRCB Construction Grant projects.

Summary/Background

The City of Colfax entered into a Construction Grant Agreement with the State Water Resources Control Board (SWRCB) in 2021 for the construction of the Solar, Algae Reduction, and I&I Mitigation Projects. The grant totaled \$5,596,191. Due to rising costs and expansion of the projects, the grant was increased to \$13,297,674. While the projects were originally expected to conclude by February 2023, the current expected completion date is November 2024.

On June 23, 2021, the City of Colfax and Wood Rodgers, Inc. entered into a professional services agreement for \$555,560 to complete improvement plans and construction support for the Solar, Algae Reduction and I&I Mitigation projects funded with State Water Resource Control Board (SWRCB) Clean Water State Revolving Funds (CWSRF). Due to further enhancement to planning and design of the Algae Reduction project, the agreement was amended by Resolution on October 29, 2022 and June 8, 2023, raising the agreement amount to \$698,120.

Construction Management Amendment

Due to the significant expansion of the scope of the projects and the extended construction period, the current budget for Wood Rodgers' effort is insufficient. Prior to the start of construction of the I&I Mitigation project, it was anticipated that there would be a budget overrun, so the grant for construction management (CM) service was increased from \$468,985 to \$988,217, which is included in the overall grant increase mentioned above. It was anticipated that CM services would increase for project management, engineering during construction, inspection, geotechnical services, staking and surveying. Wood Rodgers is providing project management, engineering, plus staking and survey for the three projects.

At this time, Wood Rodgers has requested budget increases for project management, engineering services and construction staking and surveying per their attached proposal. Along with the extended construction period requiring additional project management, the City will endeavor to reconstruct or fully repave some of the roadways damaged by the I&I Mitigation project. These roadway improvements were not anticipated but will require engineering and survey services from Wood Rodgers. Wood Rodgers and City staff will obtain approval from the SWRCB to use the grant funds to restore the road to as good condition, prior to pavement design and construction.

Conclusions and Findings

The City has been working with Wood Rodgers over the past four years to develop, implement and manage the CWSRF grant project. As shown in their attached proposal, this amendment to their agreement increases the

budget by \$100,000 to \$798,120. As explained in the proposal, the amendment includes \$60,000 for project management and engineering support through April 2024 for the I&I Mitigation Project, \$20,000 for project management of the Algae Reduction Project through October 2024, and Surveying and Staking for both the I&I Mitigation and Algae Reduction projects.

Staff recommends that City Council authorize amendment of Wood Rodgers' agreement as outlined in their attached proposal.

Fiscal Impacts

The additional \$100,000 cost will be reimbursed by the State through the amended CWSRF funding Agreement No. D2101007 executed between the City and SWRCB.

Attachments:

1. Resolution __-2023
2. Wood Rodgers Amendment #3 Proposal

City of Colfax

City Council

Resolution № __-2023

AMENDING THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF COLFAX AND WOOD RODGERS INC. FOR THE SEWER COLLECTION AND WASTE WATER TREATMENT PLANT IMPROVEMENTS PROJECT

WHEREAS, The City of Colfax entered into a Professional Services Agreement with Wood Rodgers on June 23, 2021 for design, implementation and construction management and support of the Sewer Collection and Waste Water Treatment Plant Improvements Project funded by Clean Water State Revolving Funds (Grant); and,

WHEREAS, The Project consists of three major sub-projects, including a Solar Array and an Algae Reduction System at the Waste Water Treatment Plant, and sewer collection system replacement and reconstruction throughout the City; and,

WHEREAS, Wood Rodgers based its cost estimate for construction management and support on the assumptions that construction of all three projects would occur concurrently over a one year period; however, the projects are occurring consecutively and will likely take two and half years to complete; and,

WHEREAS, Additional construction design service may be needed to prepare construction paving plans for Northstar Avenue, Lincoln Street and Rose Avenue; and,

WHEREAS, Wood Rodgers provided an amendment proposal to continue construction management and support through 2024, and paving design services for the aforementioned streets.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax amends the aforementioned Professional Services Agreement with an additional \$100,000.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 29th day of November 2023 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Trinity Burruss, Mayor

ATTEST:

Marguerite Bailey, City Clerk



October 30, 2023

Mr. Michael Luken
City of Colfax
Via Email: city.manager@colfax-ca.gov

**RE: Sewer Collection System and WWTP Improvement Project
Contract Amendment #3, Professional Services Proposal**

Dear Mike:

The City and Wood Rodgers entered into the design and construction support agreement for the subject State funded project on August 24, 2021, after City Council approved the agreement through Resolution 33-2021. The Project includes a solar array constructed at the City's wastewater treatment plant, an algae reduction system constructed at the same treatment plant, and collection system improvements (I&I Mitigation project) constructed throughout the City. When Wood Rodgers provided a scope to manage, design and support construction for the Project, it was assumed that they would be constructed concurrently over a period of one year. In fact, the solar project started first in 2022 and took a year to complete; while the Algae and I&I Mitigation projects started after the solar project was substantially complete. The I&I Mitigation project began in July 2023 and is expected to conclude in April 2024, while the Algae project is not expected to begin until April 2024 and conclude in October 2024. Since the construction period for the projects are consecutive and the overall construction period will be nearly 2.5 times the initial projections, the effort that Wood Rodgers will expend will significantly exceed those initial estimates,

In addition, payroll inflation, as experienced throughout California, is exceeding assumptions when Wood Rodgers estimated the project costs. In 2023, Wood Rodgers agreed to hold it's rates to the 2022 rate; however, it is reasonable and in accordance with our agreement to raise 2024 labor rates in line with past inflation.

Finally, the scope of the I&I Mitigation project has expanded significantly during the course of construction, requiring engineering design and management that was not anticipated in the improvement plans. The State has agreed to increase the grant funding, and this additional funding will be used to replace and rehabilitate more of the sewer system and roadways than the original Wood Rodgers' scope envisioned.

Wood Rodgers will provide the following expanded scope of work based on the extended construction periods and enhanced improvements that are expected moving forward.

Scope of Work

TASK 3 – Construction Management

Task 3.1 – I&I Mitigation & LS3 Force Main

Wood Rodgers will continue to provide project management and engineering design services during construction. It is anticipated that construction design services will include preparation of roadway paving plans for Northstar Avenue, Lincoln Street and Rose Avenue.

TASK 3.2 – Algae Reduction System

The Wood Rodgers Team will continue to provide project management, submittal and RFI review, engineering design services and special inspections during construction.

Task 3.4 – Staking

Along with staking during construction, Wood Rodgers will collect survey data to prepare roadway paving plans for Northstar, Lincoln and Rose.

Engineering Fee

Wood Rodgers will bill on a Time & Material (T&M) basis. Wood Rodgers reserves the right to transfer budget between tasks without affecting the total project budget. Wood Rodgers estimates the following budgets will be required to complete the work described in this amendment proposal:

SCOPE ITEM	ORIGINAL BUDGET	PREVIOUS ADMTs¹	THIS ADMT	NEW BUDGET
TASK 1 – Facilities Planning				
1.1 – Design Management (I&I Mitigation & Algae System)	\$ 20,000	\$ 32,000	\$ 0	\$ 52,000
1.2 – Bidding & Award (I&I Mitigation & Algae Reduction System)	\$ 33,080	\$ 0	\$ 0	\$ 33,080
1.3 - WWTP Control Mapping and SCADA Programming SOQ/RFP	\$ 0	\$ 23,600	\$ 0	\$ 23,600
TASK 2 – Facilities Design				
2.1 – I&I Mitigation Project & LS3 Force Main Replacement	\$ 31,000	\$ 19,658	\$ 0	\$ 50,658
2.2 –Algae Reduction System	\$ 273,695	\$ 38,930	\$ 0	\$ 312,625
2.3 – Solar System Design Coordination	\$ 10,800	\$ 0	\$ 0	\$ 10,800
2.4 – Topo Survey	\$ 10,000	\$ 0	\$ 0	\$ 10,000
TASK 3 – Construction Management				
3.1 – I&I Mitigation Project & LS3 Force Main	\$ 46,000	\$ 0	\$ 60,000	\$ 106,000
3.2 – Algae Reduction System	\$ 93,985	\$ 7,260	\$ 20,000	\$ 121,245
3.3 – Solar System	\$ 16,000	\$ 7,000	\$ 0	\$ 23,000
3.4 – Staking	\$ 13,000	\$ 14,112	\$ 20,000	\$ 47,112
3.5 – Misc. Exhibits	\$ 4,000	\$ 0	\$ 0	\$ 4,000
3.6 – Travel & Other Reimbursables	\$ 4,000	\$ 0	\$ 0	\$ 4,000
TOTAL BUDGET PER THIS PROPOSAL:	\$555,560	\$142,560	\$ 100,000	\$798,120

Note 1: Amendments (admts) include reallocation of line items budgets approved by City Manager on 8/11/23.

We trust this proposed amendment has sufficient detail to meet your needs and we thank you for the opportunity to provide the requested professional services. If you have any questions, please do not hesitate to call.

Sincerely,

IN AGREEMENT WITH THE ABOVE ITEMS

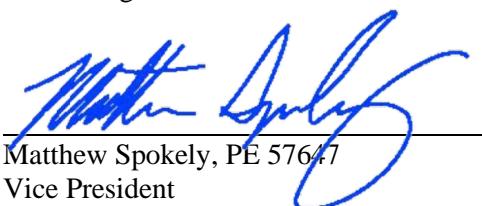
WOOD RODGERS, INC

CITY OF COLFAX

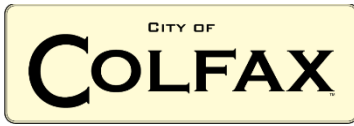


Jim Fletter, PE 73457
Senior Engineer

Michael Luken
City Manager



Matthew Spokely, PE 57647
Vice President



Staff Report to City Council

FOR THE NOVEMBER 29, 2023 REGULAR CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Jim Fletter, Project Manager
Subject: SCADA Upgrades for Algae Reduction Project – ControlPoint Engineering

Budget Impact Overview:

N/A:	Funded: ✓	Un-funded:	Amount: \$319,600	Fund(s): 575
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RECOMMENDED ACTION: Adopt Resolution __-2023 authorizing the Interim City Manager to enter into a professional services contract with ControlPoint Engineering for the design, programming, and installation of control programming and a SCADA system at the City’s Waste Water Treatment Plant.

Summary/Background

The City of Colfax entered into a Construction Grant Agreement with the State Water Resources Control Board (SWRCB) in 2021 for the construction of the Solar, Algae Reduction, and I&I Mitigation Projects (Projects). The grant originally totaled \$5,596,191 but was amended to \$13,297,674 in November 2023.

A preconstruction meeting for the Algae Reduction project (Algae project), which is one of the three above-listed Projects, was held on November 9, 2023, with construction expected to start in the late winter or early spring of 2024. While the contractor for the Algae project, will construct, supply, and install the infrastructure needed for the Algae Reduction system to operate, the computers must be programmed and integrated into the Waste Water Treatment Plant (WWTP). This programming, which is identified herein as “Control and SCADA Integration”, will be performed under a separate contract with a qualified professional firm. SCADA stands for Supervisory Control and Data Acquisition and represents the master computer that can remotely control every component of the WWTP and collects and stores operational data that those components transmit to the SCADA computer.

The Control and SCADA Integration work will involve the complete replacement of the WWTP’s two existing SCADA computers with a single, more modern, robust, widely adopted system within and around the greater Placer County and Sacramento area. The contractor will be responsible for evaluating the WWTP operational process and completely restructuring the control strategies as needed.

On July 7, 2023, nineteen firms were identified as potentially qualified to provide Control and SCADA Integration and were reasonably close to Colfax. A request for qualifications was sent out to those nineteen firms requiring that they submit Statements of Qualifications (SOQs) and attend a mandatory site walk. The site walk was held on July 20, 2023, and nine of the firms attended. Of the nine firms interested in the project, seven submitted SOQ on July 27, 2023.

A selection committee, consisting of professionals familiar with wastewater treatment and controls, was convened to evaluate and rank the SOQs. The three highest-ranked firms, consisting of Aqua Sierra Control, ControlPoint Engineering, and Telstar Instruments, were invited to submit proposals through a Request for Proposal (RFP) procedure. All three firms submitted their proposals on September 21, 2023.

The same selection committee evaluated and ranked each proposal. The following table shows the firm’s proposal ranking and their proposal cost for the work.

Proposal		
Contractor	Average Score	Price
Aqua Sierra Controls	17.8	\$589,040
ControlPoint Engineering	47.3	\$319,600
Telstar Instruments	32.5	\$248,552

Note: The score is out of a total possible of 50 with the higher score representing a higher rank.

It is noted that the proposal price of the highest-ranked firm (ControlPoint) is higher than the next highest-ranked firm (Telstar). Because of this, a close comparison of services offered was conducted. Several differences were identified between ControlPoint and Telstar, which indicated that ControlPoint's service offering was more comprehensive. The services offered by ControlPoint that were not included in Telstar's proposal include, 1) Complete documentation and labeling of all wires, equipment, and inputs/outputs throughout the WWTP and the City's sewer pump stations, 2) For equipment and processes that are undocumented, ControlPoint will reverse engineer the processes and document them for future use, 3) ControlPoint will overhaul the SCADA system for all new and existing process and 4) ControlPoint will thoroughly test and monitor plant operations and include more time to follow up with additional programming requests and training.

Another important difference between ControlPoint and Telstar is the number and proximity of clients that own and operate wastewater treatment plants. While Telstar provided four clients for comparison to Colfax's project, they were in Hayward, Fairfield, Cameron Park, and Eureka; and, all of those clients are in the water treatment business, not the wastewater treatment business. On the other hand, ControlPoint listed nineteen clients, with sixteen in the wastewater treatment business. Of those sixteen clients, eight are located in Placer County and the greater Sacramento area, including Lincoln, Auburn, Placer County, Weimar, Donner Summit, Davis, and Dixon.

Conclusions and Findings

ControlPoint Engineering's proposal is attached to this staff report. Based on the findings and recommendation of the selection committee, ControlPoint's proposal has a higher value for the price and more clients in the WWTP business near Colfax. Staff recommends that City Council authorize the Interim City Manager to enter into a professional services contract with ControlPoint Engineering to develop the control and SCADA System for the City's WWTP, including the new Algae Reduction System. The contract will be for \$319,600; however, staff also recommends that Council approve a 10% contingency of \$32,000. This will allow a not to exceed amount of \$351,600.

Fiscal Impacts

All costs of this contract will be reimbursed by the State through the recently amended CWSRF funding Agreement No. D2101007 executed between the City and SWRCB.

Attachments:

1. Resolution __-2023
2. Professional Services Contract
3. ControlPoint Engineering Fee and Cost Proposal
4. ControlPoint Engineering Entire Project Proposal available at the City Clerk's Office at 33 S Main St, Colfax, Mon-Thurs 8am-5pm and online https://colfax-ca.gov/download/43/bids-proposals/3973/exh-a-and-b-controlpoint-colfax-wwtp-improvements-scada-upgrade-proposal-2023_09_21-1-copy.pdf

City of Colfax

City Council

Resolution № __-2023

AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CONTROLPOINT ENGINEERING FOR THE DESIGN, PROGRAMMING, AND INSTALLATION OF CONTROL PROGRAMMING AND A SCADA SYSTEM AT THE CITY'S WASTE WATER TREATMENT PLANT

WHEREAS, the City of Colfax has a Construction Grant Funding Agreement for the Sewer Collection and Waste Water Treatment Plant Improvements Project funded by Clean Water State Revolving Funds (Grant) with the State Water Resources Control Board (Agreement No. D2101007); for \$13,297,674 and,

WHEREAS, a portion of the funding is allocated to improvement at the City's Waste Water Treatment Plant to 1) install an Algae Reduction System and 2) replace the City's control programming and supervisory control and data acquisition system (SCADA); and,

WHEREAS, the City 1) solicited statements of qualifications from nineteen qualified firms, 2) seven firms provided their qualifications, and 3) three of the seven firms, that were most highly ranked by a selection committee, were invited to submit proposals for the SCADA portion of the project in accordance with State of California regulations; and,

WHEREAS, the proposal from ControlPoint Engineering was selected, as the most qualified firm, offering the highest value with a proposal price of \$319,600.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax authorizes the Interim City Manager to enter into a Professional Services Agreement with ControlPoint Engineering in the amount of \$319,600 plus a \$32,000 contingency for a not to exceed amount of \$351,600.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 29th day of November 2023 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Trinity Burruss, Mayor

ATTEST:

Marguerite Bailey, City Clerk

AGREEMENT FOR CONTRACT SERVICES

THIS AGREEMENT is made and entered into on this **30th day of November, 2023** by and between the City of Colfax, a municipal corporation of the State of California (“City”) and **ControlPoint Engineering, Inc.** (“Contractor”).

RECITALS

- A. The City desires to retain Contractor to provide the Services set forth in detail in **Exhibit A** hereto (the “Services”) subject to the terms and conditions of this Agreement.
- B. Contractor is duly licensed and sufficiently experienced to undertake and perform the Services in a skilled and workmanlike manner and desires to do so in accordance with the terms and conditions of this Agreement.
- C. The Contractor based their proposal on the Request for Proposal attached to this agreement as **Exhibit B**, and made a part of herein.

Now, therefore, in consideration of the mutual covenants, promises and conditions set forth in this Agreement, the City and Contractor agree as follows:

Section 1. Services.

Subject to the terms and conditions set forth in this Agreement, Contractor shall furnish and perform all of the Services described in detail in Exhibit A hereto and incorporated herein by this reference (the “Services”) to the satisfaction of the City. Contractor shall not perform any work exceeding the scope of the Services described in Exhibit A without prior written authorization from the City.

Section 2. Time of Completion.

Contractor’s schedule for performance of the Services is set forth in Exhibit A hereto which is incorporated herein by this reference. Contractor shall commence performance of the Services promptly upon receipt of written notice from the City to proceed. Performance of the Services shall progress and conclude in accordance with the schedule set forth in Exhibit A. During the performance of the Services, Contractor shall provide the City with written progress reports at least once each month and at such additional intervals as City may from time to time request.

Section 3. Compensation.

- A. Except as may otherwise be provided in Exhibit A or elsewhere in this Agreement or its exhibits, Contractor shall invoice City once each month for the Services performed during the preceding month. Such invoices shall itemize all charges in such detail as may reasonably be required by City in the usual course of City business but shall include at least (i) the date of performance of each of the Services, (ii) identification of the person who performed the Services, (iii) a detailed description of the Services performed on each date, (iv) the hourly rate at which the Services on each date are charged, (v) an itemization of all costs incurred and (vi) the total charges

any subcontract until all insurance required of the Contractor has also been obtained by the subcontractor.

- A. Workers' Compensation Coverage. Statutory Workers' Compensation insurance and Employer's Liability Insurance to cover its employees. In the alternative, Contractor may rely on a self-insurance program to meet its legal requirements as long as the program of self-insurance complies fully with the provisions of the California Labor Code. Contractor shall also require all subcontractors, if such are authorized by the City, to similarly provide Workers' Compensation insurance as required by the Labor Code of the State of California for all of the subcontractor's employees. All Workers' Compensation policies shall be endorsed with the provision that the insurance shall not be suspended, voided, or cancelled until thirty (30) days prior written notice has been provided to City by the insurer. The Workers' Compensation insurance shall also contain a provision whereby the insurance company agrees to waive all rights of subrogation against the City and its elected or appointed officials, officers, agents, and employees for losses paid under the terms of such policy which arise from the Services performed by the insured for the City.

- B. General Liability Coverage. General liability insurance, including personal injury and property damage insurance for all activities of the Contractor and its subcontractors, if such are authorized by the City, arising out of or in connection with the Services. The insurance shall be written on a comprehensive general liability form and include a broad form comprehensive general liability endorsement. In the alternative, the City will accept, in satisfaction of these requirements, commercial general liability coverage which is equivalent to the comprehensive general liability form and a broad form comprehensive general liability endorsement. The insurance shall be in an amount of not less than \$1 million combined single limit personal injury and property damage for each occurrence. The insurance shall be occurrence based insurance. General liability coverage written on a claims made basis shall not be acceptable absent prior written authorization from the City.

- C. Automobile Liability Coverage. Automobile liability insurance covering bodily injury and property damage for all activities of the Contractor arising out of or in connection with this Agreement, including coverage for owned, hired and non-owned vehicles, in an amount of not less than \$1 million combined single limit for each occurrence.

- D. Policy Endorsements. Each general liability and automobile liability insurance policy shall be endorsed with the following provisions:
 1. The City, and its elected or appointed officials, employees and agents shall be named as insureds or additional insureds with regard to damages and defenses of claims arising from activities performed by or on behalf of the Contractor.
 2. The insurance afforded by each policy shall apply separately to each insured who is seeking coverage or against whom a claim is made or a suit is brought, except with respect to the insurer's limits of liability.
 3. The insurance shall be primary insurance as respects the City and its elected or

appointed officers, officials, employees and agents. Any other insurance maintained by the City or its elected or appointed officers, officials, employees, agents or volunteers shall be in excess of this insurance and shall not contribute with it.

4. The insurance shall not be suspended, voided, cancelled, or reduced in coverage or in limits except after thirty (30) days prior written notice has been provided to the City.
 5. Any failure to comply with the reporting requirements of any policy shall not affect coverage provided to the City, its elected or appointed officers, officials, employees, or agents.
- E. Professional Liability Coverage. If required by the City, Contractor shall also take out and maintain professional liability, errors and omissions insurance in an amount not less than \$1 million. The professional liability insurance policy shall be endorsed with a provision stating that it shall not be suspended, voided, cancelled, or reduced in coverage or in limits except after thirty (30) days written notice has been provided to the City.
- F. Insurance Certificates and Endorsements. Prior to commencing the Services under this Agreement, Contractor shall submit to the City documentation evidencing the required insurance signed by the insurance agent and the companies named. This documentation shall be on forms which are acceptable to the City and shall include all required endorsements and verify that coverage is actually in effect. This Agreement shall not be effective until the required insurance forms and endorsements are submitted to and approved by the City. Failure to provide these forms within the time period specified by City may result in the award of this Agreement to another Contractor should the City, in its sole discretion, decide to do so. Current certification of insurance shall be kept on file with the City at all times during the term of this Agreement.
- G. Deductible and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by City.
- H. Termination of Insurance. If the City receives notification that Contractor's insurance will be suspended, voided, cancelled or reduced in coverage or in limits, and if the Contractor does not provide for either the reinstatement of that insurance or for the furnishing of alternate insurance containing all of the terms and provisions specified above prior to the termination of that insurance, City may either terminate this Agreement for that breach, or City may secure the required insurance to satisfy the conditions of this Agreement and deduct the cost thereof from compensation which would otherwise be due and payable to the Contractor for Services rendered under the terms of this Agreement.

Section 7. Subcontracts.

Contractor may not subcontract any portion of the Services without the written authorization of City. If City consents to a subcontract, Contractor shall be fully responsible to the City and third parties for all acts or omissions of the subcontractor to which the Services or any portion thereof are subcontracted. Nothing in this Agreement shall create any contractual relationship between City

for the Services for the month invoiced. As long as the Contractor performs the Services to the satisfaction of the City, the City shall pay the Contractor an all inclusive compensation that shall not exceed the amount as detailed in Exhibit A except pursuant to an authorized written change order issued pursuant to Section 15 of this Agreement before the Services requiring additional compensation are performed. City shall pay Contractor no later than thirty (30) days after approval of the monthly invoice by City's staff.

B. The Contractor's compensation for the Services shall be full compensation for all indirect and direct personnel, materials, supplies, equipment and services incurred by the Contractor and used in carrying out or completing the Services. Payments shall be in accordance with the payment schedule established in Exhibit A or elsewhere in this Agreement or its exhibits.

C. The City shall have the right to receive, upon request, documentation substantiating charges billed to the City pursuant to this Agreement. The City shall have the right to perform an audit of the Contractor's relevant records pertaining to the charges.

D. Any Services performed more than sixty (60) days prior to the date upon which they are invoiced to the City shall not be compensable.

Section 4. Professional Ability; Standard of Quality.

City has relied upon the professional training and ability of Contractor to perform the Services described in Exhibit A as a material inducement to enter into this Agreement. Contractor shall therefore provide properly skilled professional and technical personnel to perform all Services under this Agreement. All Services performed by Contractor under this Agreement shall be in a skillful, workmanlike manner in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Contractor's field of expertise.

Section 5. Indemnification.

Contractor shall hold harmless and indemnify, including without limitation the cost to defend, the City and its officers, agents and employees from and against any and all claims, demands, damages, costs or liability that arise out of, or pertain to, or relate to the negligence, recklessness or willful misconduct of Contractor and/or its agents in the performance of the Services. This indemnity does not apply to liability for damages for death or bodily injury to persons, injury to property, or other loss, arising from the sole negligence, willful misconduct or material defects in design by the City or its agents, servants employees or independent contractors other than Contractor who are directly responsible to the City, or arising from the active negligence of the City officers, agents, employees or volunteers

Section 6. Insurance.

Without limiting Contractor's indemnification obligations provided for above, Contractor shall take out before beginning performance of the Services and maintain at all times during the life of this Agreement the following policies of insurance with insurers possessing a Best rating of not less than A. Contractor shall not allow any subcontractor, professional or otherwise, to commence work on

and any subcontractor, nor shall it create any obligation on the part of the City to pay or cause the payment of any monies due to any such subcontractor except as otherwise is required by law.

Section 8. Assignment.

Contractor shall not assign any right or obligation under this Agreement without the City's prior written consent. Any attempted assignment of any right or obligation under this Agreement without the City's prior written consent shall be void.

Section 9. Entire Agreement.

This Agreement represents the entire understanding of City and Contractor as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered herein. This Agreement may not be modified or altered except in writing signed by both parties.

Section 10. Jurisdiction.

This Agreement shall be administered and interpreted under the laws of the State of California. Jurisdiction over any litigation arising from this Agreement shall be in the Superior Court of the State of California with venue in Placer County, California.

Section 11. Suspension of Services.

Upon written request by Contractor, City may suspend, in writing, all or any portion of the Services if unforeseen circumstances beyond the control of the City and Contractor make normal progress of the Services impossible, impractical or infeasible. Upon written City approval to suspend performance of the Services, the time for completion of the Services shall be extended by the number of days performance of the Services is suspended.

Section 12. Termination of Services.

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

Should Contractor fail to perform any of the obligations required of Contractor within the time and in the manner provided for under the terms of this Agreement, or should Contractor violate any of the terms and conditions of this Agreement, City may terminate this Agreement by providing Contractor with seven (7) days written notice of such termination. The Contractor shall be compensated for all Services performed prior to the date of receipt of the notice of termination. However, the City may deduct from the compensation which may be owed to Contractor the

amount of damage sustained or estimated by City resulting from Contractor's breach of this Agreement.

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

Section 13. Independent Contractor.

Contractor shall in all respects be an independent contractor and not an agent or employee of City. Contractor has and shall retain the right to exercise full control and supervision of the means and methods of performing the Services. Contractor shall receive no premium or enhanced pay for Services normally understood as overtime; nor shall Contractor receive holiday pay, sick leave, administrative leave or pay for any other time not actually expended in the performance of the Services. It is intended by the parties that Contractor shall not be eligible for benefits and shall receive no compensation from the City, except as expressly set forth in this Agreement. Contractor shall submit completed W-9 and Report of Independent Contractor forms upon execution of this Agreement and prior to the payment of any compensation hereunder.

Section 14. Ownership of Documents.

Within thirty (30) days after the Contractor substantially completes performance of the Services, or within thirty (30) days after the termination of this Agreement, the Contractor shall deliver to the City all files, records, materials and documents drafted or prepared by Contractor's in the performance of the Services. It is expressly understood and agreed that all such files, records, materials and documents are the property of the City and not the property of the Contractor. All finished and unfinished reports, plans, studies, documents and other writings prepared by and for Contractor, its officers, employees and agents in the course of performing the Services shall become the sole property of the City upon payment to Contractor for the Services, and the City shall have the exclusive right to use such materials in its sole discretion without further compensation to Contractor or to any other party. Contractor shall, at Contractor's expense, provide such reports, plans, studies, documents and writings to City or any party the City may designate, upon written request. Contractor may keep file copies of all documents prepared for City. Use of any such documents by the City for projects that are not the subject of this Agreement or for purposes beyond the scope of the Services shall be at the City's sole risk without legal liability or expense to Contractor.

Section 15. Changes and/or Extra Work.

Only the City Council may authorize extra and/or changed Services, modification of the time of completion of the Services, or additional compensation for the tasks to be performed by Contractor. Contractor expressly recognizes that other City personnel are without authorization to order extra and/or changed Services or to obligate the City to the payment of additional compensation. The failure of Contractor to secure the prior written authorization for such extra and/or changed Services shall constitute a waiver of any and all right to adjustment in the contract price due to such unauthorized Services, and Contractor thereafter shall not be entitled to any compensation whatsoever for the performance of such extra or changed Services. In the event Contractor and City

agree that extra and/or changed Services are required, or that additional compensation shall be awarded to Contractor for performance of the Services under this Agreement, a supplemental agreement providing for such compensation shall be prepared and shall be executed by the Contractor and the necessary City officials before the extra and/or changed Services are provided.

Section 16. Compliance with Federal, State and Local Laws.

Contractor shall comply with all applicable federal, state and local laws, statutes, ordinances, rules and regulations affecting the Services, including without limitation laws requiring licensing and prohibiting discrimination in employment because of race, creed, color, sex, age, marital status, physical or mental disability, national origin or other prohibited bases. City shall not be responsible or liable for Contractor's failure to comply with applicable laws, statutes, ordinances, rules or regulations.

Section 17. Retention of Records.

Contractor and any subcontractors authorized by the terms of this Agreement shall keep and maintain full and complete documentation and accounting records, employees' time sheets, and correspondence pertaining to the Services, and Contractor shall make such documents available for review and/or audit by City and City's representatives at all reasonable times during performance of the Services and for at least four (4) years after completion of the Services and/or termination of this Agreement.

Section 18. Alternative Dispute Resolution

- A. Before resorting to mediation, arbitration or other legal process, the primary contacts of the parties shall meet and confer and attempt to amicably resolve any dispute arising from or relating to this Agreement subject to the following provisions. Any party desiring to meet and confer shall so advise the other party pursuant to a written notice. Within 15 days after provision of that written notice by the party desiring to meet and confer, the primary contacts for each party shall meet in person and attempt to amicably resolve their dispute. Each primary contact, or the person acting in their absence with full authority to resolve the dispute, shall attend the meeting and shall be prepared to devote an entire day thereto. If any dispute remains unresolved at the end of the meeting, any party to this Agreement shall have the right to invoke the mediation process provided for in the subparagraph B below.
- B. Subject to the provisions of subparagraph A, any dispute that remains unresolved after the meet and confer shall immediately be submitted to non-binding neutral mediation, before a mutually acceptable, neutral retired judge or justice at the Sacramento Office of the Judicial Arbitration and Mediation Service ("JAMS"). If within five days after the meet and confer the parties are unable to agree upon the selection of a neutral mediator, then the first available retired judge or justice at the Sacramento office of JAMS shall serve as the neutral mediator. The parties agree to commit to at least one full day to the mediation process. Additionally, to expedite the resolution of any dispute that is not resolved by mediation, the parties agree to each bring to the neutral mediation a list of at least five neutral arbitrators, including their resumes, whose availability for an arbitration hearing

If to City: City of Colfax
PO Box 702
Colfax, CA 95713

If to Contractor: ControlPoint Engineering
Attn: Jeremy Pollet
3941 Park Drive, Unit 20-652
El Dorado Hills, CA 95762

Section 23. Execution.

This Agreement may be executed in original counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one original counterpart is signed by both parties hereto. In proving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

Section 24. Successors. This Agreement shall be binding on and inure to the benefit of the respective parties hereto except to the extent of any contrary provision in this Agreement.

Section 25. Attorney's Fees. If any party to this Agreement commences legal proceedings to enforce any of its terms or to recover damages for its breach, the prevailing party shall be entitled to recover its reasonable attorney's fees, costs and the expenses of expert witnesses, including any such fees costs and expenses incurred on appeal.

IN WITNESS WHEREOF, the parties hereby have executed this Agreement on the day first above written:

CITY

CONTRACTOR

Signature_____

Signature_____

Printed Name Michael W. Luken

Printed Name_____

Title Interim City Manager

Title_____

Date 11/30/2023

Date_____

APPROVED AS TO FORM:

City Attorney

September 21, 2023

Mr. Jim Fletter
Senior Engineer
Wood Rodgers, Inc.
jfletter@WoodRodgers.com

RE: Proposal for City of Colfax WWTP SCADA Upgrade

Mr. Fletter:

This proposal for Professional Services with ControlPoint Engineering provides for an all-new Supervisory Control and Data Acquisition (SCADA) system at the City of Colfax Wastewater Treatment Plant (WWTP).

The WWTP presently has two SCADA systems providing process visualization, local alarming, and data acquisition. The first system is an older, outdated Citect software application running on an aging PC. The second is a HT3 software application running on proprietary hardware from Data Flow Systems (DFS). Both systems provide similar functions; however, neither is an all-in-one solution for the plant and the collections system. There are some functions the Citect system has that the HT3 system does not; however, the HT3 system is the most complete and the major difference is that it provides process visualization and control for the off-site sewage lift stations. Operations staff must use a combination of both systems to perform supervisory control and data acquisition functions at the plant.

The system we are offering replaces both existing SCADA systems with a single solution developed within Ignition® from Inductive Automation. Ignition® is an industry-leading, non-proprietary software product that is flexible, scalable, and runs on any operating system. The City's new Ignition® system will connect to every PLC at the plant and the City's lift stations. It will be developed in close coordination with City staff to ensure the system meets Operational needs. As part of this project, we will write code for the new Programmable Logic Controllers (PLCs) provided by the Algae Removal Project.

Our core business is designing and installing industrial automation solutions for municipal water and wastewater systems throughout Northern California and Nevada. Our systems are non-proprietary, meaning any system integrator can maintain or expand the system. We will always be available for support, but the City will have the flexibility to have others work on the system. The City will not be beholden or locked in with ControlPoint in any way.

We maintain \$2,000,000 general liability, \$2,000,000 professional liability, \$1,000,000 motor vehicle, and \$5,000,000 umbrella insurance policies and have a long list of clients who are happy with the Ignition® systems that we have designed and installed. We've included a client list in the appendix of this proposal and encourage the City to reach out to anyone in that list for their opinions on Ignition® software or our integration and engineering services.

Scope of Work

Our offer includes the following:

1. Project Management
2. Control Strategies
3. SCADA Architecture Diagrams
4. Control Panel Factory Testing
5. Hardware Configuration & Installation
6. PLC Programming
7. SCADA Application Development

within 30 days after the mediation has been confirmed.

- C. If mediation is unsuccessful, before the mediation concludes, the parties shall mediate the selection of a neutral arbitrator to assist in the resolution of their dispute. If the parties are unable to agree on an arbitrator, the parties agree to submit selection of an arbitrator to the mediator, whose decision shall be binding on the parties. In that case, the mediator shall select a neutral arbitrator from the then active list of retired judges or justices at the Sacramento Office of the JAMS. The arbitration shall be conducted pursuant to the provisions of the California Arbitration Act, sections 1280-1294.2 of the California Code of Civil Procedure. In such case, the provisions of Code of Civil Procedure Section 1283.05 and 1283.1 shall apply and are hereby incorporated into this Agreement.
- D. This section 18 shall survive the termination or expiration of this Agreement. If there is no Sacramento office of JAMS, then the office of JAMS closest to the City shall be used instead of a Sacramento office.

Section 19. Severability.

The provisions of this Agreement are severable. If any portion of this Agreement is held invalid by an arbitrator or by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect unless amended or modified by the mutual written consent of the parties.

Section 20. Entire Agreement; Amendment.

This Agreement, including all exhibits hereto, constitutes the complete and exclusive expression of the understanding and agreement between the parties with respect to the subject matter hereof. All prior written and oral communications, including correspondence, drafts, memoranda, and representations, are superseded in total by this Agreement. This Agreement may be amended or extended from time to time only by written agreement of the parties hereto.

Section 21. Time of the Essence.

Time is of the essence in the performance of the Services. The Contractor will perform its Services with due and reasonable diligence consistent with sound professional practices and shall devote such time to the performance of the Services as may be necessary for their timely completion.

Section 22. Written Notification.

Except as otherwise specified in this Agreement, any notice, demand, request, consent, approval or communications that either party desires or is required to give to the other party shall be in writing and either served personally or sent by first class mail, postage prepaid and addressed as follows. Either party may change its address by notifying the other party in writing of the change of address. Notice shall be deemed communicated within two business days from the time of mailing if mailed within the State of California as provided in this Section.

If to City:

City of Colfax

8. Software Testing
9. System Commissioning
10. Training
11. Equipment & Materials

1. Project Management

We have included time for project update meetings and ongoing project-related correspondence and coordination throughout the 12-month duration of the project. Update meetings, correspondence, and coordination will be required with City staff, the Algae Removal Project Contractor, and the Design Engineers. We will provide monthly progress reports, track action items, and log decisions made throughout the project.

2. Control Strategies

A detailed Control Strategy document provides an Operational handbook for the plant. For this project, it will also serve as the baseline for the PLC programming and SCADA application development activities required for the Algae Removal Project.

We will provide a comprehensive Control Strategy document for the entire plant. All existing and new plant equipment, instruments, process variables, and control options will be detailed within this document.

An example Control Strategy document is provided as an attachment.

3. SCADA Architecture Diagrams

ControlPoint staff will visit the plant to capture details for the existing equipment, including model numbers, existing IP addresses, media type, and physical connections. In collaboration with City staff, each network switch, radio, protocol converter, communications appliance, and PLC will be given a unique name. Printed labels will be created and applied to each device. Labels will also be created and applied on each end of every communication cable throughout the plant.

Detailed SCADA Architecture Diagrams will be developed for the plant showing each of the plant's connected devices and their descriptions, model numbers, IP addresses, port assignments, and communication media.

Example SCADA Architecture Diagrams are provided as an attachment.

4. Control Panel Factory Testing

Three of the four new Control Panels provided by the Algae Removal Project will contain Contractor-provided PLCs programmed by ControlPoint staff:

- Main Plant Control Panel
- Pond 3 Irrigation Booster Pump Station Control Panel
- Chlorine Contact Basin Pump Station Control Panel

We will participate in Factory Testing activities at the Contractor's system supplier panel shop for these Control Panels by installing our new PLC programs into the Contractor-provided PLCs and working with the Contractor's system supplier to test that the panels have been fabricated properly and the internal panel wiring interfaces properly with the PLC.

The Air Flotation System Control Panel will contain a PLC programmed by the Air Flotation system supplier and as such will not undergo Factory Testing by ControlPoint staff.



5. PLC Programming

Three (3) new PLC programs will be written for the Algae Removal Project in accordance with the Control Strategies developed in Task 2:

- Main Plant PLC
- Pond 3 Irrigation Booster Pump Station PLC
- Chlorine Contact Basin Pump Station PLC

The existing Belt Press Control Panel will be reverse-engineered in the field in order to provide a PLC memory map for the undocumented PLC code. A memory map (i.e. documented ladder logic) is required in order to provide process visualization and alarming of the Belt Press system on SCADA.

6. Hardware Configuration

We will install and configure the base operating system (OS) and all required Ignition® software modules on the new SCADA server provided by the Algae Removal Project Contractor. We will set up server diagnostics and provide configuration to automatically backup the critical software elements to a City-provided offsite location.

We will setup, configure, and field test all equipment provided by ControlPoint, including:

- Base Radio (1)
- Directional Radios (4)
- WiFi Access Points (6)
- Communications Router (1)
- SMS Alarm Modem (1)
- Surface Pro Tablets (2)
- MicroLogix 1400 PLC (1) (replaces the serial-only MicroLogix 1000 PLC at the Headworks)

The tablets and hotspots provide a mobile SCADA solution for Operations staff while at the plant. The communications router provides a secure connection to the plant for outside remote access and handles all of the on-plant data traffic. The SMS alarm modem delivers alarms generated by the SCADA software to the Operator's phones.

7. SCADA System Development

Ignition® tags and graphics will be developed to visualize and control a total of ten (10) PLCs:

- Main Plant PLC Processes (Influent Pumps, Plant Water Pumps, Analyticals)
- Pond 3 Irrigation Booster Pump Station
- Chlorine Contact Basin Pump Station
- Air Flotation System
- UV System
- Belt Press
- Headworks
- Lift Station 1
- Lift Station 2
- Lift Station 3
- Lift Station 5

Additional elements of the new SCADA application include the following:

- Plant Overview



- Lift Station Communications (configurable polling engine page with statistics)
- Alarm Configuration Pages
- Alarm Summary & History
- Historical Trends
- Daily & Monthly Reports

8. Software Testing

We will bench test all of the new PLC code against the new SCADA application, field test the Air Flotation system's vendor-provided PLC code with the new SCADA application, and field test the existing PLCs with the new SCADA application. We have included 24 hours of additional PLC code and SCADA application development time in this task for additional requests from the City.

9. System Commissioning

Each I/O point coming into the Main Plant PLC, Pond 3 Irrigation Booster Pump Station PLC, and Chlorine Contact Basin Pump Station PLC will be loop checked to/from the corresponding field device or motor controls, into the PLC, and into the SCADA application. Once loop checks are completed, the functionality of the PLC code and SCADA application will be tested. We will demonstrate the system to Operations staff for Acceptance Testing. We anticipate minor punchlist items and small iterations until the City provides a formal acceptance of the system.

10. Training

We will provide onsite SCADA application training sessions for Operations staff. The training sessions will focus on the capabilities and features of the new SCADA application components. A training schedule will syllabus will be provided.

11. Materials

We will provide all of the equipment listed in the attached Materials List.

Fee Schedule
(see Attachment 1 for more detail)

Task 1	Project Management	\$9,360
Task 2	Control Strategies	\$11,700
Task 3	SCADA Architecture Diagrams	\$9,360
Task 4	Control Panel Factory Testing	\$6,000
Task 5	Hardware Configuration & Installation	\$26,900
Task 6	PLC Programming	\$53,900
Task 7	SCADA Application Development	\$123,700
Task 8	Software Testing	\$27,680
Task 9	System Commissioning	\$38,900
Task 10	Training	\$3,900
Materials	Materials	\$8,200
Direct Costs	Mileage & Expenses	included
Total		\$319,600



EXHIBIT A

Notes

1. SCADA software and SCADA server hardware will be provided to the City by the Algae Removal Project Contractor. ControlPoint will provide all configuration, programming, and application development for a complete and functional system.
2. The SMS alarm modem will require a City-provided cellular service plan in order for alarms to reach the Operator's cell phones. This is a two-way system in that the alarms can also be cleared by the Operator through texts. The typical monthly fees for a data plan to support an SMS alarm modem is \$30/month and varies by the cellular provider.
3. We recommend that the City purchase the annual Ignition® Software BasicCare Support Plan from Inductive Automation. This Support Plan will provide the City with unlimited upgrades to Ignition modules. The BasicCare Support Plan is 16% of the original purchase price and is estimated at approximately \$2500. This yearly investment future-proofs the City's software investment and helps keeps the system protected from malware, viruses and zero-day exploits.

Total Cost

Our total fees for the **WWTP SCADA Upgrade** will not exceed **\$319,600** and will be billed on a time and expense basis.

Attachments

1. Fee Summary
2. 2024 Rate Sheet
3. Project Schedule
4. Communications Site Plan
5. Materials List & Product Cutsheets
6. Example Control Strategy
7. Example SCADA Architecture Diagrams
8. ControlPoint Engineering Ignition® Installation Locations
9. ControlPoint Engineering Ignition® Project References
10. ControlPoint Engineering Key Staff Resumes

ControlPoint Engineering, Inc.

Jeremy Pollet, P.E.

Principal Engineer

3941 Park Drive, Unit 20-652

El Dorado Hills, CA 95762

Phone: 916.337.9697

jeremy.pollet@controlpointeng.com



Fee Summary

EXHIBIT A

City of Colfax
WWTP SCADA Upgrade Fee Summary

	Description	PM, EE, SCADA Developer	Lead SCADA Developer	SCADA Developer	Senior Field Engineer	Cost
Task 1	Project Management	32	16			\$9,360
1.1	Project Update Meetings	16				\$3,120
1.2	Project Correspondence and Coordination	16	16			\$6,240
Task 2	Control Strategies	30	30			\$11,700
2.1	Control Strategy Development Meetings with the City	10	10			\$3,900
2.2	Control Strategy Document (Draft, 90%, 100% Submittals)	20	20			\$7,800
Task 3	SCADA Architecture Diagrams	24	24			\$9,360
3.1	Existing Architecture Discovery (model numbers, IP addresses, etc.)	8	8			\$3,120
3.2	SCADA Architecture Diagrams (Draft, 90%, 100% Submittals)	16	16			\$6,240
Task 4	Control Panel Factory Testing				30	\$6,000
4.1	Main Plant PLC Control Panel				10	\$2,000
4.2	Pond 3 Irrigation Booster Pump Station Control Panel				10	\$2,000
4.3	Chlorine Contact Basin Pump Station Control Panel				10	\$2,000
4.4	Air Flotation System Control Panel (Vendor PLC)					\$0
Task 5	Hardware Configuration & Installation		54	54	40	\$26,900
5.1	SCADA Server Setup and Configuration		20	20		\$7,000
5.2	Base and Directional Radios (installed by Contractor)		16	16		\$5,600
5.3	WiFi Access Points (installed by ControlPoint)		8	8	40	\$10,800
5.4	Communications Router		4	4		\$1,400
5.5	Surface Pro Tablets		4	4		\$1,400
5.6	SMS Alarm Modem		2	2		\$700
Task 6	PLC Programming	40	100	120	40	\$53,900
6.1	Main Plant PLC	20	40	40		\$17,900
6.2	Pond 3 Irrigation Booster Pump Station PLC	10	30	30		\$12,450
6.3	Chlorine Contact Basin Pump Station PLC	10	30	30		\$12,450
6.4	Air Flotation System PLC (Vendor)					\$0
6.5	UV System PLC (Existing)					\$0
6.6	Belt Press PLC (Existing) (reverse engineer wiring)			10	30	\$7,550
6.7	Headworks PLC (Existing) (replace with Ethernet-based model)			10	10	\$3,550
6.8	Lift Station 1 PLC (Existing)					\$0
6.9	Lift Station 2 PLC (Existing)					\$0
6.10	Lift Station 3 PLC (Existing)					\$0
6.11	Lift Station 5 PLC (Existing)					\$0
Task 7	SCADA Application Development	64	316	320		\$123,700
7.1	Main Plant PLC Processes (Influent Pumps, Plant Water Pumps, Analyticals)	8	32	32		\$12,760
7.2	Pond 3 Irrigation Booster Pump Station	4	20	20		\$7,780
7.3	Chlorine Contact Basin Pump Station	4	20	20		\$7,780
7.4	Air Flotation System	4	16	20		\$7,000
7.5	UV System	4	16	20		\$7,000
7.6	Belt Press	4	16	20		\$7,000
7.7	Headworks	4	16	20		\$7,000
7.8	Lift Station 1	4	12	16		\$5,600
7.9	Lift Station 2	4	12	16		\$5,600
7.10	Lift Station 3	4	12	16		\$5,600
7.11	Lift Station 5	4	20	24		\$8,400
7.12	Lift Station Polling Engine, Configuration, and Statistics Screen	4	16	16		\$6,380
7.13	Plant Overview	4	16	20		\$7,000
7.14	Alarm Configuration, Summary, and History Pages	4	16	20		\$7,000
7.15	Historical Trends	4	16	20		\$7,000
7.16	Daily / Monthly Reports		60	20		\$14,800
Task 8	Software Testing	36	36	88		\$27,680
8.1	Bench Test New PLC Code with New SCADA Screens	16	16	40		\$12,440
8.2	Field Test Air Flotation System Vendor PLC with New SCADA Screens	4	4	12		\$3,420
8.3	Field Test Exsiting PLCs with New SCADA Screens	8	8	20		\$6,220
8.4	Additional PLC Code Requests from the City	4	4	8		\$2,800
8.5	Additional SCADA Application Requests from the City	4	4	8		\$2,800
Task 9	System Commissioning	60	60	100		\$38,900
9.1	Loopchecks with the Contractor (Main PLC, Pond 3 PS, CCB PS)	20	20	40		\$14,000
9.2	Function Testing with the Contractor and the City	16	16	24		\$9,960
9.3	Acceptance Testing with the Contractor and the City	16	16	24		\$9,960
9.4	Post-commissioning Punchlist	8	8	12		\$4,980
Task 10	Training	4	16			\$3,900
10.1	SCADA Training for Plant Operators	4	16			\$3,900
Materials	Materials					\$8,200
11.1	Base Radio (1)					\$250
11.2	Directional Radios (4)					\$1,000
11.3	WiFi Access Points (6)					\$1,800
11.4	Communications Router (1)					\$500
11.5	Surface Pro Tablets (2)					\$2,250
11.6	SMS Alarm Modem (1)					\$1,000
11.7	MicroLogix 1400 PLC (1)					\$1,400
Total		290 Hours	652 Hours	682 Hours	110 Hours	\$319,600



EXHIBIT A

2024 Rate Sheet



2024 Hourly Rate Schedule

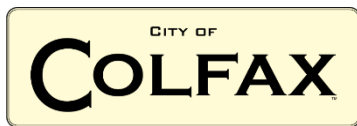
Services will be billed on a time and expense or lump sum basis dependent upon each task order. Labor will be at the specified hourly rates. Expenses incurred will be at the listed rates.

Labor

<u>Classification</u>	<u>Hourly Rate</u>
Principal Engineer	\$195
Project Manager	\$195
Professional Engineer (PE)	\$195
Lead SCADA Developer	\$195
Associate Engineer	\$155
SCADA Developer	\$155
Designer/Drafter	\$120
Technical Assistant	\$90

Expenses

<u>Description</u>	<u>Rate</u>
Auto Mileage	Current IRS Rate
Direct & Travel Expenses	Actual
Equipment & Materials	Actual + 10%
Subcontractor & Outside Services	Actual + 10%



Staff Report to City Council

FOR THE NOVEMBER 29, 2023 REGULAR CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Mike Luken, Interim City Manager
Subject: Planning Application for the Shady Glen Community Sewer Consolidation Project

Budget Impact Overview:

N/A: √	Funded:	Un-funded:	Amount: \$11,500	Fund(s):
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RECOMMENDED ACTION: Adopt Resolution __-2023 authorizing the City Manager, Mayor, or Mayor Pro Tem to sign and file a Financial Assistance Application for a financing agreement for the State Water Resources Control Board for the planning, design, and construction of the Shady Glen Sewer Consolidation Project..

Summary/Background

On June 14, 2023 through Resolution 23-2023, City Council authorized the City Manager to prepare a Planning Application to the State Water Resources Control Board (SWRCB) for the consolidation of the Shady Glen Mobile Home Park's (Shady Glen Community) wastewater collection system into the City of Colfax (Project). While background research, meetings with the State and Shady Glen Community are ongoing, and preparation of Plans of Study are not yet complete, staff expects the applications to be ready for submittal before the end of 2023. This staff report provides additional background information about the Project for City Council to consider authorizing the City Manager to submit the Planning Application once completed.

The State Water Resources Control Board and the nine Regional Water Quality Control Boards, collectively the State Water Board, protect and improve 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.

Section 79723 of Proposition 1 allocates \$260 million to the CWSRF Small Community Grant (SCG) Fund. The State Water Board has an annual SCG appropriation of \$8 million dollars, which is administered consistent with the CWSRF Intended Use Plan (IUP), and the CWSRF Policy. The Proposition 1 funds will supplement existing SCG authority. CWSRF applications are accepted on a continuous basis, and eligible projects are funded as applications are completed and approved.

The SCG Fund allows the State Water Board to assist communities in California with the most need, helping those that cannot otherwise afford a loan or similar financing to move forward with water quality improvements. According to the 2022-23 Median Household Income (MHI) Data, the City of Colfax could qualify for a grant or principal forgiveness (PF) loan, as long as all the components of the project are eligible under the CWSRF Policy. For small, disadvantaged communities, such as Colfax, funding under the grant and PF program for planning of CWSRF projects do not have a maximum funding limit.

The City would like to seek two grant/PF funding opportunities to consolidate the Shady Glen Community's sewer system into the City of Colfax and make other improvements to the City's sewer collection system, sewer lift stations and Waste Water Treatment Plant. The initial step in this process is to, 1) study the feasibility of the Shady Glen Consolidation Project, 2) analyze the financial impact to the City, residents and businesses, 3) annex the Shady Glen Community and surrounding areas, 4) complete a General Plan Land Use amendment for

annexation areas, 5) complete environmental studies and adopt CEQA mitigation measures for the General Plan amendment, Shady Glen Consolidation Project and any other improvement recommended in the studies, and 6) prepare comprehensive improvement plans based on the studies and mitigation measures.

There are three sources of grants/PF loans available to the City that require two separate Planning Applications. The first one is for the Shady Glen Sewer Consolidation Project. The owner of the Shady Glen Mobile Home Park, located about 800 feet north of the City, and staff at the Central Valley Regional Water Quality Control Board (RWQCB) approached the City in early 2023, asking if the City would consider regionalizing or consolidating Shady Glen's sewer system into the City's system. During the June 14, 2023 City Council meeting, Council authorized Wood Rodgers (wastewater engineering consultant) to prepare two Planning Applications to the SWRCB for the consolidation project; and, during the July 26, 2023 meeting, Council created an Ad Hoc committee consisting of Mayor Trinity Burruss and Councilmember Caroline McCully, to participate in the evaluation of the potential project and report back to Councilmembers. Though the planning studies will identify the exact extent of the project, the Sewer Consolidation Project will likely be eligible for around \$14 million in Consolidation funding from the Clean Water State Revolving Fund, and consist of the following key components.

- Annexation of the Shady Glen Community and surrounding areas into the City.
- Construction of major sewer improvement within the Community
 - New sewer mains and manholes
 - A new sewer pump station and force main (to convey sewage to the City collection system)
 - Decommissioning and demolition of the Communities wastewater treatment plant
- Construction of major sewer improvement in the City
 - Upsizing and replacement of City infrastructure deficient due to added Shady Glen flows
 - Upgrades to the City's Waste Water Treatment Plant to support the added Shady Glen flows

The annexation portion of the project will be completed during planning and will include community meetings and communications with both City residents and businesses, and the Shady Glen residents and other parcels outside the current city limits that will be impacted by the annexation.

The RWQCB is also encouraging the City to apply for a traditional wastewater construction grant/PF funding to 1) augment the Consolidation Project funding, and 2) continue the City's efforts to rehabilitate and modernize the City's sewer system, pump stations and Waste Water Treatment Plant. The City may be eligible for around \$41 million through the Clean Water State Revolving Fund program, due to its disadvantaged community status. These project funds would reduce environmental and health risks with improvements that will reduce the chance of sewer spills, wastewater treatment violations, and overflow of treatment or partially treated wastewater at the treatment plant. The project would likely consist of the following:

- Augmentation of the Consolidation Project funding, if needed
 - Additional improvement to the City's infrastructure to support the added Shady Glen flows
 - Upsizing of the City's Waste Water Treatment Plant to support the added Shady Glen flows
- Upgrades to the City's sewer lift station
- Rehabilitation and sealing of the sewer system from stormwater and groundwater
- Adding capacity, redundancy and modernization of the Waste Water Treatment Plant

Recommendation

Grant applicants must submit a resolution or ordinance adopted by its governing board authorizing the application and designation of an Authorized Representative (by title) to sign the CWSRF financing agreement

and make other certifications. Staff recommends adopting two resolutions. The first resolution authorizes the City Manager, Mayor or Mayor Pro Tem to sign documents on behalf of the City for planning, design, and construction of Shady Glen Community Sewer Consolidation Project. The second resolution authorizes the City Manager, Mayor or Mayor Pro-Temp to sign documents on behalf of the City for planning, design and construction of a City of Colfax Wastewater Construction Project. These resolutions are required by SWRCB when submitting Planning Applications for the Clean Water State Revolving Funds. All major milestones, such as consultant contracts and other expenditure authorizations related to the projects will be presented to Council separately for approval.

Attachments:

1. Resolution __-2023 (Shady Glen Sewer Consolidation Project)
2. Resolution __-2023 (City wastewater construction project)

AUTHORIZING RESOLUTION/ORDINANCE

RESOLUTION NO: -2023

WHEREAS a need exists for a Planning Application for the Shady Glen Community Sewer Consolidation Project
(insert appropriate findings)

RESOLVED BY THE _____ City Council _____ OF THE

(insert name of Governing Board of the Entity)
City of Colfax _____ (the “Entity”), AS FOLLOWS:
(insert Entity name)

The City Manager, Mayor or Mayor Pro Tem (the "Authorized Representative") or designee is
(insert Title of Authorized Representative)

hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of a City of Colfax Wastewater Construction Project (the "Project").
(insert Project Name)

This Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, 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 the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws.

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
(insert name of Governing Board of the Entity)
on November 29, 2023.
(Date)

(Name, Signature, and Seal of the Clerk or Authorized Record Keeper of the Governing Board of the Agency)

Staff Report to City Council

FOR NOVEMBER 29, 2023 COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Mike Luken, Interim City Manager
Subject: Administrative Services Officer Position/City Hall Administrative Adjustments

Budget Impact Overview:

N/A:	Funded: √	Un-funded:	Amount: \$111,701	Fund(s):
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RECOMMENDED ACTION: Approve Resolution ____-2023 creating the Administrative Services Officer job description, eliminating the Public Works Director position, approving front office staffing adjustments and authorizing the Interim City Manager to contract with 4Leaf Inc for training services.

Summary/Background

Staff has reviewed the administrative needs of the city and determined a need to create a new position and make a number of staffing adjustments. Staff recommends that the Council approve the following items in the amount of \$111,701:

1. Create an Administrative Services Officer (ASO) Position – The position Administrative Services Officer (ASO) is the municipal equivalent of an office manager. The ASO position better reflects requirements of the management of the front office at City Hall and reflects the current and future needs of the City of Colfax. In addition, staff recommends that the ASO assume the preparation of the City Budget, coordination of the City Audit and other financial matters as the contract Finance Director begins the process of cutting back hours preparing for her eventual retirement. Human resources and risk management duties would be led by the proposed ASO. The new job description is attached. The ASO position is also a standard job classification in local government, which could increase the city's ability to recruit should the position ever become vacant. If this position is created by the City Council, the Interim City Manager proposes to promote Shanna Stahl to this position and remove her status as Interim Public Works Director once a new salary schedule and related amendments to the employee handbook can be considered by the Council on December 13.
2. Reduce the Scope of Work of the Contract Finance Director from 3 days to 1 day per week – this needs to be done to accommodate the future retirement of the contract Finance Director and to allow her to adequately train the ASO in all citywide financial matters before her departure.
3. If feasible, increase City Clerk Position to Full-Time – In an effort to better reallocate work processes in the front office, the City Clerk could assume the implementation of the business license program and management of special event permits. These new activities would necessitate an increase in that position from 32 to 40 hours per week. This change is being considered by the current City Clerk given her current work schedule and time commitments.
4. Eliminate the Position of Director of Public Works from FY2023-2024 & 2024-2025 Budget – it is proposed that the new City Manager will also assume this role when he arrives in January.
5. Fill the position of Accounting Technician – With the creation of the Administrative Services Officer, fill the Administrative Analyst position vacated at the lower level of Accounting Technician to provide accounts payable, account receivable and utility billing services. The current position of Administrative

Analyst would be kept vacant but could be used in the future for the advancement of this position if warranted. No new job description is required for the Accounting Technician role.

6. Fill the position of Customer Service Representative– the current Customer Service Representative provides front counter services, permit tracking and administrative support to the City Engineer, Building Inspector, City Planner and City Manager. The current Customer Service Representative is retiring on June 30, 2024. Filling this position in the early winter would allow training of the new staffer in advance of the retirement of the current Customer Service Representative. This position is staffed at 19.5 hours per week.
7. Authorize the Interim City Manager to Execute an Agreement for Training Services Not to Exceed \$12,000– With the elimination of the Director of Public Works and the elimination of the interim appointment of that position, the current Public Works Working Supervisor needs additional leadership training skills. 4Leaf Inc can provide an experienced retired public works professional in this area to provide additional training 1 day per week for up to 2 months. The total cost of this contract would not exceed \$12,000.

Staff has reviewed the proposed draft changes with impacted staff which will also aid in the retention of key personnel. If this plan is approved by the City Council, staff will return an amended salary schedule and amendments to the Personnel Handbook on December 13 for Council consideration.

Fiscal Impacts

The costs of the above proposed changes amount to \$111,701 as shown in the attached analysis. Long term, elimination of the Public Works Director will save the City approximately \$147,000 per year. Net annual savings to the city from these changes would be approximately \$35,401 to \$47,242 at current salary and benefit levels. The cost savings of elimination of the Public Works Director will also offset the increases in cost of the City Manager position.

Attachments:

1. Resolution __ - 2023
2. Budget Analysis of proposed modifications
3. Administrative Services Officer Job Description

City of Colfax

City Council

Resolution № ____-2023

**APPROVING THE ADMINISTRATIVE SERVICES OFFICER JOB DESCRIPTION AND
CITY HALL FRONT OFFICE STAFF CHANGES AND AUTHORIZING THE INTERIM CITY
MANAGER TO ENTER INTO AN AGREEMENT WITH 4LEAF INC.
FOR TRAINING SERVICES**

WHEREAS, Staff has reviewed the administrative needs of the City and recommends the creation of the position of Administrative Services Officer (ASO) position which combines the management of the Financial, Risk Management and Human Resource duties of the City, and the supervisory role of the front office of City Hall; and,

WHEREAS, Staff is proposing to reduce the scope of work of the Contract Finance Director due to an upcoming retirement; and,

WHEREAS, Staff is proposing to eliminate the Public Works Director position from the FY2023-2024 Budget which can be assumed by the City Manager to conserve resources of the City and to streamline operations; and,

WHEREAS, Staff is proposing several functional changes to City Hall staff operations to provide for improved customer service and efficiencies.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Colfax approves the Administrative Services Officer (ASO) job description, eliminates the Public Works Director position from the current budget, authorizes various staffing changes at the City related to the Accounting Technician, Customer Service Representative, City Clerk and authorizes the Interim City Manager to enter into an agreement with 4Leaf Inc. for up to \$12,000 to provide for additional training services for the Public Works Working Supervisor.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on November 29, 2023, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Trinity Burruss, Mayor

Marguerite Bailey, City Clerk

	FY 2024 Budget						Recommended Changes						
	Hours/Week	Wages	PERS	Health	ER Taxes	Total	Hours/Week	Wages	PERS	Health	ER Taxes	Total	
Finance Director	17.5	\$ 85,000.00			N/A	\$ 85,000.00	8	\$ 38,857.14			N/A	\$ 38,857.14	\$ (46,143)
Administrative Services Officer	0	\$ -	\$ -	\$ -	\$ -	\$ -	40	\$ 104,311	\$ 7,824	\$ 9,600	\$ 7,980	\$ 129,715	\$ 129,715
Administrative Analyst	40	\$ 83,449	\$ 6,259	\$ 9,600	\$ 6,384	\$ 105,692	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (105,692)
Accounting Technician	0	\$ -	\$ -	\$ -	\$ -	\$ -	40	\$ 59,945	\$ 4,496	\$ 13,200	\$ 4,586	\$ 82,227	\$ 82,227
City Clerk	32	\$ 50,134	\$ 3,760	\$ 4,800	\$ 3,835	\$ 62,529	40	\$ 62,668	\$ 4,700	\$ 4,800	\$ 4,794	\$ 76,962	\$ 14,432
Customer Service Rep	19.5	\$ 21,990	\$ 1,649	\$ -	\$ 1,682	\$ 25,321	19.5	\$ 21,990	\$ 1,649	\$ -	\$ 1,682	\$ 25,321	\$ 0
Customer Service Rep (trainee)							19.5	\$ 21,990	\$ 1,649	\$ -	\$ 1,682	\$ 25,321	
Training Services-Pwks Lead												\$ 11,840	
						\$ 278,542						\$ 390,243	\$ 111,701
													40%

Public Works Director 40 \$ 116,286.00 \$ 8,721.00 \$ 13,200.00 \$ 8,895.88 \$ 147,102.88 40 \$ 116,286.00 \$ 8,721.00 \$ 13,200.00 \$ 8,895.88 \$ 147,102.88

Administrative Services Officer - Used simple 25% higher than Administrative Analyst
Accounting Technician - Used Step 3 of Pay scale

Position Description

Class Title: Administrative Services Officer

Class Number: At Will, Exempt

Department: Administration

Reference:

DEFINITION

To plan, organize, direct, and coordinate the activities of the City of Colfax; to coordinate business services activities with other City divisions and/or departments, and to provide highly responsible technical support to the City Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the City Manager.

Exercises direct supervision over assigned professional, technical and office support personnel.

EXAMPLES OF ESSENTIAL DUTIES - Duties may include, but are not limited to, the following:

Develop and implement City goals, objectives, policies, and procedures.

Plan, organize and direct a variety of business services activities related to all general and enterprise funds including budget monitoring and control, financial modeling and disclosure, customer service activities, compliance, auditing, research, and analysis related to city operations and programs, procurement policies, interaction with outside auditors, certain billing/collection operations and long and short-term financial plans.

Maintain and participate in the City Strategic Plan and Annual City Work Plan; monitor work activities, projects, and programs; monitor workflow; review and evaluate work products, methods, and procedures.

Prepare the City Budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget with the assistance and approval of the City Manager and Finance Director.

Recommend the appointment of assigned personnel; provide or coordinate staff training; conduct performance evaluations of assigned staff and oversee all other department staff evaluations; implement discipline procedures as required; maintain discipline and high standards necessary for the efficient and professional operation of the city.

Manage the preparation of sewer rate analysis, sewer rate design, and rate planning activities; recommend changes to rates; coordinate and conduct public outreach related to rates.

Perform short and long-term financial planning related to current and projected sewer rates, business licenses, event permits, building and planning fees.

Coordinate all grant management, grant financial reporting, and prepare reimbursements for grants for the city.

Develop, standardize, and manage RFPs with other staff members; initiate, negotiate and maintain consulting contracts.

Evaluate business services operations and activities; implement improvements and modifications; prepare various reports on operations and activities.

Oversee, review, and analyze city loans including reimbursement, re-payment; oversee debt activities and disclosures; and provide cash management support as needed.

Prepare and present a variety of technical and administrative reports, including regulatory reports.

Prepare and present reports and information to the City Manager, City Council, Ad Hoc Committees, Commissions, and others.

Attend all Council meetings and represent the City in interacting and explaining financial plans and documents.

Coordinate activities with other City departments and outside agencies.

Participate in the procurement, implementation, and control of automated financial and utility billing systems as budget permits.

Represent the division and department to outside agencies and organizations; participate in outside community and professional groups and committees; provide technical assistance as necessary.

Research and prepare technical and administrative reports; prepare written correspondence.

Build and maintain positive working relationships with co-workers, other City employees, and the public using principles of good customer service.

Act as the City's Benefit's Officer for retirement and health benefits.

Perform Risk Management functions and maintain sufficient insurance coverage for City property and liabilities.

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles and practices of public financial management including budgeting, accounting, auditing, and revenue collection.

Pertinent local, State, federal rules, regulations, and laws as well as various agencies that will impact municipal finance and financial practices.

Principles and practices of wastewater and solid waste utility rate research, design, implementation, and cost of service analysis.

Principles and practices of revenue forecasting

Modern office procedures, methods, and computer equipment.

Principles and practices of research analysis and management

Principles and practices of budget development, implementation, and monitoring.

Principles and practices of public administration including planning, organizing, staffing, leading, and controlling.

Principles and practices of supervision, training, and performance evaluation. Pertinent

local, State and Federal laws, ordinances, and rules.

Principles and practices of work safety.

Ability to:

Organize, implement and direct operations and activities within the City.

On a continuous basis, analyze budget and technical reports, interpret, and evaluate staff reports; read and interpret complex laws, regulations and codes; observe performance and evaluate staff; problem solve department related issues; remember various rules and procedures; and explain and interpret policy.

On a continuous basis, sit at desk and in meetings for long periods of time. Intermittently twist to reach equipment surrounding desk; perform simple grasping and fine manipulation; use telephone and communicate through written means.

Monitor federal and state legislative issues that impact human resources and financial management; inform staff of potential impact on existing and future operations.

Develop and recommend policies and procedures related to assigned operations.

Analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.

Gain cooperation through discussion and persuasion.

Interpret and apply City and department policies, procedures, rules and regulations.

Establish and maintain effective working relationships with those contacted in the course of work including subordinates, peers, senior management, elected officials, community groups and the general public.

Communicate clearly and concisely, both orally and in writing. Supervise, train, and evaluate assigned staff.

Experience and Training

Experience:

Five years of increasingly responsible experience in utility billing, human resources, municipal public finance, business services administration, or accounting, including two years of supervisory responsibility.

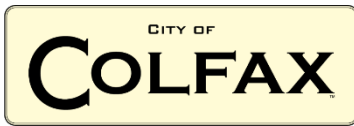
AND

Training:

A bachelor's degree from an accredited college or university preferably with major course work in business or public administration, financial management, accounting, economics or a related field. Seven years of experience as outlined above may substitute for a bachelor's degree.

License or Certificate

Possession of a valid California driver's license by date of appointment.



Staff Report to City Council

FOR THE NOVEMBER 29, 2023 REGULAR CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
Prepared by: Mike Luken, Interim City Manager
Subject: Construction Management Contract Amendment with Psomas

Budget Impact Overview:

N/A:	Funded: √	Un-funded:	Amount: \$314,100	Fund(s): 575
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RECOMMENDED ACTION: Adopt Resolution __-2023 authorizing the Interim City Manager to execute an amendment to the existing contract with Psomas for Construction Management and Inspection for the SWRCB Construction Grant projects.

Summary/Background

The City of Colfax entered into a Construction Grant Agreement with the State Water Resources Control Board (SWRCB) in 2021 for the construction of the Solar, Algae Reduction, and I&I Mitigation Projects. The grant totaled \$5,596,191. Due to rising costs and expansion of the projects, the grant was increased to \$13,297,674. While the projects were originally expected to conclude by December 2023, the current expected completion date is October 2024.

On March 9, 2022, the City of Colfax and Psomas entered into a professional services agreement for \$374,490 to provide construction management and inspection services for the Solar, Algae Reduction and I&I Mitigation projects funded with State Water Resource Control Board (SWRCB) Clean Water State Revolving Funds (CWSRF).

Construction Management Amendment

Due the significant expansion of the scope of the projects and extended construction periods, the current budget for Psomas' effort is insufficient. Prior to start of construction of the I&I Mitigation project, it was anticipated that there would be budget overruns so the grant for construction management (CM) services was increased from \$468,985 to \$988,217, with the overall grant increase mentioned above. It was anticipated that CM service would increase for project management, engineering during construction, inspection, geotechnical services, to staking and surveying. Psomas is providing construction management and inspections services for the three projects.

At this time, Psomas has requested budget increases for their services based on their attached projected costs through the anticipated conclusion of construction, November of 2024.

Conclusions and Findings

The City has been working with Psomas over the past year and a half as they successfully manage the contractors and construction. As shown in their attached cost projection, this amendment to their agreement increases the budget by \$314,100, from \$374,490 to \$688,590.

Staff recommends that City Council authorize amendment of Psomas' agreement as outlined in their attached cost projects. Staff further recommends that City Council authorize the Interim City Manager to expend an additional \$35,000, as a contingency, without Council authorization.

Fiscal Impacts

The additional \$314,100 and contingency cost will be reimbursed by the State through the amended CWSRF funding Agreement No. D2101007 executed between the City and SWRCB.

Attachments:

1. Resolution __-2023
2. Psomas Cost Projection

City of Colfax

City Council

Resolution № __-2023

AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AMENDMENT TO
THE EXISTING CONTRACT WITH PSOMAS FOR CONSTRUCTION MANAGEMENT
AND INSPECTION FOR THE SWRCB CONSTRUCTION GRANT PROJECTS

WHEREAS, The City of Colfax entered into a Construction Grant Agreement with the State Water Resources Control Board (SWRCB) in 2021 for the construction of the Solar, Algae Reduction, and I&I Mitigation Projects. The grant totaled \$5,596,191. Due to rising costs and expansion of the projects, the grant was increased to \$13,297,674; and,

WHEREAS, On March 9, 2022, the City of Colfax and Psomas entered into a professional services agreement for \$374,490 to provide construction management and inspection services for the Solar, Algae Reduction and I&I Mitigation projects funded with State Water Resource Control Board (SWRCB) Clean Water State Revolving Funds (CWSRF); and,

WHEREAS, Due the significant expansion of the scope of the projects and extended construction periods, the current budget for Psomas' effort is insufficient. Prior to start of construction of the I&I Mitigation project, it was anticipated that there would be budget overruns so the grant for construction management (CM) services was increased to \$688,590.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax authorizes the Interim City Manager to amend the Professional Services Agreement with Psomas Engineering from \$374,490 to \$688,590.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 29th day of November 2023 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Trinity Burruss, Mayor

ATTEST:

Marguerite Bailey, City Clerk



1075 Creekside Ridge Drive
Suite 200
Roseville, CA 95610

City of Colfax

City of Colfax WWTP and I&I Projects
Period Ending 08/24/2023

Psomas Job Number: 6COL030300

PERIOD ENDING	PERIOD ENDING TOTALS			CUMULATIVE TOTALS		
	BUDGET	Projected	ACTUAL	BUDGET	Projected	ACTUAL
3/31/2022	\$ 17,280.00	\$ 7,125.00	\$ 7,125.00	\$ 17,280.00	\$ 7,125.00	\$ 7,125.00
4/28/2022	\$ 22,110.00	\$ 16,521.00	\$ 16,521.00	\$ 39,390.00	\$ 23,646.00	\$ 23,646.00
6/2/2022	\$ 23,140.00	\$ 16,724.75	\$ 16,724.75	\$ 62,530.00	\$ 40,370.75	\$ 40,370.75
6/30/2022	\$ 21,080.00	\$ 8,175.00	\$ 8,175.00	\$ 83,610.00	\$ 48,545.75	\$ 48,545.75
7/28/2022	\$ 46,020.00	\$ 14,350.00	\$ 14,350.00	\$ 129,630.00	\$ 62,895.75	\$ 62,895.75
08/25/2022	\$ 48,270.00	\$ 10,955.00	\$ 10,955.00	\$ 177,900.00	\$ 73,850.75	\$ 73,850.75
9/29/2022	\$ 48,270.00	\$ 10,975.00	\$ 10,975.00	\$ 226,170.00	\$ 84,825.75	\$ 84,825.75
10/27/2022	\$ 32,480.00	\$ 18,080.00	\$ 18,080.00	\$ 258,650.00	\$ 102,905.75	\$ 102,905.75
11/24/2022	\$ 34,080.00	\$ 18,595.00	\$ 18,595.00	\$ 292,730.00	\$ 121,500.75	\$ 121,500.75
12/29/2022	\$ 34,080.00	\$ 21,770.00	\$ 21,770.00	\$ 326,810.00	\$ 143,270.75	\$ 143,270.75
2/2/2023	\$ 24,880.00	\$ 16,680.00	\$ 16,680.00	\$ 351,690.00	\$ 159,950.75	\$ 159,950.75
3/2/2023	\$ 24,880.00	\$ 8,235.00	\$ 8,235.00	\$ 376,570.00	\$ 168,185.75	\$ 168,185.75
3/30/2023	\$ 24,880.00	\$ 1,140.00	\$ 1,140.00	\$ 401,450.00	\$ 169,325.75	\$ 169,325.75
4/27/2023	\$ 24,880.00	\$ 4,220.00	\$ 4,220.00	\$ 426,330.00	\$ 173,545.75	\$ 173,545.75
6/1/2023	\$ 24,880.00	\$ 1,865.00	\$ 1,865.00	\$ 451,210.00	\$ 175,410.75	\$ 175,410.75
6/30/2023	\$ 24,400.00	\$ 22,139.00	\$ 22,139.00	\$ 475,610.00	\$ 197,549.75	\$ 197,549.75
7/27/2023	\$ -	\$ 40,979.50	\$ 40,979.50	\$ 475,610.00	\$ 238,529.25	\$ 238,529.25
8/24/2023	\$ -	\$ 52,547.00	\$ 52,547.00	\$ 475,610.00	\$ 291,076.25	\$ 291,076.25
9/29/2023	\$ -	\$ 47,144.00	\$ -	\$ 475,610.00	\$ 338,220.25	\$ 291,076.25
10/27/2023	\$ -	\$ 51,144.00	\$ -	\$ 475,610.00	\$ 389,364.25	\$ 291,076.25
11/23/2023	\$ -	\$ 46,914.00	\$ -	\$ 475,610.00	\$ 436,278.25	\$ 291,076.25
12/29/2023	\$ -	\$ 38,914.00	\$ -	\$ 475,610.00	\$ 475,192.25	\$ 291,076.25
1/26/2024	\$ -	\$ 39,514.00	\$ -	\$ 475,610.00	\$ 514,706.25	\$ 291,076.25
2/29/2024	\$ -	\$ 39,514.00	\$ -	\$ 475,610.00	\$ 554,220.25	\$ 291,076.25
3/31/2024	\$ -	\$ 39,514.00	\$ -	\$ 475,610.00	\$ 593,734.25	\$ 291,076.25
4/24/2024	\$ -	\$ 39,514.00	\$ -	\$ 475,610.00	\$ 593,734.25	\$ 291,076.25
5/31/2024	\$ -	\$ 28,424.00	\$ -	\$ 475,610.00	\$ 622,158.25	\$ 291,076.25
6/28/2024	\$ -	\$ 9,224.00	\$ -	\$ 475,610.00	\$ 631,382.25	\$ 291,076.25
7/26/2024	\$ -	\$ 9,224.00	\$ -	\$ 475,610.00	\$ 640,606.25	\$ 291,076.25
8/30/2024	\$ -	\$ 9,224.00	\$ -	\$ 475,610.00	\$ 649,830.25	\$ 291,076.25
9/27/2024	\$ -	\$ 9,224.00	\$ -	\$ 475,610.00	\$ 659,054.25	\$ 291,076.25
10/25/2024	\$ -	\$ 9,224.00	\$ -	\$ 475,610.00	\$ 668,278.25	\$ 291,076.25
11/29/2024	\$ -	\$ 9,224.00	\$ -	\$ 475,610.00	\$ 677,502.25	\$ 291,076.25
	\$ -	\$ 5,544.00	\$ -	\$ 475,610.00	\$ 683,046.25	\$ 291,076.25
	\$ -	\$ 5,544.00	\$ -	\$ 475,610.00	\$ 688,590.25	\$ 291,076.25

Original Contract	\$374,490.00
Spent to Date	\$291,076.25
Budget Remaining	\$83,413.75
Projected through November 2024	\$688,590.25
Additional Funds Needed	\$314,100.25



Staff Report to City Council

FOR THE NOVEMBER 29, 2023 REGULAR CITY COUNCIL MEETING

From: Michael Luken, Interim City Manager
Prepared by: Emmanuel Ursu, Planning Director
Subject: Certification of the 2040 General Plan Update Environmental Impact Report, Adoption of 2040 General Plan, and Introduction and waiver of the first reading of Ordinance 556 to update the Zoning Code and Zoning Map.

Budget Impact Overview:

N/A:	Funded: ✓	Un-funded:	Amount:	Fund(s): LEAP
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RECOMMENDED ACTION: Approve Resolution ____ - 2023 certifying the Final EIR for the 2040 General Plan Update and adopting the 2040 General Plan, and introducing the proposed ordinance by title only, waiving the first reading and scheduling the proposed ordinance for a second reading, public hearing and adoption at the next regular City Council meeting currently scheduled for December 13, 2023, to be effective 30 days after adoption.

Summary/Background

In March 2020, the City initiated the process of updating the Colfax General Plan. General plans embody a community's long-term vision and land use values and are required by state law to address seven specific topics (elements) and may also include optional elements. The City's General Plan was last updated in 1998. Housing elements are a required element of general plans, and unlike the other general plan elements, housing elements must be updated every eight years (or sooner under certain circumstances) and are required to be reviewed for consistency with state law by the CA Department of Housing and Community Development (HCD). To meet the deadline in state law, work on the Colfax General Plan update started with the Housing Element. Through a public process that entailed stakeholder and public input, the Housing Element update was prepared and in July 2021, the City Council adopted the City of Colfax 2021-2029 Housing Element.

Following the adoption of the Housing Element, draft updates of the remaining elements were prepared and presented at public City Council workshops held in November 2022, January 2023, and March 2023. In addition to the Housing Element, the Colfax General Plan 2040 includes the following elements: Land Use, Community Design, Circulation, Noise, Safety, Conservation and Open Space, and Economic Development. After receiving public input at the three workshops, the City Council provided staff and the consultant team with directions on revisions to be made to the draft update.

After the draft General Plan workshops were complete, the City initiated review of the proposed General Plan under the California Environmental Quality Act (CEQA). On July 7, 2023, a Notice of Preparation of an Environmental Impact Report (EIR) to analyze the environmental effects of the Colfax General Plan 2040 was published, and a scoping meeting was held on July 20 to solicit input on the scope of the environmental analysis. The Draft EIR for the General Plan 2040 update was completed in September 2023, and a Notice of Availability of the Draft EIR and of a public City Council meeting to solicit public comments on the Draft EIR was published on September 22, 2023. At the October 11, 2023, City Council meeting, the public was provided with the opportunity to provide comments on the Draft EIR. The comment period on the Draft EIR ended

November 6, 2023 (the City accepted comments from LAFCO on September 8, 2023) and comment letters were received from four public agencies.

The Final EIR was prepared and published on November 17, 2023. The Final EIR contains responses to the comments on the Draft EIR, edits made to the Draft EIR and a Mitigation Monitoring and Reporting Program.

An ordinance amending the Zoning Code to incorporate many of the changes included in the General Plan update was introduced by the City Council on September 28, 2023, and then adopted on October 11, 2023. A second ordinance amending the Zoning Map to reflect changes to the General Plan Land Use Diagram and making additional changes to the Zoning Code is included with this agenda item, as discussed below.

Discussion

At the outset of the project, the city identified the following as the key objectives of the General Plan update: Meet the requirements of state law, provide a robust site inventory to support Land Use and Housing Elements, update the Land Use and Housing Elements, update the Zoning Code to reflect the land use changes, and prepare the CEQA document.

The draft General Plan 2040 update meets these objectives and includes an extensive update of the Safety Element; changes to land use categories; revision and update of General Plan policies; and extensive editing for clarity, reformatting, and wordsmithing throughout the document.

Changes to the Zoning Code contained in the attached Ordinance implement revisions to the General Plan and include the following:

- amending the zoning map to implement the new land use designations of the General Plan and to remove obsolete overlay districts;
- establishing development standards for the Civic District;
- establishing residential density standards for the MU1 and MU2 zones;
- in the Industrial Zone, establishing a conditional use permit (CUP) requirement for any use proposed in a new or existing use that occupies more than 15,000 square feet, amending the chart of uses to remove agricultural uses, consolidating the Light Industrial and Heavy Industrial use columns, requiring a CUP for self-service storage facilities, and adding storage facilities for recreational and large vehicles subject to a CUP; and
- repealing section 17.84.030 to remove the obsolete “SD” Special development overlay zone.

The amended Zoning Map includes two new zoning districts: Downtown Mixed Use (MU1) and Mixed Use (MU2); changes the name of the Special Public Service District (SPSD) to Civic District (CD); and removes the obsolete Agriculture Zone, the Industrial Greenbelt Overlay Zone, and the Residential Commercial Overlay Zone. The Agriculture Zone development standards were removed from the Zoning Code with the adoption of Ordinance 555 on October 11, 2023, and the zone will be removed from the Zoning Map with the adoption of the attached ordinance. The current Zoning Map includes two obsolete overlay zones (Industrial Greenbelt Overlay Zone and a Residential Commercial Overlay Zone).

Attachments

1. Resolution certifying the Final EIR for the 2040 General Plan Update and adopting the 2040 General Plan Update (Pages 61-63)

- Exhibit A. General Plan Update Draft EIR (SCH# 2023070105)
https://colfax-ca.gov/download/139/planning-documents/3891/2023-09-26-city-of-colfax-general-plan-update-draft-eir_september-2023.pdf
 - Exhibit B. General Plan Update Final EIR (SCH# 2023070105)
<https://colfax-ca.gov/download/139/planning-documents/3972/2023-11-21-general-plan-update-feir.pdf>
 - Exhibit C. City of Colfax General Plan Update: CEQA Findings of Fact and Statement of Overriding Considerations Regarding the Final Environmental Impact Report (Pages 64-165)
 - Exhibit D. Figure 2-2 Land Use Diagram (Pages 166-168)
 - Exhibit E. General Plan Update EIR Mitigation Monitoring and Reporting Program (Pages 169-186)
2. Draft 2040 General Plan Update
https://colfax-ca.gov/download/139/planning-documents/3952/colfax_general-plan-update_public-review-draft.pdf
 3. Draft ordinance amending the zoning code and map
 - Exhibit A – Ordinance 556 (Pages 187-193)
 - Exhibit B – Zoning Map and Table of Properties with Zoning Change (Pages 194-197)

Attachments available online and in the City Clerk's Office at 33 S Main St, Colfax CA 95713
 Mon-Thurs 8am-5pm: <https://colfax-ca.gov/government/planning/colfax-planning-documents/>

City of Colfax

City Council

Resolution № __-2023

CERTIFYING ENVIRONMENTAL IMPACT REPORT SCH (2023070105) AND ADOPTING THE CITY OF COLFAX 2040 GENERAL PLAN

WHEREAS, Government Code section 65300 requires the City of Colfax ("City") to adopt and maintain a General Plan that contains certain elements, describes the City's long-term goals for growth and development, and identifies policies and programs to achieve those goals; and

WHEREAS, under California law and the Colfax Municipal Code, the City Council of the City of Colfax is charged with reviewing updates and amendments to the City's General Plan, and

WHEREAS, the last comprehensive update to the City's General Plan was in 1998; and

WHEREAS, in 2020, the City began the process of comprehensively updating the City's General Plan, and since that time City officials, employees, and community members have been actively involved in the preparation of the City of Colfax 2040 General Plan ("2040 General Plan"); and

WHEREAS, the 2040 General Plan applies to lands within City limits and also certain lands outside City limits but within the sphere of influence, which collectively comprise the City's Planning Area, and

WHEREAS, the City engaged the community to help formulate the 2040 General Plan. Throughout the process, the City Council held multiple workshops during 2022 and 2023; and

WHEREAS, in accordance with Government Code sections 65351 through 65352.5, the City has provided opportunities for public input and involvement on the 2040 General Plan, and provided opportunities for consultation to affected public agencies and California Native American tribes on the 2040 General Plan; and

WHEREAS, in conformance with Government Code section 65302 describing the mandatory elements of a general plan, the 2040 General Plan contains the following elements: Land Use, Circulation, Noise, Community Design, Conservation and Open Space, Safety, and Economic Development; and

WHEREAS, the Housing Element is not included in the updated 2040 General Plan, as it was adopted in 2021 to meet state adoption requirements and is certified by the California Department of Housing and Community Development; and

WHEREAS, no changes to the City's Sphere of Influence or applications to the Placer County Local Agency Formation Commission accompanied the 2040 General Plan; and

WHEREAS, the Land Use Map for the 2040 General Plan adds, consolidates, and eliminates certain land use designations compared to the City's prior General Plan. New land use designations include Mixed-Use and Downtown Mixed-Use; and

WHEREAS, the 2040 General Plan will supersede the 1998 General Plan text and maps and all subsequent amendments thereto; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”) the City prepared a Draft Environmental Impact Report (“Draft EIR”) (*SCH No. 2023070105*) for the 2040 General Plan attached as **Exhibit A** to this Resolution and incorporated herein by this reference. The Draft EIR analyzed the potential environmental impacts of the 2040 General Plan and was circulated for public review from September 22, 2023 to November 6, 2023, at which time the public comment period ended. The City has considered and evaluated the comments received on the Draft EIR during the period of public review; and

WHEREAS, the Draft EIR identified eleven environmental impacts that could not be reduced to a less than significant level including the conversion of forest land to non -forest uses, construction air quality, operational air quality, construction-generated pollution, historical resource change, greenhouse gas emissions, exposure to wildfire, population growth, vehicle miles travelled (VMT); and

WHEREAS, the City prepared the Final Environmental Impact Report ("Final EIR") for the 2040 General Plan, which incorporates the Draft EIR, contains the City's responses to written comments received on the Draft EIR, identifies revisions to the Draft EIR, and is incorporated as **Exhibit B** to this Resolution; and

WHEREAS, the Final EIR was duly published after considering all public feedback and comments received; and

WHEREAS, prior to adopting the 2040 General Plan, the City Council reviewed and considered the CEQA Findings of Fact and Statement of Overriding Considerations regarding the Final Environmental Impact Report for the 2040 General Plan attached as **Exhibit C** to this Resolution; and

WHEREAS, Exhibit C contains the City’s findings as required by Section 15093 of the CEQA Guidelines in support of the City’s Statement of Overriding Considerations and adequately articulates the reasons why the benefits of the 2040 General Plan outweigh the significant environmental effects as required by CEQA Guidelines 15091; and

WHEREAS, the mitigation monitoring and reporting program, included as Exhibit E to this resolution provides the mitigation and reporting plan needed to minimize, monitor, and report environmental effects and to ensure implementation of feasible mitigation measures identified in the Final EIR; and

WHEREAS, on November 29, 2023, the City Council held the duly noticed public hearing on the 2040 General Plan, considered all documents and information in the record before it in addition to all written and oral reports of City staff, provided opportunities for the public to speak, and considered all comments and other information on the matter as reflected in the record; and

WHEREAS, the Final EIR reflects the City Council’s independent judgment, which the Council has exercised as required by law.

NOW, THEREFORE, BE IT RESOLVED by the City of Colfax City Council, which finds and determines as follows:

1. That the 2040 General Plan and all its elements comprise a comprehensive, long-range, internally

consistent statement of the City's goals, policies, and actions and includes the elements required by Government Code section 65302.

2. That the 2040 General Plan will promote the public health, safety, and welfare of the City's residents by establishing goals, policies, and actions to guide the City's future growth and development within the City's Planning Area.
3. Although the Final EIR identified environmental impacts that could not be reduced to less than significant the benefits of the project described in the Findings of Fact (Exhibit C to this resolution) outweigh the potential impacts.
4. That the Final EIR be certified after being amended to follow the Errata included as part of Exhibit B to this Resolution.
5. That the 2040 General Plan is adopted with the following modifications, to be incorporated into the final plan:
 - Revised Land Use Diagram. Figure 2-2 shall be replaced with a new figure included as Exhibit D to this Resolution. The new figure corrects errors in the map.
6. That the mitigation monitoring and reporting program, included as Exhibit E to this resolution, be adopted as part of the 2040 General Plan.
7. All of the recitals, findings and other statements in this resolution are true and correct and are incorporated into this resolution by this reference.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 29th Day of November 2023 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Trinity Burruss, Mayor

Marguerite Bailey, City Clerk

Exhibit C

**City of Colfax General Plan Update: CEQA
Findings of Fact and Statement of
Overriding Considerations Regarding the
Final Environmental Impact Report**

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November 2023 | Final Environmental Impact Report
State Clearinghouse No. 2023070105

CITY OF COLFAX GENERAL UPDATE: CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT

City of Colfax

Prepared for:

City of Colfax

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**CEQA FINDINGS OF FACT
AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE
FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE
CITY OF COLFAX GENERAL PLAN UPDATE
STATE CLEARINGHOUSE NO. 2023070105**

Exhibit A

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA. The potential environmental effects of the proposed City of Colfax General Plan Update have been analyzed in a Draft Environmental Impact Report (DEIR) (State Clearinghouse [SCH] 2023070105) dated July 2023. A Final EIR has also been prepared that incorporates the DEIR and contains comments received on the DEIR, responses to the individual comments, revisions to the DEIR including any clarifications based on the comments and the responses to the comments, and the Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. This document provides the findings required by CEQA for approval of the proposed project.

A. Statutory Requirements for Findings

The CEQA (Pub. Res. Code §§ 21000, *et seq.*) and the State CEQA Guidelines (Guidelines) (14 Ca. Code Regs §§ 15000, *et seq.*) promulgated thereunder, require the environmental impacts of a project be examined before a project is approved. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained

workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

B. Certification

Having received, reviewed, and considered the Final EIR for the Colfax General Plan Update, as well as other information in the record of proceedings on this matter, the City of Colfax City Council adopts the following Findings of Fact and Statement of Overriding Considerations (Findings), in its capacity as the legislative body for the City of Colfax (City), which is the CEQA Lead Agency. The Findings set forth the environmental and other bases for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the proposed project.

In addition, the City of Colfax City Council hereby make findings pursuant to and in accordance with Section 21081 of the California Public Resources Code and State CEQA Guidelines Sections 15090 and 15091 and hereby certifies that:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

C. Project Environmental Report and Discretionary Actions

The Final EIR addresses the direct, indirect, and cumulative environmental effects of construction and operation activities associated with the proposed project. The Final EIR provides the environmental information necessary for the City to make a final decision on the requested discretionary actions for all phases of the proposed project. The Final EIR was also intended to support discretionary reviews and decisions by other responsible agencies. Discretionary actions to be considered by the City may include, but are not limited to, the following:

- Certify that the Final EIR for the proposed project has been completed in compliance with CEQA, and reflects the independent judgement and analysis of the City; find that the Board of Supervisors has reviewed and considered the information contained in the Final EIR prior to approving the proposed project; adopt the Mitigation Monitoring and Reporting Program, finding that the Mitigation Monitoring and Reporting Program is adequately designed to ensure compliance with the mitigation measures during proposed project implementation; and determine that the significant adverse effects of the proposed project either have been reduced to an acceptable level, or are outweighed by the specific overriding considerations of the proposed project as outlined in the CEQA Findings of Fact and Statement of Overriding Considerations, as set forth herein.
- Approve the proposed project and related discretionary actions needed.

II. PROCEDURAL COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City published a DEIR on September 22, 2023. The Final EIR has been prepared in accordance with CEQA and the CEQA Guidelines, as amended. As authorized in State CEQA Guidelines Section 15084(d)(2), the City retained a consultant to assist with the preparation of the environmental documents. City staff from multiple departments, representing the Lead Agency, have directed, reviewed, and modified where appropriate all material prepared by the consultant. The Final EIR reflects the City's independent analysis and judgement. The key milestones associated with the preparation of the DEIR are summarized below. As presented below, an extensive public involvement and agency notification effort was conducted to solicit input on the scope and content of the DEIR and to solicit comments on the results of the environmental analysis presented in the DEIR.

A. Public Notification and Outreach

In conformance with CEQA, the State CEQA Guidelines, and the City of Colfax CEQA Guidelines, the City conducted an extensive environmental review of the proposed project.

- Completion of a Notice of Preparation (NOP) on July 7, 2023, titled "Notice of Preparation and Notice of Public Scoping Meeting" for the Colfax General Plan Update Environmental Impact Report (EIR). A public scoping meeting was conducted on July 20, 2023, and the public comment period for the NOP closed on August 05, 2022.
- Preparation of a DEIR, which was made available for a 45-day public review period beginning September 22, 2023, and ending November 06, 2023. The scope of the DEIR was determined based on the CEQA Guidelines Appendix G Checklist, and comments received in response to

the NOP. The Notice of Availability (NOA) for the DEIR was sent to interested persons and organizations, sent to the State Clearinghouse in Placer County for distribution to public agencies, and published in the local newspaper on September 22, 2023. The NOA was posted at the Office of Planning and Research on September 22, 2023.

- Preparation of a Final EIR, including the responses to comments to the DEIR. The Final EIR was released for a 10-day agency review period prior to certification of the Final EIR.
- Public hearings on the proposed project

In summary, the City conducted all required noticing and scoping for the proposed project in accordance with Section 15083 of the CEQA Guidelines, and conducted the public review for the DEIR, which exceeded the requirements of Section 15087 of the CEQA Guidelines.

B. Final Environmental Impact Report and Proceedings

The City prepared a Final EIR, including Responses to Comments to the DEIR. The Final EIR/Response to Comments contains comments on the DEIR, responses to those comments, and, revisions to the DEIR. A total of five comment letters were received. All of the letters received were from public agencies, none were from individuals.

None of the comment letters resulted in the need to modify the environmental analysis in the DEIR.

The Final EIR found that prior to mitigation, implementation of the proposed project would result in potentially significant impacts to agriculture and forestry resources, air quality, cultural resources and tribal cultural resources, geology and soils, mineral resources, greenhouse gas emissions, hazards and hazardous materials, population and housing, transportation, and wildfire. Impacts to agriculture and forestry resources, air quality, cultural and tribal resources, greenhouse gases, hazards and hazardous materials, population and housing, transportation and wildfire would remain significant and unavoidable and no feasible mitigation measures were available. The City prepared a Statement of Overriding Considerations (see Section B, *Project Benefits in Support of the Statement of Overriding Considerations*, below)

For the following impacts which were found to be significant and unavoidable:

Agricultural and Forestry Resources

- **Impact 4.2-3:** The proposed project would result in loss of forest land or conversion of forest land to non-forest use.

Air Quality

- **Impact 4.3-1:** Construction activities associated with the proposed project would generate short-term emissions in exceedance of PCAPCD's threshold criteria.
- **Impact 4.3-2:** Long-term operation of the project would generate new operational emissions in exceedance of PCAPCD's threshold criteria.
- **Impact 4.3-3:** The proposed project could expose sensitive receptors to substantial pollutant concentrations.

Cultural Resources and Tribal Cultural Resources

- **Impact 4.5-1:** The proposed project could cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.

Green House Gases

- **Impact 4.8-1:** The proposed project would generate construction-based greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- **Impact 4.8-2:** The proposed project would generate operational greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Hazards and Hazardous Materials

- **Impact 4.9-7:** The project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Population and Housing

- **Impact 4.13-1:** The proposed project would directly induce substantial unplanned population growth

Transportation

- **Impact 4.15-2:** The project would conflict or be inconsistent with CEQA Guidelines, Section 15064.3, subdivision (b).

Wildfire

- **Impact 4.17-2:** Development under the proposed project could exacerbate wildfire risks due to slope, prevailing winds, and other factors, thereby exposing project occupants to elevated particulate concentrations from a wildfire.

C. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The NOP, NOA, and all other public notices issued by the City in conjunction with the proposed project.
- The DEIR and Final EIR for the proposed project.
- All written comments submitted by agencies or members of the public during the public review comment period on the DEIR.
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the DEIR.

- All written and verbal public testimony presented during a noticed public hearing for the proposed project.
- The Mitigation Monitoring and Reporting Program.
- The reports and technical memoranda included or referenced in the Final EIR.
- All documents, studies, EIRs, or other materials incorporated by reference in the DEIR and Final EIR.
- The Resolutions adopted by the City in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto.
- Matters of common knowledge to the City, including but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these Findings.
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

D. Custodian and Location of Records

The documents and other materials that constitute the administrative record for the City's actions related to the proposed project are at the Colfax City Hall (33 S Main St, Colfax, CA 95713). The Colfax City Hall is the custodian of the administrative record for the proposed project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request of the Planning Department. The DEIR can also be found online at: <https://colfax-ca.gov/government/planning/colfax-planning-documents/>. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

E. Project Location

The City of Colfax is the eastern-most incorporated city in Placer County, located in the Sierra Nevada foothills. Colfax is principally bordered by unincorporated Placer County lands. The city covers an area of 1.3 square miles and is bisected by Interstate 80 (I-80). Colfax is situated a few miles outside the Tahoe National Forest as I-80 begins its climb into the Sierra Nevada mountains. The City of Colfax is in the western part of Placer County, approximately 46 miles northeast of Sacramento and 68 miles southwest of Reno. Interstate and regional access to Colfax is provided by I-80 and Union Pacific Railroad which runs in a general north-south direction and bisects the city. Rail freight access is provided by the Union Pacific Railroad; Amtrak provides daily passenger service north and south of Colfax.

F. Project Objectives

The following objectives for the 2040 General Plan Update will aid decision makers in their review of the project and associated environmental impacts:

- Address the current and future needs of residents, businesses, employees, and visitors of Colfax.
- Comply with the State regulations, including new laws such as climate adaptation.
- Engage community members as key decision makers for adaptation, community resiliency, and public safety.
- Update the General Plan without significant land uses changes.
- Address the protection, enhancement, utilization, and management of natural resources and the environment.
- Promote the public's health, safety, and welfare.
- Play a critical role in establishing a positive environment for economic development.
- Address, identify, and promote ways to maintain or enhance economic opportunity, viability and community well-being while protecting and restoring the natural environment.

G. 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 modify the city's land use diagram, redesignating 819 parcels on 500 acres throughout the City. The 2040 General Plan Update would increase low-density residential land and reduce medium-density, high-density, industrial, and commercial land. The 2040 General Plan Update would also introduce new land use designations of public-quasi public facilities, parks, mixed-use, and downtown mixed-use.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

A. Format

Section 15091 of the CEQA Guidelines requires that a Lead Agency make a finding for each significant effect for the proposed project. This section summarizes the significant environmental impacts of the proposed project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project, which were developed to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

This remainder of this section is divided into the following subsections:

Section B, Findings on “No Impact” and “Less Than Significant Impacts,” presents environmental issues, as identified in Chapter 5 of the DEIR, which would result in no impact or less than significant impacts.

Section C, Findings on Impacts Mitigated to Less Than Significant, presents significant impacts of the proposed project that were identified in Chapter 5 of the DEIR, the mitigation measures identified in the Mitigation Monitoring Program, and the rationales for the findings.

Section D, Significant and Unavoidable Impacts that Cannot be Mitigated to Below the Level of Significance, presents significant impacts of the proposed project that were identified in the DEIR, the mitigation measures identified in the Mitigation Monitoring Program, the findings for significant impacts, and the rationales for the findings.

Section IV, Alternatives to the proposed project, presents alternatives to the proposed project and evaluates them in relation to the findings set forth in Section 15091(a)(3) of the State CEQA Guidelines, which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, social, or other considerations.

Section V, Statement of Overriding Considerations, presents a description of the proposed project’s significant and unavoidable adverse impacts and the justification for adopting a statement of overriding considerations.

Section VI, Findings on Responses to Comments on the DEIR and Revisions to the Final EIR, presents the City’s findings on the response to comments and revisions to Final EIR, and decision on whether a recirculated DEIR is necessary or not.

Summary of Environmental Impacts

Based on the NOP and DEIR, the following is a summary of the environmental topics considered to have no impact, a less than significant impact, a less than significant impact with incorporation of mitigation measures, or a significant and unavoidable impact.

Less Than Significant Impact or No Impact, No Mitigation Required

- Aesthetics (Impact 4.1-1, Impact 4.1-2, Impact 4.1-3)
- Agriculture and Forestry Resources (Impact 4.2-1, Impact 4.2-2, Impact 4.2-4)
- Air Quality (Impact 4.3-4, Impact 4.3-5)
- Biological Resources (Impact 4.4-1, Impact 4.4-2, Impact 4.4-3, Impact 4.4-4, Impact 4.4-5)
- Cultural and Tribal Resources (Impact 4.5-2 and Impact 4.5-3)
- Energy (Impact 4.6-1, Impact 4.6-2, Impact 4.6-3)
- Geology and Soils (Impact 4.7-1, Impact 4.7-2, Impact 4.7-3, Impact 4.7-4, Impact 4.7-5, Impact 4.7-8)
- Greenhouse Gas Emissions (Impact 4.8-3)
- Hazards and Hazardous Materials (Impact 4.9-1, Impact 4.9-2, Impact 4.9-3, Impact 4.9-4, Impact 4.9-5, Impact 4.9-6)

- Hydrology and Water Quality (Impact 4.10-1, Impact 4.10-2, Impact 4.10-3, Impact 4.10-4, Impact 4.10-5)
- Land Use and Planning (Impact 4.11-1, Impact 4.11-2)
- Noise (Impact 4.12-1, Impact 4.12-2, Impact 4.12-3)
- Population and Housing (Impact 4.13-2)
- Public Services and Recreation (Impact 4.14-1, Impact 4.14-2, Impact 4.14-3)
- Transportation (Impact 4.15-1, Impact 4.15-3, Impact 4.15-4)
- Utilities and Service Systems (Impact 4.16-1, Impact 4.16-2, Impact 4.16-3, Impact 4.16-4)
- Wildfire (Impact 4.17-1, Impact 4.17-3, Impact 4.17-4)

Less Than Significant Impact with Mitigation Incorporated

- Cultural and Tribal Resources (Impact 4.5-4)
- Geology and Soils (Impact 4.7-6, Impact 4.7-7)

Significant and Unavoidable Impact

- Agricultural and Forestry Resources (Impact 4.2-3)
- Air Quality (Impact 4.3-1, Impact 4.3-2, Impact 4.3-3)
- Cultural and Tribal Resources (Impact 4.5-1)
- Greenhouse Gas Emissions (Impact 4.8-1 Impact 4.8-2)
- Hazards and Hazardous Materials (Impact 4.9-7)
- Population and Housing (Impact 4.13-1)
- Transportation (Impact 4.15-2)
- Wildfire (Impact 4.17-2)

B. Findings on “No Impact” and “Less Than Significant Impacts”

The City determined that the proposed project would have no impact or less than significant impacts, including direct, indirect, and cumulative impacts, for the environmental issues summarized below. The rationale for the conclusion that no significant impact would occur in each of the issue areas is based on the environmental evaluation in the listed topical EIR sections in Chapter 5 of the DEIR.

CEQA Guidelines Section 15901 states that an EIR may not be certified for a project that has one or more significant environmental effects unless one of three findings is made for each significance effect. Since the following environmental issue areas were determined to have no impact or a less than significant impact, no findings for these issues are required.

1. Aesthetics

Impact 4.1-1: The proposed project would have a substantial adverse effect on scenic vistas and substantially degrade the existing visual character or quality of public views of its surroundings.

Through the General Plan Update, the City of Colfax is establishing design guidelines to maintain its historic, rural, and mountain feel while accommodating growth in the City. These guidelines will be used by future development, promoting visual qualities in site development, building design, and landscaping to enhance the city's appearance. However, the General Plan Update includes land use changes that would change the land use pattern of the city. The General Plan Update includes policies aimed at ensuring that new development is compatible with the existing environment, such as Policy 5.3.1, which aims to maintain a compact city form by separating urban development from the environment; Policy 5.3.2, which ensures compatibility with existing urban areas; and Policy 5.3.6, which focuses on clustered development patterns to minimize infrastructure requirements and maximize open space and natural features. Though these policies guide future development throughout the city, the proposed project would still introduce new land use designations that would change the existing environment.

The proposed project would introduce new land use designations such as the Downtown Mixed-Use (MU-1) and the Mixed-Use (MU-2) in the Historic Downtown District. The MU-1 designation would allow for vertical combination of commercial and residential uses in the downtown area and the MU-2 designation would allow for the horizontal and vertical combination of commercial and residential uses. These new land use designations in the Historic Downtown District would not substantially change the existing visual character as it currently contains a mix of residential and commercial uses. The General Plan Update would include policies aimed at preserving the visual character and quality of the historic downtown from new development. Policy 5.2.3 aims to preserve Colfax's historic buildings and sites by ensuring new development respects their character and context. Policy 5.2.4 also focuses on preserving notable landmarks, streetscapes, and architectural value, while Policy 5.2.5 ensures that infill development is consistent with historic patterns in scale, design, and material. The proposed project includes policies aimed at preserving the community's historic character and would ensure development facilitated by the General Plan Update would preserve the visual character of the city. Therefore, impacts at the programmatic level would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on scenic vistas or the existing visual character. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.1-2: The proposed project would not alter scenic resources within a state scenic highway.

According to the California Department of Transportation's (Caltrans') Scenic Highway System Map, there are no State-designated highways within the City of Colfax. State Route 174 is an eligible state

scenic highway approximately 1.6 miles northwest of city limits. The closest officially designated highway is State Route 20, which is approximately 17 miles northeast of city limits. The proposed project will not affect scenic resources along these highways due to distance, topography, and intervening development (e.g., buildings, structures, mature trees). Therefore, project implementation will not obstruct views of any scenic resources within any officially designated or eligible scenic highways.

Development under the proposed project can create aesthetic impacts through the conversion of forest to non-forest lands. However, the City's Municipal Code includes Chapter 17.110, Tree Preservation Guidelines, which establishes tree preservation requirements in the event that tree removal is unavoidable. Impacts on scenic resources, such as trees, would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on scenic resources within a state scenic highway. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.1-3: The proposed project would not generate additional light and glare.

Future development in accordance with the General Plan Update would allow for the intensification and redevelopment of existing land uses, which could increase nighttime light and glare in the city. The City's Municipal Code, Chapter 17.116, Design Guidelines, establishes design guidelines for lighting, such as requiring that lighting be mounted on reinforced pedestals and concealed under canopy lighting and that all lighting shall be downcast. Furthermore, future development under the General Plan would be required to be compliant with the current Title 24 Building Energy Efficiency Standards, including lighting control regulations for residential and nonresidential. The General Plan Update, with compliance with the Design Guidelines, would not generate substantial additional light and glare and the impact would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on new sources of light and glare.

2. Agriculture and Forestry Resources

Impact 4.2-1: The proposed project would not convert Farmland to nonagricultural use.

The Planning Area is not designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the California Important Farmland Finder. As such, the proposed project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, and no impact would occur.

Finding. The proposed project would have no direct, indirect, or cumulative impact on conversions of Farmland to non-agricultural uses. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.2-2: The proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract nor would the proposed project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), Timberland (as defined by Public Resources Code Section 4526), or Timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

The proposed project would not conflict with existing zoning for agricultural use. The General Plan Update would continue to allow residential categories that allow for housing and permit agricultural uses. Furthermore, there are currently no Williamson Act contracts within the Planning Area. As such, the proposed project would not conflict with existing zoning for agricultural use or an existing Williamson Act contract. Therefore, no impacts would occur.

There are no areas zoned as forestland in the City of Colfax. The Colfax Zoning Code contains use and zone district regulations for agriculture and open space but does not specify forest or timberland. Forest and timberland, as defined by the State, include both land that is used for timber harvesting and other forested land that has aesthetic, recreational, and biological amenities. The General Plan Update would not conflict with existing zoning for, or cause rezoning of Forestland, or Timberland zoned Timberland Production. Thus, no impact would occur.

Finding: The proposed project would have no significant direct, indirect, and cumulative impact relating to conflicts with an existing Williamson contract or with existing zoning for timberland. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.2-4: The proposed project would not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use.

The Planning Area does not contain farmland or agricultural uses and there will be no changes to the existing environment that would result in conversion of farmland to nonagricultural use or conversion of forest land to non-forest use. Therefore, no impact would occur.

Finding: The proposed project would have no significant direct, indirect, and cumulative impact on conversions of Farmland to non-agricultural uses or conversion of forest lands to non-forest uses. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

3. Air Quality

Impact 4.3-4: The proposed project is consistent with the applicable air quality management plan.

The Placer County Air Pollution Control District (PCAPCD) is the agency responsible for enforcing many federal and state air quality requirements and for establishing air quality rules and regulations. The PCAPCD attains and maintains air quality conditions in Placer County. They achieve this through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. As part of this effort, the PCAPCD has developed input to the SIP. The 2017 Sacramento Regional 2008 8-Hour Ozone Attainment and Reasonable Further Progress Plan (including 2018 updates), the PM₁₀ Implementation/Maintenance Plan and Re-Designation Request (2010), and PM_{2.5} Implementation/ Maintenance Plan and Re-designation Request for Sacramento PM_{2.5} Nonattainment Area (2013) constitute the current SIP for Placer County and include the PCAPCD's plans and control measures for attaining air quality standards. These air quality attainment plans are a compilation of new and previously submitted plans, programs (e.g., monitoring, modeling, permitting), district rules, state regulations, and federal controls describing how the state will attain ambient air quality standards.

As shown in Table 4.3-6, *Operational Criteria Air Pollutant Emission*, of the DEIR, emissions of ROG, NOx, and PM₁₀ emissions are predicted to be less at the buildout of Colfax under the development allowed by the proposed General Plan compared with the buildout of Colfax under the development allowed by the existing General Plan. Specifically, ROG emissions under the proposed General Plan Update could be expected to be reduced by approximately 24 pounds daily while emissions of NOx and PM₁₀ could be expected to be reduced by approximately 56 pounds per day and 122 pounds per day, respectively. The reduction of regional pollutants is the underlying goal of PCAPCD's air quality planning efforts and while buildout of the proposed project would result in regional operational emissions that exceed the PCAPCD's significance thresholds, these emissions would be less than what will otherwise be generated without adoption of the proposed General Plan Update. For this reason, the proposed project is consistent with PCAPCD's air quality planning efforts and the Project would not conflict with or obstruct implementation of PCAPCD's air quality plans.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact air quality management plans. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.3-5: The proposed project would not result in other emissions, such as those leading to odors, that would adversely affect a substantial number of people.

Construction activities that have the potential to emit odors from the operation of diesel equipment, generation of fugitive dust, and paving (asphalt). Odors and similar emissions from construction would be intermittent and temporary, and generally would not extend beyond the construction area. While odors could be generated during construction activities, the proposed General Plan Update would not directly result in construction of any development project. Identification of potential impacts to odor receptors resulting from construction-generated odors, such as equipment exhaust, would require project-specific information for future individual land use development projects that is not currently known. Nonetheless, odors generated from the operation of diesel equipment are short-term in nature and rapidly dissipate and be diluted by the atmosphere downwind of the odor sources. Additionally, odors would be localized and generally confined to the construction area.

Therefore, construction odors generated under the General Plan Update would not adversely affect a substantial number of people to odor emissions.

According to the PCAPCD CEQA Handbook (2017), facilities/land uses that have the potential to produce odors during standard operations and may require special attention in the environmental review process include the following: wastewater treatment plants, sanitary landfills, composting/green waste facilities, recycling facilities, chemical manufacturing plants, painting/ coating operations, agricultural operations, and slaughterhouse/ food packaging plants.

Per the PCAPCD, if a land use project proposes any of the above type of land uses, which have the potential to cause significant odor impacts, the odor impacts should be identified and discussed in the environmental document so mitigation measures may be identified. These guidelines further state that the most effective mitigation strategy is to provide a sufficient distance, or buffer zone, between the source and the receptor(s). The greater the distance between an odor source and receptor, the less odor impact when it reaches the receptor. The PCAPCD CEQA Handbook (2017) provides an Odor Screening Distances table which lists recommended buffer distances for a variety of odor-generating facilities. Consideration of PCAPCD's recommended buffer distances would be determined for all future development identified to have significant air quality impacts under the proposed General Plan per Section 16.36.040 of the City Municipal Code, which requires incorporation, as conditions of approval, of PCAPCD-recommended mitigation measures.

Additionally, Colfax Municipal Code Section 17.120.090, Odors, also addresses potential odor impacts by requiring that no emission of odorous gases or other odorous matter be permitted in excess of the most recent standards adopted by the PCAPCD and Placer County Department of Environmental Health. Any process which may involve the creation or emission of any odor shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

Lastly, PCAPCD Rule 205, Nuisance, states that no person shall discharge from any source whatsoever such quantities of air contaminants or other material which causes injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause to have a natural tendency to cause injury or damage to businesses or property. These existing requirements would minimize odor emissions from new development that could adversely affect a substantial number of people within the city. This impact would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on other emissions that would adversely affect a substantial number of people. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

4. Biological Resources

Impact 4.4-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans,

**policies, or regulations by the California Department of Fish and Wildlife or
United States Fish and Wildlife Service.**

Plants

A search of the California Natural Diversity Database (CNDDB) queries identified a total of 11 special-status plant species as occurring in the City of Colfax and sphere of influence (SOI). Artificial and unvegetated biological communities, barren, and/or urban areas in the city are unlikely to support special-status plants. However, construction activities within habitat communities could potentially result in significant impacts on special-status plants. There are no federally or State-listed plant species known to occur in the city and SOI. Although the 11 special-status species listed in Table 4.4-1, *Sensitive Plant Species Potentially Present in the City and Sphere of Influence*, of the DEIR are not federally or State listed, losses of these special-status plants would cause potentially significant impacts under CEQA.

Wildlife

As listed in Table 4.4-2, *Sensitive Animal Species Potentially Present in the City and Sphere of Influence* of the DEIR, a total of 16 special-status wildlife species (one amphibian, three birds, three insects, five mammals, one mollusk, and two reptiles) are known to occur or have the potential to occur in the city and SOI. Of those 16 special-status species, there is one amphibian, one bird, and two insect species listed as threatened or endangered by the federal and/or State Endangered Species Act (ESA)s and known to occur in the city and SOI. Development within or near habitat for special-status wildlife species could result in adverse impacts on these species.

Fish

Development allowed by the General Plan Update also has the potential to cause adverse impacts to special-status fish species. Impacts on fish from construction-related disturbances include increased sedimentation and turbidity, release of contaminants into surrounding waterbodies, noise disturbance, and change in fish habitat. A change in fish habitat could result from the removal of terrestrial vegetation from streambanks, removal of riparian trees and aquatic vegetation, or rip-rapping banks for erosion control. Increases in sedimentation and turbidity have been shown to affect fish physiology, behavior, and habitat. Stress responses are generally higher with increasing turbidity and decreasing particle size.

Construction activities may also involve the storage, use, or discharge of toxic and other harmful substances near water bodies or in areas that drain to these water bodies. Heavy construction equipment often use petroleum products, such as fuels, lubricants, hydraulic fluids, and coolants, all of which may be toxic to fish and other aquatic organisms. An accidental spill or inadvertent discharge of these materials could affect the water quality of the river or water body and thereby affect fish or fish habitat.

Impact Significance Determination

Furthermore, the General Plan Update contains several policies in the Conservation and Open Space Element that would preserve and enhance areas that may provide habitat for special-status species, including Policy 6.1.1 which limits development on lands that provide wildlife and native habitat

Policy 6.1.2 allows for flexibility in development standards to balance both private property rights with the need to conserve wildlife and native habitat, Policy 6.2.1 ensures the continuity and integrity of biological resources, including open space, habitat, and wildlife movement corridors, and supports their permanent protection and restoration, especially those deemed sensitive, Policy 6.2.2 protects sensitive wildlife habitat from destruction and intrusion by incompatible land uses, and Policy 6.2.3 aims to preserve riparian corridors through application of setbacks and other development standards.

The goals and policies in the Conservation and Open Space Element of the proposed General Plan Update and compliance with the policies and regulations under the federal and State ESAs, Migratory Bird Treaty Act, California Fish and Game Code, Clean Water Act, and California Native Plant Protection Act would reduce potential impacts to special-status species associated with new development allowed under the General Plan to a less-than-significant level.

Finding: The proposed project would have less than significant direct, indirect, and cumulative impacts on species identified as a candidate, sensitive, or special-status species. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.4-2: The proposed project would not have a substantial adverse effect on riparian habitat and other sensitive natural communities identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.

The City and SOI do not contain any sensitive natural communities. Therefore, construction activities allowed by the General Plan Update would not have any potential direct or indirect impacts on sensitive natural communities. However, the City and SOI contain riparian communities. Construction projects in the City and SOI would have the potential to affect riparian habitats by spreading or introducing invasive plant species to currently uninfected areas. Invasive species spread aggressively and crowd native species, potentially altering the species composition of natural communities. A predominance of invasive species reduces the overall habitat quality for native plants and wildlife.

However, Conservation and Open Space Element Policy 6.2.3 seeks to preserve riparian corridors through application of setbacks and other development standards that respect these resources. Additionally, disturbance or alteration of streams, lakes, or non-federally protected (non-jurisdictional) wetlands would require a permit, which would include conditions to protect these sensitive natural communities. A Section 1602 streambed alteration agreement would be needed from the California Department of Fish and Wildlife (CDFW) prior to initiation of project construction activities within the city that would divert, obstruct, or change the natural flow of a river, stream, or lake, or that would use material from a streambed. Non-jurisdictional wetlands include wetland features that are not hydrologically connected to navigable waters in rivers and are not under the jurisdiction of the United States Army Corps of Engineers. These wetlands would still be considered waters of the State and would be regulated according to waste discharge requirements that would be issued by the Regional Water Quality Control Board.

Implementation of the General Plan Update goals and policies, with conditions associated with streambed alteration agreements and waste discharge requirements, would reduce potential impacts on riparian corridors and other sensitive natural communities to a less-than-significant level.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on effect on riparian habitat and other sensitive natural. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.4-3: The proposed project would not have a substantial adverse effect on State or federally protected wetlands (marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

The City of Colfax and SOI contain waters of the United States, which include jurisdictional wetlands and other waters. Construction activities allowed by the General Plan Update could potentially have direct and indirect impacts on waters of the United States.

However, in accordance with the federal Clean Water Act, a formal delineation of waters of the United States would need to be conducted prior to the initiation of construction activities in the city and SOI where potential jurisdictional features are present. The results of the delineation, including a report and map, would be submitted to the Sacramento District of the United States Army Corps of Engineers for verification. If the United States Army Corps of Engineers determines that no waters of the United States are present, a Clean Water Act Section 404 permit would not be required, although waste discharge requirements from the Regional Water Quality Control Board might be required. If the United States Army Corps of Engineers determines that waters of the United States are present, a Section 404 permit from the United States Army Corps of Engineers for placement of fill within waters of the United States and a Section 401 water quality certification from the Regional Water Quality Control Board would be required. Placement of fill materials into waters of the United States would require compensation to ensure no net loss of aquatic resources. Required compensation for the loss of degraded habitat could be less than that for undisturbed habitat, but compensation ratios would ultimately be determined by the resource agencies and be stated in the permit conditions.

Implementation of General Plan Update goals and policies, conditions associated with Section 404 permits and Section 401 water quality certifications, and additional mitigation protection of wetlands during construction activities would reduce potential impacts on federally protected wetlands to a less-than-significant level.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on state or federally protected wetlands. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.4-4: The proposed project could interfere with the movement of a native resident or migratory fish or wildlife species, or with established native resident or

migratory wildlife corridors, or impede the use of native wildlife nursery sites.

The City of Colfax and SOI contain essential movement corridors for wildlife species; development allowed by the General Plan Update could potentially have adverse impacts on such species. Riparian corridors provide habitat connectivity through the city, SOI, and adjacent areas (e.g., parks, open space). Development along these areas could occur and could impede movement of native or migratory species. Compliance with the Migratory Bird Treaty Act, which prohibits the take or possession of any migratory nongame bird and their active nests, would ensure that future development does not result in adverse effects on migratory bird species.

The General Plan Update contains several policies in the Conservation and Open Space Element that address potential impacts to native or migratory wildlife species and corridors, including Policy 6.1.1 which limits development on lands that provide wildlife and native habitat, Policy 6.1.2 requires flexibility in development standards to conserve wildlife and native habitat, Policy 6.2.1 provides for the integrity and continuity of biological resources open space, habitat and wildlife movement corridors and support the permanent protection and restoration of these areas, particularly those identified as sensitive resources, Policy 6.2.2 protects sensitive wildlife habitat from destruction and intrusion by incompatible land uses, and Policy 6.2.3 preserves riparian corridors through application of setbacks and other development standards that respect these resources.

The proposed General Plan Update goals and policies, in combination with regulations under the federal and State ESA, Migratory Bird Treaty Act, and California Fish and Game Code, would reduce potential impacts to migratory species to a less-than-significant level.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on native resident, migratory fish, wildlife, established corridors, or nursery sites. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.4-5: The proposed project would not conflict with any local policies or ordinances protecting biological resources nor with the provisions of an adopted HCP; NCCP; or other approved local, regional, or State HCP.

The General Plan Update would not conflict with any local policies or ordinances protecting biological resources. The City of Colfax Municipal Code includes Chapter 12.16, Article II, Tree Preservation Guidelines, which establishes tree preservation guidelines for the purpose of maintaining natural scenic beauty, improving air and water quality, reducing soil erosion, preserving significant natural heritage values and wildlife habitat, and helping to reduce energy consumption. Future development under the General Plan Update would be required to comply with all applicable policies and plans pertaining to biological resources and would not conflict with such policies and ordinances. The Planning Area is not within an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other HCP. No impact would occur.

Finding: The proposed project would have no direct, indirect, and cumulative impact on any local policies or ordinances protecting biological resources nor with the provisions of an adopted habitat

conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

5. Cultural Resources and Tribal Cultural Resources

Impact 4.5-2: The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

Archaeological sites are protected by a wide variety of State policies and regulations under the California Public Resources Code. Cultural resources are also recognized as nonrenewable and therefore receive protection under the California Public Resources Code and CEQA. Review and protection of archaeological resources are afforded by CEQA for individual development projects that would be accommodated by the General Plan Update, subject to discretionary actions that are implemented in accordance with the land use plan of the General Plan Update. According to Public Resources Code Section 21083.2 of CEQA, the lead agency is required to determine whether a development project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the project-level CEQA document prepared for the development project is required to address the issue of those resources.

It is also important to note that the General Plan Update is a regulatory document that sets the framework for future growth and development in the city and would not result in development in and of itself. Before any development or redevelopment activities can occur in the city, they must be analyzed for conformance with the General Plan, zoning requirements, and other applicable local and State requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits.

Long-term implementation of the General Plan Update could include grading of unknown sensitive areas. Grading and construction activities of undeveloped areas or redevelopment that requires more intensive soil excavation than in the past could potentially cause the disturbance of archaeological resources. Therefore, future development could potentially unearth previously unknown/unrecorded archaeological resources. However, compliance with existing regulatory requirements would mitigate potential impacts to less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on archaeological resources. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.5-3: The proposed project would not disturb any human remains, including those interred outside of formal cemeteries.

California Health and Safety Code, Section 7050.5, CEQA Section 15064.5, and Public Resources Code, Section 5097.98, mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, California Health and Safety Code, Section 7050.5, requires that if human remains are discovered on a project site, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Public Resources Code Section 5097.98. If the coroner determines that the remains are not subject to his or her authority and has reason to believe they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Although soil-disturbing activities associated with development in accordance with the General Plan Update could result in the discovery of human remains, compliance with existing law would ensure that significant impacts to human remains would be reduced to less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on the disruption of human remains, including those interred outside of formal cemeteries. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

6. Energy

Impact 4.6-1: Implementation of the proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources.

Short-Term Construction Impacts

Construction of development projects facilitated by the General Plan Update would create temporary demands for electricity. Natural gas is not generally required to power construction equipment, and therefore is not anticipated during construction phases. Electricity use would fluctuate according to the phase of construction. Additionally, it is anticipated that most electric-powered construction equipment would be hand tools (e.g., power drills, table saws, compressors) and lighting, which would not result in substantial electricity usage during construction activities.

Construction of development projects facilitated by the General Plan Update would also temporarily increase demands for energy associated with transportation. Transportation energy use depends on the type and number of trips, vehicle miles traveled (VMT), fuel efficiency of vehicles, and travel mode. Energy use during construction would come from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction employee vehicles that would use diesel fuel or gasoline. The use of energy resources by these vehicles would fluctuate according to the phase of construction and would be temporary. It is anticipated that most off-road construction equipment, such as those used during demolition and grading, would be gas or diesel powered. In

addition, all operation of construction equipment would cease upon completion of project construction.

Furthermore, the construction contractors would minimize nonessential idling of construction equipment during construction, in accordance with the California Code of Regulations Title 13, Article 4.8, Chapter 9, Section 2449. Such required practices would limit wasteful and unnecessary energy consumption in development in the city. Moreover, future development projects within the city would be similar to the construction processes of any current development projects within the city. Therefore, the proposed project would not result in wasteful, inefficient, or unnecessary consumption of fuel use during construction.

Long-Term Impacts During Operation

Operation of potential future development accommodated under the proposed project would create additional demand for electricity and natural gas compared to existing conditions. Operational use of electricity and natural gas would include heating, cooling, and ventilation of buildings; water heating; operation of electrical systems; use of on-site equipment and appliances; lighting; and charging electric vehicles. Land uses accommodated under the proposed project would also result in additional demand for transportation fuels (e.g., gasoline, diesel, compressed natural gas, and electricity) associated with on-road vehicles. Electricity, natural gas, and transportation fuel consumption estimates during operation of the proposed project are presented in Table 4.6-1, *Year 2040 Forecast Energy Consumption, of the DEIR*. Table 4.6-1 expresses the energy consumption expected under buildout of the proposed project in addition to energy consumption under buildout of the existing General Plan.

As shown in Table 4.6-1, Year 2040 Forecast Energy Consumption, of the DEIR, buildout under the proposed project would result in the annual consumption of 8,305,383 kilowatt-hours (kWh) of electricity, 75,754 gallons of compressed natural gas, 1,649,934 gallons of diesel, and 13,206,423 gallons of gasoline associated with vehicle fuel usage. Considering that the introduction of up to 2,645 new units could accommodate an estimated 7,037 new residents, the proposed project is anticipated to result in 1,180 kWh, 10.8 gallons of compressed natural gas fuel, 234.48 gallons of diesel fuel, and 1,877 gallons of gasoline fuel per capita. As previously discussed, the proposed project would be considered to have a potentially significant impact if it would result in wasteful, inefficient, or unnecessary consumption of energy resources. Considering the guidance provided in Appendix F of the CEQA Guidelines and the Appellate Court decision in *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) (75 Cal.App.5th 63, 164-168), the proposed project would be considered to result in wasteful, inefficient, or unnecessary consumption of energy resources if it would conflict with any of the following energy conservation goals:

Decrease overall per-capita energy consumption, decrease reliance on fossil fuels such as coal, natural gas, or oil, and increase reliance on renewable energy sources.

Decreasing Overall Per-Capita Energy Consumption

While the electricity and natural gas demand for the city would increase compared to existing conditions as the new energy consumption would account for development in the city beyond existing conditions, energy consumption under buildout of the proposed General Plan Update would be less than that of buildout under the existing General Plan, as shown in Table 4.6-1. Development

accommodated under the proposed project would be required to comply with the current and future updates to the Building Energy Efficiency Standards and CALGreen. Compliance with CALGreen energy-efficiency standards would contribute to reducing the building-related energy demands shown in Table 4.6-1. New and replacement buildings in compliance with these standards would generally have greater energy efficiency than existing buildings. In addition, not all development envisioned by the proposed project would be constructed under the current California Building Code cycle and would be subject to future iterations of CALGreen and other related building codes. It is anticipated that each update to the Building Energy Efficiency Standards and CALGreen will result in greater building-related per-capita energy efficiency and move closer toward buildings achieving zero net energy demand.

Additionally, fuel efficiency of vehicles during the buildout year of 2040 would on average improve compared to vehicle fuel efficiencies experienced under existing conditions, thereby resulting in a lower per-capita fuel consumption in 2040 assuming travel distances, travel modes, and trip rates remain the same. The improvement in fuel efficiency would be attributable to regulatory compliance (e.g., CAFE standards), resulting in new cars that are more fuel efficient and the attrition of older, less fuel-efficient vehicles. The CAFE standards are not directly applicable to residents or land use development projects, but to car manufacturers. Thus, city residents do not have direct control in determining the fuel efficiency of vehicles manufactured and that are made available. However, compliance with the CAFE standards by car manufacturers would ensure that vehicles produced in future years have greater fuel efficiency and would generally result in an overall benefit of reducing fuel usage by providing the population of the City more fuel-efficient vehicle options. Considering the proposed project would result in the construction and operation of new buildings that would have on average the same or greater energy-efficient designs than current structures and vehicle fuel efficiencies would improve year over year through the buildout year of 2040, the proposed project is anticipated to result in a decrease in overall per-capita energy consumption in 2040. As such, the proposed project would be consistent with this energy conservation criterion.

Decreasing Reliance on Fossil Fuels

The proposed project would be considered to conflict with this criterion if it did not take steps to decrease the reliance on fossil fuels. New and replacement buildings in compliance with CALGreen standards would generally have greater energy efficiency than existing buildings. In addition, not all units envisioned by the proposed project would be constructed under the current California Building Code cycle and would be subject to future iterations of CALGreen and other related building codes. It is anticipated that each update to the Building Energy Efficiency Standards and CALGreen will result in greater building-related per-capita energy efficiency and move closer toward buildings achieving zero net energy demand.

In addition, the proposed project envisions new development throughout the city, which would be required to install rooftop solar, as applicable. New single-family residences would be required to comply with Title 24, Part 6, Subchapter 8, Section 150.1(c)14 and new multifamily residences would be required to comply with Title 24, Part 6, Subchapter 11, Section 170.2(f), of the 2022 California Building Code to include rooftop solar systems. Compliance with these codes would decrease overall reliance on fossil fuels for electricity generation as some on-site electricity consumption could be satisfied with on-site electricity generation.

Moreover, as previously discussed, fuel efficiency of vehicles during the buildout year of 2040 would on average improve compared to vehicle fuel efficiencies experienced under existing conditions. In addition to regulatory compliance that would contribute to more fuel-efficient vehicles and less per-capita demand on fuels, the General Plan Update includes policies that will contribute to minimizing overall VMT, and thus incrementally decreasing dependence on fossil fuels for transportation energy needs. These include Policy 3.2.1, which requires new construction to install infrastructure that supports alternative modes of transportation. Policy 3.2.3 would also require the City to ensure that pedestrian facilities provide connection between transportation nodes and land uses.

Considering this, the proposed project would result in the construction and operation of development that would be designed to be compliant with the California Building Code, thereby reducing reliance on fossil fuels for space and water heating. In addition, the proposed project would result in population growth that would result in subsequent increases in transportation energy demand; however, with improving fuel-efficiency standards year over year through the buildout year of 2040 and compliance with the EV charging infrastructure requirements contained in the California Building Code, the proposed project would, on average, reduce reliance on fossil fuels for transportation energy demand. Therefore, the proposed project would be considered consistent with this energy conservation criterion.

Increasing Reliance on Renewable Energy Sources

As previously discussed, the proposed project envisions new development throughout the city which would be required to install rooftop solar, as applicable. New single-family residences would be required to comply with Title 24, Part 6, Subchapter 8, Section 150.1(c)14 and new multifamily residences would be required to comply with Title 24, Part 6, Subchapter 11, Section 170.2(f), of the 2022 California Building Code to include rooftop solar systems. Compliance with these codes would directly increase overall reliance on renewable energy sources for electricity generation. Moreover, compliance with the EV charging infrastructure requirements contained in the California Building Code would on average increase reliance on electricity for transportation energy demand. As electricity consumed in California is required to meet the increasing renewable energy mix requirements under the State's Renewables Portfolio Standard (RPS) and accelerated by SB 100, greater and greater proportions of electricity consumed in buildings and for transportation energy demand envisioned under the proposed project would continue to be sourced from renewable energy sources.

Furthermore, new development facilitated by the proposed project would be automatically enrolled in PCE service, which provides more renewable-sourced electricity services in comparison to those provided by PG&E. PCE would allow future residents in the city to enroll in its "Green100" option, which offers 100 percent renewable energy-sourced electricity to customers. In 2021, PG&E's "Base Plan" electricity service consisted of a power mix of 47.7 percent sourced from eligible renewable sources. As future residents have the option to choose an electricity service that relies on renewable sources more for electricity generation than what is minimally required under the State's RPS, and considering that both electricity service providers for the City would provide incrementally greater and greater proportions of renewably sourced electricity to city residents, buildout of the proposed project in 2040 would result in an overall increase in reliance on renewable energy sources. As such, the proposed project would be consistent with this energy conservation criterion.

Considering the above analysis demonstrating that the proposed project would result in an overall decrease in energy consumption per capita when compared to buildout under the existing General Plan, decrease in reliance on fossil fuels, and increase in renewable energy sources, the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources. As such, this impact would be less than significant.

Finding:

The proposed project would have a less than significant impact on wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.6-2: The proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Buildings constructed in the city would meet the California Code of Regulations Title 24 standards for energy efficiency that are in effect at the time of construction. Future development would occur consistent with the General Plan over several decades, and these standards likely would continue to be updated in the future to require improved building energy efficiency. Subdivisions in the city would also comply with Chapter 16.80, Solar Energy, of the Municipal Code which requires single-family subdivisions to incorporate natural heating and cooling features into the design of the development which would also reduce residential energy usage. Additionally, policies in the proposed General Plan related to VMT reduction efforts would also reduce transportation fuel usage including Policies 3.2.1, 3.2.2, and 3.2.3 of the proposed Circulation Element. Implementation of the proposed General Plan Update would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Therefore, this impact is less than significant.

Finding: The proposed project would have a less than significant direct, indirect, or cumulative impact on a State or local plan for renewable energy or energy efficiency. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.6-3: The proposed project would not require or result in the relocation or construction of new or expanded energy facilities, the construction or relocation of which could cause significant environmental effects.

The proposed project would accommodate future growth in the City that would require new or expanded energy facilities; however, the proposed project would not directly result in the construction of new or expanded energy facilities. The Integrated Resource Plan (IRP) is the principal planning document that identifies the California Independent System Operator's (CAISO's) forecasts for electricity demand, supply, and transmission needs over a 20-year planning horizon, as well as its strategies for integrating renewable energy resources and other grid services to meet those needs. These forecasts take into account the expected growth in population and development in corresponding Local Serving Entity's (LSE's) service areas, such as the population and development envisioned under the proposed project within PG&E's and PCE's service area.

The IRP is developed in collaboration with LSEs, regulators, and other stakeholders, and is updated periodically to reflect changes in the energy landscape and evolving policy goals. Overall, the IRP plays a critical role in ensuring the reliability and resilience of California's electricity grid as the state continues to transition to a cleaner and more sustainable energy system. When an LSE identifies that new or expanded energy facilities are needed to accommodate the population and development growth in its service area, those proposed improvements are reviewed to identify consistency with local, State, and federal regulatory compliance as well as potential environmental effects that may result. For on-site systems, such as rooftop solar, the review would be conducted by the applicable lead agency as part of that individual development project. For energy infrastructure improvements that involve the construction of new or expanded existing transmission lines, generation systems, or Battery Energy Storage (BES) facilities, separate from an individual development project, the review would be conducted by the California Public Utilities Commission (CPUC) and/or the California Energy Commission (CEC) depending on the type of facility. The CEC typically acts as a CEQA lead or responsible agency for energy infrastructure improvements involving generation or BES systems, whereas the CPUC typically acts as a CEQA lead or responsible agency for improvements involving transmission lines or other distribution infrastructure.

Once the new or expanded energy facility is reviewed and approved, incorporating any necessary and appropriate mitigation, it is assigned a point of interconnection on the grid, and its output is added to the IRP as a resource that can provide electricity and other grid services, such as frequency regulation or ramping support. The facility is then dispatched by CAISO based on its bids into the day-ahead and real-time electricity markets, and its output is used to help balance supply and demand on the grid in real-time. CAISO operates a wholesale electricity market in which LSEs can participate by offering to buy or sell electricity and other grid services, such as demand response or energy storage. This market helps to ensure that the electricity system operates efficiently and reliably by providing economic incentives for electricity providers to use their resources effectively.

In addition to the IRP, which principally governs the planning efforts for new and expanded electricity and natural gas facilities, the CPUC in December 2022 adopted a new framework to comprehensively review utility natural gas infrastructure investments in order to help the State transition away from natural-gas fueled technologies and avoid stranded assets in the gas system. The new framework requires utilities to seek CPUC approval of natural gas infrastructure projects of \$75 million or more or those with significant air quality impacts. The new framework is intended to capture natural gas projects likely to have the most substantial community and environmental impacts and to require demonstrate project compliance with CEQA. Therefore, while the proposed project may result in increased energy resource demand by facilitating population and development growth in the City, and subsequently in PG&E and PCE's service area, any new or expanded facilities needed as a result of meeting that increased demand would undergo its own review to mitigate potentially significant environmental effects and demonstrate compliance with regulatory requirements. As such, the proposed project would not result in new or expanded energy facilities which may cause significant environmental effects. This impact would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, or cumulative impact on the relocation or construction of new or expanded energy facilities. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

7. Geology and Soils

Impact 4.7-1: Implementation of the proposed project would/would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving: (i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (ii) Strong seismic ground shaking; (iii) Seismic-related ground failure, including liquefaction; (iv) Landslides, mudslides, or other similar hazards.

The city is near several fault systems, including pre-Quaternary faults associated with the Gills Hills fault system. The major or active faults in or near the city are shown on Figure 7, *Fault Lines*, of the proposed General Plan Safety Element. Damage to essential and vulnerable structures could occur as a result of potential seismic activity. Although various faults in proximity to the City could rupture, none of these faults are delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist. Additionally, according to the CGS Earthquake Shaking Potential for California map, the city is within a region that is distant from known, active faults. These regions experience lower levels of shaking less frequently. Furthermore, the proposed General Plan includes Policy 7.2.1, which directs the City to identify opportunities to strengthen or relocate critical structures and utilities to minimize damage from seismic events. Policy 7.2.4 requires detailed soils and geologic studies prior to approval for development in potentially hazardous areas in addition to mitigation to reduce any identified risks. Future projects would also be required to comply with the seismic safety requirements of the 2022 CBC, as codified in Chapter 15, Building Code, of the City's Municipal Code.

As noted previously, the city is not within a liquefaction hazard area. However, due to its steep and unstable terrain, many areas of the city are susceptible to landslides, mudslides, or other similar hazards. These landslide susceptibility areas are shown in Figure 8, *Landslide Risk*, in the proposed Safety Element. In addition to Policies 7.2.1 and 7.2.4, Policy 7.2.2, which would require the incorporation of resilient design features for the construction of roads and trails, and Policy 7.2.3, which directs the City to continually identify areas of Colfax susceptible to damage from seismic shaking, liquefaction, subsidence, and other geologic risks would help to mitigate risks associated with landslides. Furthermore, compliance with the provisions within Chapter 15.30, Grading, Erosion, and Sediment Control, within the City's Municipal Code would ensure that future projects under the proposed General Plan would incorporate techniques to reduce risks associated with development on slopes. Compliance with State and local requirements for reducing risks associated with geologic hazards would ensure that impacts are less than significant.

Finding: The proposed project would have a less than significant impact on hazards from surface rupture of a known active fault, strong seismic ground shaking, seismic-related ground failure, or landslides. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.7-2: The project would not result in substantial soil erosion or the loss of topsoil.

Development under the proposed General Plan could include vegetation removal and grading, which would increase the potential for wind and water erosion to result in the loss of topsoil. As noted, soils found in the city have been rated as having moderate to severe erosion potential. However, several provisions of the City's Municipal Code would require practices that minimize the potential for erosion. As discussed under Impact 4.7-1, Chapter 15.30 of the Municipal Code provides requirements for projects that involve grading or other soil-disturbing activities that would minimize erosion and loss of topsoil. Section 17.122.100, Grading Design Plan, also requires that landscape grading plans be submitted to the City for review.

Furthermore, the proposed General Plan provides several policies in the Conservation and Open Space Element and Safety Element that would minimize the soil erosion potential associated with development under the General Plan. Policy 6.4.1 would require discretionary project review for all substantial grading activities. Through Policy 6.4.3, projects that require earthwork and grading, including cuts and fills for roads, would be required to incorporate measures to minimize erosion and sedimentation. Policy 7.2.5 directs the City to avoid development in areas of steep slope and high erosion potential. Adherence to the City's Municipal Code and policies of the proposed General Plan would reduce the impact of erosion and loss of topsoil due to implementation of the proposed project to less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to substantial soil erosion or the loss of topsoil. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.7-3: The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

The susceptibility of hillside and mountainous areas to landslides depends on variations in geology, topography, vegetation, and weather. As discussed in Impact 4.7-1, specific areas of the city that may be more susceptible to landslides are shown in Figure 8 of the General Plan's Safety Element and include areas along the outlying portions of the city, particularly areas in the northwest portion near the community of Shady Glen. Section 1803.2 of the CBC requires that a geotechnical investigation is conducted to ensure a site is suitable for building. This investigation determines if the site contains unstable soils or soils subject to excessive settlement or differential movement, faulting, or spreading. The investigation assesses potential consequences of soil strength loss. The City's Municipal Code also contains measures to minimize impacts related to unstable soils and geologic units. Section 16.56.170, Slope Development Standards, of the Municipal Code provides hillside development standards for slopes of 10 percent or greater. Additionally, several policies in the Safety Element would also reduce impacts associated with landslides, including those discussed under Impact 5.7-1 (Policy 7.2.1, Policy 7.2.2, Policy 7.2.4, and Policy 7.2.5). Additionally, Policy 6.4.2 of the

Conservation and Open Space Element would require projects to undergo a slope analysis during environmental review.

As discussed previously, Colfax is not within a mapped liquefaction risk area; however, as noted in the Placer County 2021 Local Hazard Mitigation Plan (LHMP), some soil liquefaction risk is associated with stream beds or slopes that are highly saturated with water. As such, liquefaction could occur under these conditions during earthquake shaking. Subsidence potential in the city is noted to be unlikely and of negligible severity in the LHMP. The State and local regulations that would reduce risk associated with landslide hazards would also ensure that risks associated with other types of geologic instability would be reduced. Policy 7.2.3 of the proposed Safety Element would help to ensure that all potential areas of the city at risk of these hazards are identified. Compliance with State and local regulations and implementation of the proposed General Plan policies would ensure that impacts are less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact related to development on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.7-4: The proposed project would not create substantial risks to life or property as a result of its location on expansive soil, as defined in Table 18-1B of the Uniform Building Code, creating substantial direct or indirect risks to life or property.

The soils underlying Colfax are generally coarse-grained soils with cobbles and are well drained. These coarse-grained soils contain less clay and, therefore, have a low potential for expansion or shrink-swell.

Typical measures to treat expansive soils involve removal, proper fill selection, and compaction. Expansion would not be a substantial constraint to development of individual sites provided that adequate soil and foundation studies are performed before construction and that recommendations in any soil engineering reports made by a qualified professional are followed. Section 1803.2 of the CBC requires that a geotechnical investigation shall be conducted to ensure that a site is suitable for building, and that there are not unstable soils or soils subject to differential movement or spreading.

Section 15.30 of the City Municipal Code requires a preliminary soils report that includes recommendations for corrective actions to prevent structural damage to structures. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems, which, if not corrected, would lead to structural defects, additional soils investigation may be required. The policies in the proposed Safety Element would support these regulatory requirements and minimize development on unstable soil or geologic units. For example, Policy 7.2.4 requires preparation of soil reports that include recommendations to reduce risks where there are known geologic hazards. Compliance with the CBC, the City Municipal Code, and policies in the proposed General Plan

would minimize the potential for hazards associated with expansive soils. This impact would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact relating to substantial risks to life or property as a result of the project's location on expansive soil. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.7-5: The proposed project would not use septic tanks or alternative wastewater disposal systems where soils would be incapable of adequately supporting them in cases where sewers are not available for the disposal of wastewater.

According to the National Resource Conservation Service (NRCS) Web Soil Survey, 98.6 percent of land within the city is rated as having very limited suitability for septic tanks. However, any potential septic tank development to support future development under the proposed General Plan would be subject to Chapter 16.64.020, Standards for the design of septic tanks and leaching fields, in the City Municipal Code. All installations must meet the requirements of the County Environmental Health Department and City Engineer. Compliance with these requirements would reduce impacts to less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on not utilizing septic tanks or alternative wastewater disposal systems where soils would be incapable of adequately supporting them in cases where sewers are not available for the disposal of wastewater. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.7-8: Implementation of the proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local General Plan, Specific Plan, or other land use plan.

There are no locally important mineral resource recovery sites delineated in the city's General Plan or other applicable land use plan. Therefore, locally designated mineral resources would not be impacted by the proposed project. No impact would occur.

Finding: The proposed project would have no direct, indirect, or cumulative impact in combination with past, present, and reasonably foreseeable projects, with respect to geology and soils. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

8. Greenhouse Gas Emissions

Impact 4.8-3: The project would not conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

CARB Scoping Plan

The CARB Scoping Plan is applicable to state agencies but is not directly applicable to cities/counties and individual projects (i.e., the Scoping Plan does not require local jurisdictions to adopt its policies, programs, or regulations to reduce GHG emissions). However, new regulations adopted by the State agencies from the Scoping Plan result in GHG emissions reductions at the local level. So local jurisdictions benefit from reductions in transportation emissions rates, increases in water efficiency in the building and landscape codes, and other statewide actions that affect a local jurisdiction's emissions inventory from the top down.

Statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard (LCFS) mandate and changes in the corporate average fuel economy standards. Development projects accommodated under the proposed project are required to adhere to the programs and regulations identified by the Scoping Plan and implemented by state, regional, and local agencies to achieve the statewide GHG reduction goals of AB 32, SB 32, and AB 1279. Future development projects would be required to comply with these state GHG emissions reduction measures because they are statewide strategies. For example, new buildings under the proposed project would be required to meet the CALGreen and Building Energy Efficiency Standards in effect at the time when applying for building permits. Furthermore, as discussed under the discussion for Impact 4.8-2, the proposed project includes General Plan Update policies that would help reduce GHG emissions and therefore help achieve GHG reduction goals. Implementation of the proposed project would not obstruct implementation of the CARB Scoping Plan, and impacts would be less than significant.

Placer County Transportation Planning Agency's (PCTPA) Regional Transportation Plan and SACOG's 2020 Metropolitan Transportation Plan/Sustainable Communities Strategy

The PCTPA is responsible for preparing and adopting a Regional Transportation Plan (RTP) every five years. The RTP identifies priorities for addressing traffic congestion, mobility needs, and maintenance of transportation infrastructure, programs, and services in incorporated cities, towns, and unincorporated areas of Placer County – including Colfax. It adheres to state statutes for continuous, cooperative, and comprehensive planning and allocates state and federal funds to local transportation projects. The current RTP, adopted in December 2019, contains financially-constrained transportation investments planned for delivery through 2040. The Placer County RTP is integrated into the broader regional planning context of the Sacramento Area Council of Governments' (SACOG) Metropolitan Transportation Plan (MTP) and Sustainable Communities Strategy (SCS). SACOG updates the MTP/SCS every four years to fulfill federal planning responsibilities and address state greenhouse gas emissions reduction requirements. PCTPA has a Memorandum of Understanding with SACOG to provide demographic growth projections, financial forecasting assistance, and air quality modeling services. Both Placer County's RTP and SACOG's MTP/SCS are financially constrained, but SACOG's MTP/SCS considers how planned land-use development and transportation investments address greenhouse gas emission reduction targets for

the six-county region per SB 375. The SACOG board adopted the 2020 MTP/SCS and accompanying documents at a special board meeting on November 18, 2019.

SACOG's 2020 MTP/SCS includes four policy priorities which are the plan's overall goals and objectives features strategies and policies are focused to reduce per capita vehicle miles traveled and associated GHGs and to provide a range of practical mobility alternatives. The PCTA RTP establishes goals, objectives, and policies to guide the development and management of the region's transportation systems.

As shown in Table 4.8-5, *PCTPA's RTP and SACOG's MTP/SCS Consistency Analysis*, of the DEIR, the proposed project would be consistent with the goals of the PCTPA RTP and SACOG MTP/SCS as the proposed project aims to direct its future growth in infill areas and improve transportation systems.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

9. Hazards and Hazardous Materials

Impact 4.9-1: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Construction

During construction of future projects throughout the city, new development would potentially involve the use of hazardous materials, such as fuels, lubricants, paints, solvents, and greases in construction equipment and coatings used in construction. As mentioned in Section 4.9.1, Existing Conditions, hazardous materials are transported through Union Pacific Railroad and I-80, which are major interstate transportation routes that pass through the city. Future construction contractors would be required to ensure that the use, transport, storage, and disposal of construction-related materials is in conformance with existing laws and regulations, such as the Department of Transportation's (DOT's) Hazardous Materials Regulations Title 49 Code of Federal Regulations, which sets general requirements for the transport of hazardous materials. In addition, according to California Vehicle Code Section 32000.5, any motor carrier who transports hazardous materials must have a hazardous materials transportation license issued by the California Highway Patrol.

Construction activities would be conducted in accordance with the Stormwater Pollution Prevention Plan (SWPPP) as part of the National Pollutant Discharge Elimination System (NPDES) permit. The primary objective of the SWPPP is to identify, construct, implement, and maintain best management practices (BMPs) to reduce or eliminate pollutants in stormwater discharges and authorized non-stormwater discharges from the construction site. BMPs for hazardous materials include, but are not limited to, off-site refueling, placement of generators on impervious surfaces, establishing cleanout areas for cement, etc.

While the risk of exposure to hazardous materials cannot be eliminated, adherence to existing regulations would ensure compliance with safety standards related to the use and storage of hazardous materials and with the safety procedures mandated by applicable federal, State, and local laws and regulations. Therefore, transport, use, and/or disposal of hazardous materials during construction activities in accordance with the proposed project would be properly managed, and impacts would be less than significant. Compliance with applicable laws and regulations governing the use, storage, and transportation of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for impacts to occur.

Operation

Operation of projects developed pursuant to the General Plan Update would involve hazardous materials used in industrial, commercial, residential, and other land uses, including, but not limited to, cleaners, solvents, paints, pesticides, and fertilizers. The amounts of hazardous materials used would vary by land use type. The General Plan Update would increase the level of development in the City, so, it is expected to increase the number of hazardous waste generators.

Hazardous wastes are required to be stored, transported, and disposed of in conformance with existing regulations of the U.S. Environmental Protection Agency (EPA), DOT, CalRecycle, and Placer County Environmental Health Department.

For example, the Health and Safety Code, Division 20, Chapter 6.7, Article 1, Business and Area Plan, requires regulated facilities to complete Hazardous Materials Business Plan (HMBP) reporting if they store hazardous materials in quantities equal to or greater than 55 gallons (liquids), 200 cubic feet (gases), or 500 pounds (solids). The HMBP requires providing a Hazardous Materials Inventory and Site Map and Emergency Response and Employee Training Plan to be reported to the California Environmental Reporting System. Future commercial and industrial uses must follow specific guidelines to manage, store, and transport generated hazardous waste detailed by the Placer County Environmental Health Department, which is the Certified Unified Program Agency (CUPA) for the City of Colfax.

The City's Municipal Code, Section 17.152.050, Performance standards – Citywide, requires that no home shall store flammable or hazardous materials without the City fire department's approval. Additionally, implementation of General Plan Update also includes policies that incorporate preventative measures to reduce the potential for hazardous materials to the public. Policy P7.5.1 encourages commercial or industrial development using hazardous materials in areas away from residential uses. Therefore, implementation of the General Plan Update would not result in substantial hazards to the public due to the transport, use, and/or disposal of hazardous material. Impacts would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact toward the public or the environment through the routine transport, use, or disposal of hazardous materials. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.9-2: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Implementation of the General Plan Update would result in land uses that would require the use, transportation, and storage of hazardous materials throughout the city. Personal injury, property damage, environmental degradation, or death could result from the release of hazardous materials caused by upset or accident conditions. However, the General Plan Update includes policies regarding emergency events in the city, such as Policy 7.3.11, which requires the City to coordinate with Cal Fire and the Placer County Fire Department to identify and maintain evacuation routes for emergency capacity, safety, and viability; Policy 7.3.14 requires new development locations with adequate emergency services capacity; and Policy 7.6.2, which requires the City to work with the Placer County Office of Emergency Services to ensure safe community gathering locations during hazardous events.

Although the risk of upset and accident conditions involving the release of hazardous materials cannot be completely eliminated, it can be reduced to a manageable level. The Placer County Environmental Health Department serves as the CUPA for the City of Colfax and is responsible for the Hazmat Business Plans, Hazardous Waste Generators, Underground Storage Tank Program, California Accidental Release Prevention Program (CalARP), and the Above Ground Storage Tanks. Businesses using hazardous materials in Colfax would be required to register with these programs and comply with their guidelines.

Proper implementation of these CUPA programs, in conjunction with other State and federal regulations and the General Plan Update policies discussed, would reduce the impact of reasonably foreseeable accidents and/or upset conditions involving the release of hazardous materials to a less-than-significant level.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.9-3: The project would not emit hazardous emissions or handle hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school.

Implementation of the General Plan Update would allow land uses that would handle hazardous materials or generate hazardous emissions. It is possible that such uses could occur near existing or proposed schools. However, the General Plan Update includes Policy 7.1.1, which requires a review of all potential hazards in areas identified for development; therefore, any future development within existing or proposed schools would need to undergo review for potential hazardous materials.

In addition, potential exposure to hazardous materials within proximity to school sites would be reduced as all users of hazardous materials are subject to federal, State, and local laws that ensure that

hazardous material use, emission, and transportation are controlled to a safe level. The combination of federal, State, and local regulations described in previous sections, and General Plan Update policies that call for reducing risks from the harmful effects of hazardous materials, would ensure that the risk of hazardous materials or emissions within proximity to school sites would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact toward exposing proposed or existing schools from hazardous emissions or the handling of hazardous materials. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.9-4: The project would not be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.

As noted in Table 4.9-1, *Hazardous Sites in the City of Colfax*, of the DEIR, there are a total of 37 sites in the city that are included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. These sites have a history of contamination with hazardous materials and are subject to various State and federal laws and regulators, including the Comprehensive Environmental Response, Conservation, and Liability Act of 1980 (CERCLA), US EPA, Department of Toxic Substance Control, and the Regional Water Quality Control Board.

Development allowed by the General Plan Update could create a hazard to the public or the environment if the development occurs on contaminated sites. Although it is possible that construction activities resulting from the General Plan could occur within or adjacent to hazardous sites, development on or adjacent to any sites, such as those pursuant to Government Code Section 65962.5 would require environmental site assessment by a qualified professional to ensure that the projects would not disturb hazardous materials sites, nor create a substantial hazard to the public or the environment. Properties contaminated by hazardous substances are also regulated at the local, State, and federal level and are subject to compliance with stringent laws and regulations for investigation and remediation. For example, compliance with CERCLA, the Resource Conservation and Recovery Act (RCRA), California Code of Regulations, Title 22, and related requirements would remedy all potential impacts caused by hazardous substance contamination.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact from sites pursuant to Government Code Section 65962.5. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.9-5: The project is not located in the vicinity of an airport, nor is it within the jurisdiction of an airport land use plan.

Alta Sierra is a private airport and is approximately 12 miles east of the city of Colfax. The proposed project would not be located within the vicinity of a private airstrip and therefore would have no impact with regard to safety hazards associated with private aviation. Other domestic and local

airports near the City include Auburn Municipal Airport, Blue Canyon-Nyack Airport, Placerville Airport, Sacramento Mather Airport, Yuba City County Airport, and Sacramento International Airport. These airports span between 12 miles to 50 miles away from the City of Colfax. Therefore, the proposed project would not result in a safety or noise hazard for people residing or working within the city. The City of Colfax is not within an airport land use plan.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact from an airport or an airport land use plan. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.9-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Construction

An impact to emergency operations and evacuation under the proposed General Plan Update could occur from construction of potential future development projects if they were to result in temporary road closures and potentially disrupt evacuation routes. Potential future development in the city would be required to comply with SRA Fire Safe Regulations, the CBC, and the California Fire Code (CFC). Some traffic delays can be expected during proposed project construction; however, traffic impacts during construction are temporary in nature and would cease once construction activities are complete. Future construction-related road closures would be limited to the duration of the construction period, a detour plan would be created (as needed), and direct impacts of construction would be evaluated during the project environmental review process or permit review.

Future development under the proposed project would result in construction activities that could temporarily affect roadways as a result of lane closures. This could affect emergency response times or evacuation routes. However, future project applicants would need to apply for an encroachment permit application for projects that involve working in the City of Colfax roads or right-of-way. The City's Municipal Code Chapter 15.12, Encroachment Permits, states that a building or occupancy permit cannot be issued if the council or delegated authority withholds it due to public interest, health and safety, or welfare. This includes noncompliance with laws, agreements, or improper land use. In addition, the General Plan Update includes Policy 7.3.9, which requires the Planning Department review before granting development permits for construction projects, the plans must include multiple ingress and egress points. Therefore, future projects compliant with the City's regulation and the proposed General Plan Update policies would ensure that construction related to road closures would not hinder public safety.

Operation

The General Plan Update would increase the number of people who may need to evacuate the city in the event of an emergency. Future development under the proposed project would be required to comply with the provisions of most recent versions of the CFC and CBC, which would ensure that building and life safety measures are incorporated and would facilitate implementation of emergency response plans. The City of Colfax is also covered under the Placer County LHMP, which provides guidance to effectively respond to an emergency.

The operation phase of future development projects would not involve physical components that would interfere with the ability of the City, and emergency response service providers in the event of an emergency. The General Plan Update includes policies aimed to address the City's emergency preparedness in the event of natural or human-made disasters. Examples include Policy 7.1.6, which focuses on protecting primary evacuation routes from being blocked or damaged by a hazard event; Policy 7.1.10, which states critical facilities shall be designed to minimize damage and ensure operational efficiency during and after hazard events; and Policy 7.3.14, which requires that new development be located where emergency services have sufficient capacity to meet project needs or require that they be upgraded to provide necessary capacity.

The General Plan Update would not interfere with an adopted emergency response plan or emergency evacuation. The proposed General Plan Update, in combination with State laws and regulations, as well as General Plan Update policies, would reduce hazards regarding implementation of emergency response and evacuation plans to a less-than-significant level.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact from an adopted emergency response plan or emergency evacuation plan. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

10. Hydrology and Water Quality

Impact 4.10-1: The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

The intensification of land uses in the city could degrade water quality through increases in non-point-source pollution from new impervious surfaces, construction activity that increases erosion and sediment loads in downstream receiving waters, increased pollutants from additional traffic, and increased use of chemicals and other pollutants from various land uses allowed by the General Plan Update. However, new development under the General Plan Update would be subject to several State and local regulations that would ensure that water quality standards are not violated. For example, the State General Construction Activity Storm Water Permit (CGP), which applies to construction activity that disturbs one acre or more, requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that identifies best management practices (BMPs) to minimize pollutants from discharging from the construction site to the maximum extent practicable. The CGP also prohibits the discharge of materials other than stormwater and authorized non-stormwater discharges (such as irrigation and pipe flushing and testing).

Additionally, the State Water Resources Control Board (SWRCB) has adopted a statewide general permit (Water Quality Order No. 2013-0001-DWQ) for small MS4s covered under the Clean Water Act to efficiently regulate numerous stormwater discharges under a single permit. Permittees must meet the requirements in Provision D of the General Permit, which require development and implementation of a Stormwater Management Plan (SWMP) with the goal of reducing the discharge of pollutants to the maximum extent practicable.

Furthermore, all storm drain facilities for future development projects would be designed and constructed consistent with the intent of applicable City of Colfax Construction and Maintenance Standards outlined in Chapter 16.04 of the Colfax Municipal Code, and the City of Colfax MS4 General Permit from the Regional Water Quality Control Board (RWQCB). These plans and standards incorporate strategies to minimize stormwater pollution. Potential water quality (non-point-source pollutants) impacts would be reduced by the implementation of the following 2040 General Plan policies such as Policy 6.3.2 aims to safeguard surface and groundwater resources from pollution and sediment contamination through the implementation of RWQCB's Central Valley Region's Best Management Practices and Policy 6.3.3 mandates that new development projects affecting local water quality through increased stormwater runoff or erosion must include water quality impacts analysis in project review and integrate mitigation measures to reduce identified impacts to acceptable levels.

The goals and policies in the Conservation and Open Space Element in combination with other State and federal regulations, would reduce water quality impacts to a less-than-significant level.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impacts towards water quality standards and waste discharge requirements. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.10-2: The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Some residents within the city rely on groundwater for their water supply. The average depth of water in the Colfax area is 150 to 300 feet. Water in these areas depend on local aquifers. Some have high production potential and others are unpredictable. Some urban development allowed by the General Plan Update would use groundwater. In addition, new construction could include impervious surfaces, which would decrease the area available for rainfall to infiltrate the ground and recharge the underlying water table. Additionally, Policy 6.3.1 in the Conservation and Open Space Element helps to maintain groundwater supplies and sustain groundwater resources by minimizing excessive paving that negatively impacts groundwater recharge rates. This policy, in combination with State and federal regulations, like the Sustainable Groundwater Management Act, would ensure that groundwater resources are sustainably managed and would reduce groundwater impacts to a less-than-significant level.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact related towards groundwater supplies, groundwater recharge, or sustainable groundwater management of the basin. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.10-3: The proposed project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner

that would: (i) result in substantial erosion or siltation on- or off-site; (ii) substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site; (iii) create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) impede or redirect flood flows.

Erosion, Siltation, and On- and Off-Site Flooding

Alterations to drainage patterns during and following construction allowed by the General Plan Update have the potential to result in construction-related increased runoff and erosion problems. In addition, increased stormwater runoff resulting from increased impervious surfaces can create erosive velocities and higher bank shear stress, which can ultimately cause bank and bed erosion and/or sedimentation in drainages and streams, as well as create nuisance flooding in areas without adequate drainage facilities. Minor increases in tributary flows can also exacerbate creek bank erosion and/or cause destabilizing channel incision by altering the so-called “channel-forming” flow. Bank instability and bank failure often occur in urban drainage systems where the channel-forming flow has been substantially altered.

However, new development under the General Plan Update would be subject to several State and local regulations that would ensure future development would not substantially alter the existing drainage pattern of a site resulting in increased runoff and erosion. For example, future development would be required to request coverage under the NPDES General Permit, Order No. Water Quality Order No. 2009-0000-DWQ (as amended by Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ), if the proposed project would result in one or more acres of land disturbance. To conform to the requirements of the MS4 General Permit, a SWPPP would need to be prepared. The SWPPP would specify BMPs to prevent construction pollutants, including eroded soils (such as topsoil), from moving off-site. Additionally, pursuant to Colfax Municipal Code Chapter 15.30, Grading, Erosion, and Sediment Control, prior to commencement of any grading within the city, a person is required to meet with the City Engineer or designee and complete a simple form application to outline what is proposed. The City Engineer will then decide whether a permit is required and what other actions may be necessary before grading can be commenced.

Furthermore, the General Plan Update includes policies from the Conservation and Open Space Element and Safety Element that would reduce impacts to erosion such as Policy 6.4.1 which requires discretionary project review for all substantial grading activities not associated with an approved development project, policy 6.4.2 requires slope analysis maps during the environmental review process at the first available opportunity of project review, as needed, to assess future grading activity, building location impacts, and road construction impacts, policy 6.4.3 requires projects that require earthwork and grading, including cuts and fills for roads, to incorporate measures to minimize erosion and sedimentation, policy 7.2.4 requires detailed soils and geologic studies prior to approval for development in potentially hazardous areas, and policy 7.2.5 avoids development in areas of steep slope and high erosion potential.

These General Plan policies and State and federal regulations would reduce drainage impacts to a less-than-significant level.

Stormwater Drainage and Runoff

Development allowed by the General Plan Update would result in more impervious surfaces, thereby increasing stormwater runoff to levels that could exceed the capacity of existing or planned stormwater drainage systems. However, new development under the General Plan Update would be subject to several State and local regulations that would ensure future development would not result in significant impacts to stormwater drainage systems. Development would be subject to Chapter 16.58 of the Colfax Municipal Code, Storm Drainage, which requires developers to provide adequate facilities for carrying stormwater originating above and within the project through the project to an adequate storm drainage facility. Additionally, development would be required to comply with the State CGP and the MS4 Phase II General Permit. Furthermore, the General Plan Update includes policies from the Conservation and Open Space Element that would reduce impacts to stormwater drainage such as Policy 6.3.1 which states to minimize excessive paving that negatively impacts surface water runoff and groundwater recharge rates and Policy 6.3.6 aims to protect and enhance existing water courses, riparian features, and hydrologic features to improve ground water recharge and runoff infiltration through the implementation of City standards and ordinances.

These General Plan Update policies, in combination with Chapter 16.58 of the Colfax Municipal Code, Storm Drainage, and other State regulations, would reduce stormwater capacity impacts to a less-than-significant level.

Impediment or Redirection of Flooding

Colfax does not contain areas designated as 100-year and 500-year flood zones. Regardless, development would be subject to Chapter 16.58 of the Colfax Municipal Code, Storm Drainage, which requires developers to provide adequate facilities for carrying stormwater originating above and within the project through the project to an adequate storm drainage facility. Additionally, the policies from the General Plan Conservation and Open Space Element would reduce impacts to flooding such as Policy 6.3.1 which states to minimize excessive paving that negatively impacts surface water runoff and groundwater recharge rates and Policy 6.3.6 aims to protect and enhance existing water courses, riparian features, and hydrologic features to improve ground water recharge and runoff infiltration through the implementation of City standards and ordinances.

These General Plan Update policies, in combination with Chapter 16.58 of the Colfax Municipal Code, Storm Drainage, and other State and federal regulations, would ensure that the impact of impedance and redirection of flood waters would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact related to substantially altering the existing drainage pattern of the area. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.10-4: The proposed project would not be in a flood hazard, tsunami, or seiche zone, or risk release of pollutants due to project inundation.

Flood Hazards, Tsunami and Seiches

Colfax does not contain areas within the 100-year or 500-year flood zones. Colfax is over 100 miles east of the Pacific Ocean and is well outside of the tsunami inundation zone. Colfax is not within a dam inundation zone and does not contain any bodies of water that would be susceptible to a seiche. No impact would occur in regard to flood hazards, tsunamis, and seiches.

Finding: The proposed project would have no significant direct, indirect, and cumulative impact to flood hazard, tsunami, or seiche zones. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.10-5: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Impact 4.10-1 details measures in place to ensure future development has a less-than-significant impact on surface and groundwater quality. These measures would also ensure that future development does not obstruct or conflict with the implementation of a water quality control plan or groundwater sustainable plan. As discussed in Impact 4.10-2, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge. As such, the impact would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to conflicting with implementation of a water quality control plan or sustainable groundwater management plan. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

11. Land Use and Planning

Impact 4.11-1: Implementation of the proposed project would not divide an established community.

The General Plan Update encourages efficient infill development, development near existing or planned transportation facilities, as well as development in areas where public infrastructure facilities can be readily available. For example, Policy 2.1.2 states that higher-density housing and employment and service will be located in areas that are easily accessible to existing or planned transportation facilities. Policy 2.2.2 requires that new residential subdivision, commercial, or industrial land development within the city shall be contingent on City services, including sewer, water, and emergency vehicle access. Policy 2.2.5 prioritizes infill development consistent with goals for reducing vehicle miles travelled and supporting existing businesses and states that infill development should be evaluated carefully to ensure that development is consistent with the character of the community and open space is preserved.

The General Plan Update also seeks to ensure that new development is sensitive to and strengthens the existing built and natural environment. For example, Policy 5.3.1 seeks to maintain a compact city form through a clear distinction between urban development and the surrounding environment. Policy 5.3.2 ensures that new development is compatible with existing urban areas.

These proposed policies would ensure that new development would be sensitive to the existing built environment and would unify rather than divide existing communities. As a result of these policies, implementation of the General Plan Update would result in a less-than-significant impact associated with the physical division of existing communities.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact as the implementation of the proposed project would not divide an established community. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.11-2: Implementation of the proposed project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Land-Use Plans, Policies, and Regulations

While the proposed 2040 General Plan is the primary planning document for the City of Colfax and the proposed update is intended to ensure consistency with federal and State laws, implementation of the 2023-2045 General Plan has the potential to conflict with “land use” plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. For the purposes of this environmental impact report (EIR), a “land use” plan is a policy or regulation that addresses how land is used. The following discusses the proposed 2040 General Plan and its relationship to the land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Placer County Local Agency Formation Commission

The City of Colfax’s SOI is regulated by the Placer County Local Agency Formation Commission (LAFCO), and any proposed jurisdictional boundary changes, including annexations and detachments of territory to and/or from the City, is subject to the Placer County LAFCO review and approval. The Placer County LAFCO also must review any contractual service agreements and determine the SOI. Although the City does not propose to annex or de-annex any areas of the SOI as part of the 2040 General Plan, annexation proposals could occur during the buildout horizon of the proposed General Plan. Any annexations must be consistent with the policies of the City’s General Plan and all appropriate City development standards and must be processed under an application funded fully by the applicant that includes “pre-zoning” for the subject area and that may also include a development agreement. The proposed project acknowledges that the City will follow adopted Placer County LAFCO policies to review proposed SOI changes and annexation requests. Accordingly, the proposed 2040 General Plan would neither conflict with nor be inconsistent with the Placer County LAFCO policies, and the impact would be less than significant.

Regional Transportation Plan and Sustainable Communities Strategy for the Sacramento Region

While the 2020 Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) is not intended to override local land use control, it provides guidance to the local agencies such as Colfax that focuses on achieving the State's greenhouse gas (GHG) and vehicle miles traveled (VMT) reduction goals by prioritizing growth in strategic growth areas. Accordingly, the 2040 General Plan would not conflict with or be inconsistent with the Sacramento Area Council of Government's (SACOG's) 2020 MTP/SCS.

Summary

In summary, the proposed project is the primary planning document for the City of Colfax. The proposed General Plan Update is intended to ensure consistency between the General Plan and federal, State, and local laws. As described previously, the proposed project would not conflict with any relevant planning documents and contains policies that would support the efforts of these documents. As such, the impact would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact related to conflicting with land use plans. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

12. Noise

Impact 4.12-1: The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local General Plan or noise ordinance, or in other applicable local, state, or federal standards.

Noise and Land Use Compatibility

The Noise Element of the proposed General Plan provides policy direction for minimizing noise impacts on the community and establishes noise control measures for construction and operation of land use projects. By identifying noise-sensitive land uses and establishing compatibility guidelines for those land use (Table 4-1, *Human Reaction and Damage to Buildings from Typical Vibration Levels*, of the proposed General Plan Noise Element), noise considerations would influence the general distribution, location, and intensity of future land uses. The result is that effective land use planning and project design can alleviate most noise problems.

The most basic planning strategy to minimize adverse impacts on new land uses due to noise is to avoid designating certain land uses at locations in the city that would negatively affect noise-sensitive land uses. Uses such as schools, hotels, hospitals, nursing homes, recreational uses, churches, libraries, cemeteries, and all types of residential uses must be located outside of any area anticipated to exceed the exterior and interior noise levels as defined by the Noise Compatibility Standards or must be protected from noise through sound attenuation measures such as site and architectural design and sound walls (proposed Noise Element Policy 4.1.2 and Policy 4.1.3). The proposed

guidelines are used as a basis for planning decisions and these guidelines are shown in Table 4-3, *Noise Compatibility Standards*, of the proposed Noise Element. Table 4-1 of the proposed Noise Element would be used to determine whether the existing exterior and interior noise levels that would surround a proposed new use are consistent with those presented in the proposed General Plan and to identify where a proposed General Plan Update may need to incorporate noise mitigation features. In a case where the noise levels identified at a future project site are within levels identified in Table 4-1 of the General Plan, the project would be considered compatible with the existing noise environment. All future projects under the proposed General Plan Update subject to discretionary review would be evaluated for noise/land use compatibility.

The Noise Element of the proposed General Plan Update provides guidance to protect the community from excessive noise exposure. The proposed goals, policies, and implementation measures from the Noise and Circulation Elements would integrate noise considerations into land use planning decisions and require design strategies for minimize noise effects including Implementation Measure 2.1.C which locates industrial and commercial land uses away from noise sensitive land uses, Implementation Measure 2.1.D which prevents the placement of new sensitive land uses near existing noise generating uses, Goal 4.1 states that appropriate noise and vibration levels that support a range of places from quiet neighborhoods to active outdoor events, Policy 4.1.1 which requires new development to meet the noise compatibility standards identified in Table 4-1 of the proposed Noise Element, Policy 4.1.2 which requires the use of integrated design-related noise reduction measures for both interior and exterior areas, Policy 4.1.3 which integrates non-architectural noise attenuation measures into the design of the project, Policy 4.1.4 which requires development proposing to add people in areas where they may be exposed to major noise sources to conduct a project level noise analysis and implement recommended noise reduction measures, Goal 4.2 aims to minimize exposure to excessive noise by ensuring compatible land uses relative to noise sources, Policy 4.2.1 requires that effective noise mitigation measures be incorporated into the design of new noise-generating and new noise-sensitive land uses, and Policy 4.2.2 protects noise-sensitive land uses from high levels of noise by restricting noise-producing land uses from these areas.

Proposed General Plan Policy 4.1.1 requires the integration of noise considerations into land use planning decisions to minimize new noise impacts to or from new development. Proposed Policy 4.1.4 would require the submittal of an acoustical analysis for projects adding people in areas where they may be exposed to major noise sources (e.g., roadways, rail lines, aircraft, industrial or other non-transportation noise sources). This noise analysis would determine if the noise level at the future project site is consistent with the noise levels presented in Table 4-1 of the proposed Noise Element.

The acoustical analyses potentially triggered by Policy 4.1.4 would include refined evaluation of noise/land use compatibility in order to more precisely identify the existing ambient noise environment affecting the subject site, typically achieved through conducting baseline noise measurements with a sound level meter, though this can also be achieved in many areas of the City by referring to the General Plan noise contours (Figures 4-2 through 4-4 of Appendix H) and/or Table 4.12-2, *Existing (Baseline) Noise Measurement*, of the DEIR. The location-specific baseline noise measurements presented in the acoustical analyses either demonstrate the noise/land use compatibility between a proposed land use and location or assist with the characterization of the ambient noise environment in a manner that allows for implementation of the appropriate noise attenuation measures necessary to protect the new noise-sensitive land use. Examples of this are

included in Policy 4.1.2 and Policy 4.1.3 and include measures such as noise barriers, buffers, walls, or setbacks. The need for noise attenuation measures in building construction and project design from any noise source and for all land uses will be determined on a project-by-project basis at the time development is proposed. Further, proposed General Plan Policy 4.2.1 would require that effective noise mitigation measures be incorporated into the design of new noise-generating and new noise-sensitive land uses. Lastly, Policy 4.2.2 aims to protect noise-sensitive land uses from high levels of noise by restricting noise-producing land uses from these areas.

For these reasons, noise/land use compatibility under the General Plan would represent a less than significant impact.

Temporary Construction Noise

Under the proposed project, the primary source of temporary noise within the city would be demolition and construction activities associated with development projects and activities. Construction activities would involve both off-road construction equipment (e.g., excavators, dozers, cranes, etc.) and transport of workers and equipment to and from construction sites. Table 5-2, *Reference Construction Equipment Noise Levels (50 Feet from Source)*, of Appendix H, shows typical noise levels produced by the types of off-road equipment that would likely be used during future construction within Colfax. It is noted that future development under the proposed project could potentially require installation of pile foundations that may utilize impact pile drivers or similar equipment that may be expected to generate high noise levels.

Construction noise is currently a major source of temporary noise within Colfax and will continue to be so regardless of whether the proposed General Plan is adopted. Noise levels near individual construction sites associated with development and activities under the proposed General Plan would not be substantially different from what they would be under the existing City of Colfax General Plan 2020. Since specific future projects within the city are unknown at this time, it is conservatively assumed that the construction areas associated with these future projects could be located within 50 feet of sensitive land uses.

As depicted in Table 5-2 of Appendix H, noise levels generated by individual pieces of construction equipment typically range from approximately 74 dBA to 101.3 dBA L_{max} at 50 feet and 67.7 dBA to 94.3 dBA L_{eq} at 50 feet. Average hourly noise levels associated with construction projects can vary, depending on the activities performed. Short-term increases in vehicle traffic, including worker commute trips and haul truck trips, may also result in temporary increases in ambient noise levels at nearby receptors. During each stage of construction, a different mix of equipment would operate, and noise levels would vary based on the amount of equipment on-site and the location of the activity. Construction noise levels drop off at a rate of about 6 dBA per doubling of distance between the noise source and the receptor. Intervening structures or terrain would result in lower noise levels at distant receivers.

The City of Colfax Municipal Code Section 8.28.010 permits construction Monday through Friday 6:00 a.m. to 6:00 p.m. as well as Saturdays, Sundays and observed holidays 8:00 a.m. to 5:00 p.m. Noise from construction activities must not produce noise levels in excess of 80 dBA when measured at the property line or at a distance of twenty-five feet, whichever is greater, on Saturdays

and 70 dBA when measured at the property line or at distance of 25 feet, whichever is greater, on Sundays and observed holidays. It is common for cities to regulate construction noise in this manner because construction noise is temporary, short term, and intermittent in nature, and ceases upon completion of construction.

Compliance with Municipal Code Section 8.28.010 would ensure that noise attenuation is provided to minimize temporary noise impact associated with construction. Construction noise under the proposed General Plan Update would therefore be less than significant.

Stationary Source Noise

The development of residential, automotive, industrial, or other uses and activities under the proposed General Plan could generate substantial stationary noise. Such sources could generate noise from heating, ventilation, and air conditioning (HVAC) mechanical equipment, back-up diesel generators in some cases, parking lot activity, backup beepers from internal truck and equipment maneuvering, and other sources. Table 5-3, *Reference Stationary Source Noise Levels (At the Source)*, in Appendix G, identifies noise levels generally associated with common stationary noise sources.

Stationary source noise is currently a major source of temporary noise within Colfax and will continue to be so regardless of whether the proposed General Plan is adopted. Noise levels near individual sources under the proposed project would not be substantially different from what they would be under the existing City of Colfax existing General Plan. The Noise Element of the proposed General Plan addresses stationary noise through Implementation Measure 2.1.C which locates industrial and commercial land uses away from noise sensitive land uses, Implementation Measure 2.1.Ds prevents new sensitive land uses from being placed near existing noise generating uses, Policy 4.1.1 requires new development to meet the noise compatibility standards identified in Table 4-1 of the proposed Noise Element, Policy 4.1.4 requires development proposing to add people in areas where they may be exposed to major noise sources, Policy 4.2.2 protects noise-sensitive land uses from high levels of noise by restricting noise-producing land uses from these areas, and Policy 4.2.3 revises the Municipal Code to include appropriate interior and exterior noise level standards for existing and future residential areas.

Implementation Measure 2.1.C explicitly mandates the location of industrial and commercial land uses be away from noise sensitive land uses, while Implementation Measure 2.1.D prohibits new sensitive land uses near existing noise generating uses. Proposed General Plan Policy 4.1.1 requires the integration of noise considerations into land use planning decisions to minimize new noise impacts to or from new development. Additionally, proposed Policy 4.1.4 would require the submittal of an acoustical analysis for projects adding people in areas where they may be exposed to major noise sources (e.g., roadways, rail lines, aircraft, industrial or other non-transportation noise sources). This noise analysis would show if the noise level at the future development site is consistent with the noise levels presented in Table 4-1 of the proposed Noise Element. Furthermore, proposed Policy 4.1.4 would require the submittal of a project level noise analysis in areas where noise-sensitive receptors may be exposed to major stationary noise sources. The noise analyses at the project level would include refined evaluation of noise/land use compatibility in order to more precisely identify the existing ambient noise environment affecting the subject site, typically achieved through the conducting of baseline noise measurements with a sound level meter and/or calculating traffic noise

from surrounding roadway facilities with regulatory traffic noise models. The location-specific baseline noise measurements and/or traffic noise calculations presented in the acoustical analyses either demonstrate the noise/land use compatibility between a proposed land use and location or assist with the characterization of the ambient noise environment in a manner that allows for implementation of the appropriate noise attenuation measures necessary to protect the new noise-sensitive land use. Additionally, proposed General Plan Policy 4.2.2 and Policy 4.2.3 aim to protect noise-sensitive land uses by restricting the proximity to noise-producing sources and establishing City standards.

With implementation of the proposed General Plan policies identified above, future development and activities under the proposed General Plan Update would result in a less than significant impact related to stationary noise sources.

Rail Noise

Railway noise is a major mobile noise source in Colfax (see Figure 4-2, *Railroad and Rail Crossing Noise Contours*, of the proposed Noise Element). The Union Pacific Railroad rail line runs through the western portion of the city adjacent to Main Street. Currently, there are approximately 25 freight trains and 2 Amtrak trains per day traversing the city.

Noise levels along the existing railroad under the proposed General Plan would remain the same as existing conditions; any changes to the frequency of trains or to train equipment would be initiated and implemented by the respective rail authority, rather than the City of Colfax, and are not part of the proposed project. However, development under the proposed project has the potential to locate new development along the rail line.

The Noise Element of the proposed General Plan addresses rail noise such as Policy 4.1.1 requires new development to meet the noise compatibility standards identified in Table 4-1 of the proposed Noise Element, Policy 4.1.2 requires the use of integrated design-related noise reduction measures for both interior and exterior areas prior to the use of noise barriers, buffers, or walls to reduce noise levels generated by or affected by new development, Policy 4.1.3 integrates non-architectural noise attenuation measures such as sound walls, setbacks, barriers, and berms into the design of the project, Policy 4.1.4 requires development proposing to add people in areas where they may be exposed to major noise sources to conduct a project level noise analysis and implement recommended noise reduction measures, and Policy 4.1.5 maintains the Rail Crossing Quiet Zone and allow the establishment of a full or partial at-grade rail crossing quiet zone.

The most basic planning strategy to minimize adverse impacts on new land uses due to noise is to avoid designating certain land uses at locations in the city that would negatively affect noise-sensitive land uses. Uses such as schools, hotels, hospitals, nursing homes, recreational uses, churches, libraries, cemeteries, and all types of residential uses must be located outside of any area anticipated to exceed noise levels as defined by the Noise Compatibility Standards (see Table 4-3 of the proposed Noise Element) or must be protected from noise through sound attenuation measures such as site and architectural design and sound walls. Proposed General Plan Policy 4.1.1 would require the integration of noise considerations into land use planning decisions to minimize new noise impacts to or from new development. Additionally, Proposed Policies 4.1.2, 4.1.3 and 4.1.5

provide a strong policy framework for minimizing noise impacts, including railway-related noise impacts, in new development. Furthermore, proposed Policy 4.1.4 would require the submittal of a project level noise analysis in areas where noise-sensitive receptors may be exposed to major noise sources, such as rail activity. The noise analyses at the project level would include refined evaluation of noise/land use compatibility in order to more precisely identify the existing ambient noise environment affecting the subject site, typically achieved through the conducting of baseline noise measurements with a sound level meter and/or calculating traffic noise from surrounding roadway facilities with regulatory traffic noise models, though this can also be achieved in many areas of the City by referring to the General Plan railroad noise contours (Figure 4-2 of the proposed Noise Element). The location-specific baseline noise measurements and/or traffic noise calculations presented in the acoustical analyses either demonstrate the noise/land use compatibility between a proposed land use and location or assist with the characterization of the ambient noise environment in a manner that allows for implementation of the appropriate noise attenuation measures necessary to protect the new noise-sensitive land use.

No aspect of the proposed project would increase railway noise levels along the existing railroad corridor. Adherence to the proposed General Plan policies identified above would ensure that the noise environment in Colfax does not increase in a manner that worsens existing noise compatibility or exposes noise-sensitive land uses to “unacceptable” noise levels. Therefore, this impact is less than significant.

Traffic Noise

Future development and activities under the proposed General Plan are expected to affect the community noise environment mainly by generating additional traffic. Transportation-source noise levels were calculated using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108) with traffic counts provided by Fehr & Peers Transportation Consultants. The model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (energy rates) used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by Caltrans. The Caltrans data shows that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels. Future traffic noise contours are mapped in Figure 4-4, *Future Traffic Noise Contours*, of Appendix H. Table 4-2, *Future (General Plan Buildout) Roadway Noise Levels*, of the proposed Noise Element, shows the calculated off-site roadway noise levels under existing traffic levels compared to future buildout under the proposed General Plan.

As previously described, a 5-dBA change is required before any noticeable change in community response is expected. Based on this fact, a significant increase in traffic noise is considered to be an increase in the existing ambient noise environment of at least 5 dBA CNEL. As reflected in Table 4-2 of the proposed Noise Element, this analysis included a large sample of local roadway segments but did not include all roadways within Colfax. The analyzed segments were selected to illustrate potential changes in roadway noise throughout Colfax. Therefore, additional roadways segments in Colfax may experience some increased traffic noise.

As shown in Table 4-2 of the proposed Noise Element, no city roadway segment would experience an increase of more than 5.0 dBA CNEL over existing conditions with buildout anticipated under the proposed General Plan Update.

The Noise Element of the proposed General Plan addresses traffic noise with Policy 4.1.1 which requires new development to meet the noise compatibility standards identified in Table 4-1 of the proposed Noise Element, Policy 4.1.2 which requires the use of integrated design-related noise reduction measures for both interior and exterior areas prior to the use of noise barriers, buffers, or walls to reduce noise levels generated by or affected by new development, Policy 4.1.3 which integrates non-architectural noise attenuation measures such as sound walls, setbacks, barriers, and berms into the design of the project, and Policy 4.1.4 requires development proposing to add people in areas where they may be exposed to major noise sources to conduct a project level noise analysis and implement recommended noise reduction measures.

All future projects subject to discretionary review under the proposed project would be required to be evaluated for noise compatibility, including traffic noise compatibility. The proposed General Plan Policy 4.1.1 would require the integration of noise considerations into land use planning decisions to minimize new traffic noise impacts to or from new development. Proposed Policies 4.1.2 and 4.1.3 provide a strong policy framework for minimizing noise impacts on noise-sensitive land uses due to traffic noise. Furthermore, proposed Policy 4.1.4 would require the submittal of a project level noise analysis in areas where they may be exposed to major noise sources such as roadways. The noise analyses at the project level would include refined evaluation of noise/land use compatibility in order to more precisely identify the existing ambient noise environment affecting the subject site, typically achieved through the conducting of baseline noise measurements with a sound level meter and/or calculating traffic noise from surrounding roadway facilities with regulatory traffic noise models, though this can also be achieved in many areas of the City by referring to the General Plan noise contours (Figures 4-2 and 4-4 of Appendix H). The location-specific baseline noise measurements and/or traffic noise calculations presented in the acoustical analyses either demonstrate the noise/land use compatibility between a proposed land use and location or assist with the characterization of the ambient noise environment in a manner that allows for implementation of the appropriate noise attenuation measures necessary to protect the new noise-sensitive land use.

As shown in Table 4-2 of the proposed Noise Element, no city roadway segment would experience an increase of more than 5.0 dBA CNEL over existing conditions with buildout anticipated under the proposed project. With implementation of the proposed General Plan policies identified above, future development and activities under the proposed General Plan would result in a less than significant impact related to traffic noise sources.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.12-2: The proposed project would not result in the generation of excessive groundborne vibration or groundborne noise levels.

Construction Vibration

Future construction activities under the proposed General Plan have the potential to expose sensitive land uses within Colfax to groundborne vibration. Construction activities would occur in a variety of locations throughout Colfax and may require the use of off-road equipment known to generate some degree of vibration. Construction activities that generate excessive vibration, such as blasting, would not be expected to occur from future development due to the geography of Colfax and small number of properties with potential for development. Receptors sensitive to vibration include structures (especially older masonry structures), people (especially elderly and sick), and equipment (e.g., magnetic resonance imaging equipment, high resolution lithographic, optical and electron microscopes). Regarding the potential effects of groundborne vibration to people, except for long-term occupational exposure, vibration levels rarely affect human health.

The majority of construction equipment would not be situated at any one location during construction activities, but rather spread throughout a construction site and at various distances from sensitive receptors. Since specific future projects under the proposed General Plan are unknown at this time, it is conservatively assumed that the construction areas associated with these future projects could be located within 50 feet of sensitive land uses. The primary vibration-generating activities would occur during grading, placement of underground utilities, and construction of foundations. For reference, Table 5-5, *Representative Vibration Source Levels for Construction Equipment*, of Appendix H, shows the typical vibration levels produced by construction equipment at 50 feet. The Noise Element of the proposed General Plan addresses construction vibration as mentioned in Policy 4.1.7 which requires new development to reduce vibration to 85 VdB or below at the property line.

Proposed General Plan Policy 4.1.7 limits construction vibration to 85 VdB as a way to protect historic/ older buildings as well as to avoid damage to residential structures and modern industrial/commercial buildings. Adherence to the vibration-reducing measures in the proposed Noise Element would ensure that vibration reduction is being provided to minimize the temporary impact that is construction. Construction vibration under the proposed project would be less than significant.

Train Vibration

The proposed General Plan would not generate any new train trips through Colfax. Vibration levels as a result of trains traveling along the existing railroad under the proposed project would remain the same as existing conditions, unless otherwise changed by the respective rail authority. However, development under the proposed project has the potential to locate new development along Union Pacific Railroad rail line, where it would potentially be exposed to substantial levels of vibration.

Passing trains create vibration events that last approximately 2 minutes, though it is extremely rare for vibration from train operations to cause substantial or even minor cosmetic building damage. Older, historic buildings often considered fragile are the predominate source of concern from rail-related vibration. According to the Federal Transit Administration, groundborne vibration from

“locomotive-powered passenger and freight rail” is readily perceptible at distances of less than 50 feet between the track and building foundations (85 VdB), while vibration from “rapid transit/light rail” is barely perceptible at that distance (75 VdB). While each building has different characteristics relative to structure-borne vibration, in general, the heavier the building, the lower the levels of vibration. Additionally, community (human) response to vibration correlates with the frequency of events and, intuitively, more frequent events of low vibration levels may evoke the same response as fewer high vibration level events. Table 5-6, *Representative Train Vibration Levels*, in Appendix H, identifies train vibration levels at several distances within 200 feet, as determined by the Federal Transit Administration. The Noise Element of the proposed General Plan addresses train vibration with Policy 4.1.7 which requires new development to reduce vibration to 85 VdB or below at the property line.

As shown in Table 5-6 in Appendix H, a locomotive-powered train traversing at a distance of 10 feet from a receptor could be expected to result in 95 VdB at the receptor, which is the threshold at which there is a risk of architectural damage to older residential structures. The construction of new buildings under the proposed project would be done in conformance with the most recent building standards, reducing the potential for damage to buildings from typical rail vibration. Adherence to proposed General Plan Policy 4.1.7 would ensure that train-induced vibration under the proposed would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact in the generation of excessive groundborne vibration or groundborne noise levels. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.12-3: For a project located within the vicinity of a private airstrip or an airport land use plan, or where such a plan has not been adopted, within 2 miles of a public airport or public use airport, the project would not expose people residing or working in the project area to excessive noise levels.

Aircraft overflight occurs regularly as the city is near domestic airports; however, the city is not within an airport overflight area and is outside of any airport noise contours. Therefore, people within Colfax would not be exposed to excessive noise levels and there would be no impact.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact as the project will not be located within the vicinity of a private airstrip or an airport land use plan; therefore the project would not expose people residing or working in the project area to excessive noise levels. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

13. Population and Housing

Impact 4.13-2: The proposed project would not displace people and/or housing.

The purpose of the General Plan Update is to provide orderly growth in the City of Colfax through the distribution, location, balance, and extent of land uses. The General Plan Update would increase

the amount of land designated for medium density residential, industrial, and commercial, and reduce the amount of land designated for low density residential and high density residential. The proposed project would result in two new land use designations—Public-Quasi Public Facilities and Downtown Mixed-Use. The proposed project would also result in zoning amendments to reflect the land use changes. These land use changes would be proposed to accommodate the growth projections for the City, which project a decrease in housing and population, and an increase in employment.

Government Code Section 66300(d)(2) requires that any project that would demolish residential units must create at least as many units as will be demolished. Additionally, the General Plan Update policies would support housing growth, as indicated in Policy 2.2.4 of the Land Use Element which encourages tax-generating development to support residential growth. All of the sites proposed for new development either contain property owners who are actively redeveloping the site, are vacant, or are nonresidential in nature and, therefore, do not contain any residents. Therefore, the proposed project would not displace any people and would provide housing commensurate to the City's growth trends. Therefore, the impact would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact as the project implementation would not result in displacing a substantial number of people and/or housing. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

14. Public Services, Parks and Recreation

Impact 4.14-1: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: i) fire protection, ii) police protection, iii) schools, and iv) other public facilities.

Fire Protection

The Placer County Fire Department (PCFD)/CAL FIRE provides fire protection and safety services for the City of Colfax. PCFD/CAL FIRE has two fire stations in the City and one in the SOI—the Battalion Headquarters (Colfax Station 30) and two volunteer stations (Colfax Stations 36 and 37). The proposed project would result in an increase in development and residents compared to existing conditions. While the proposed project would result in new development, including development that may be in or near fire hazard zones, the proposed project includes policies aimed at creating defensible space, identifying and maintaining evacuation routes, supporting measures that help firefighting crews respond to fire hazards, and ensuring that new development is located where fire and emergency services have sufficient capacity (Policy 7.3.10 through Policy 7.3.14 of the Safety Element). Also, Policy 2.1.1 of the Land Use Element states that the City will coordinate with service providers to ensure adequate infrastructure and services. Additionally, new development in the City would be required to comply with all applicable regulations, such as the California Fire Code, and all

new development would be reviewed by the PCFD/CAL FIRE for consistency. If additional and/or expanded facilities are needed, subsequent environmental review for each development project would be required. Therefore, impacts would be less than significant.

Police Protection

The Placer County Sheriff's Office Colfax Substation is staffed by a Sergeant, four City-dedicated deputies, and two resident deputies. While the proposed project would result in new development and the addition of new residents compared to existing conditions, the proposed project includes policies aimed at maintaining sufficient response times, ensuring that new development projects reduce the risk of crime, and promoting citizen engagement in crime awareness (Policy 7.4.1 through Policy 7.4.3 of the Safety Element). Also, Policy 2.1.1 of the Land Use Element states that the City will coordinate with service providers to ensure adequate infrastructure and services. If additional and/or expanded facilities are needed, subsequent environmental review for each development project would be required. As such, impacts would be less than significant.

School Services

Buildout of the proposed project would result in an increase in students, compared to existing conditions. The Colfax Elementary School District (CESD) and Placer Union High School District (PUHSD) require developers of commercial and residential developments to pay developer fees. Pursuant to Section 65996 of the Government Code, payment of school fees is deemed to provide full and complete school facilities mitigation. If additional and/or expanded facilities are needed, subsequent environmental review for each development project would be required. Therefore, impacts would be less than significant.

Library Services

The Colfax Library was expanded in 2010, and now encompasses 3,600 square feet. In addition to physical volumes, Placer County Library provides online resources for its patrons. While the proposed project would result in an increase in residents compared to existing conditions, access to online resources could lessen demands for physical volumes. Additionally, the proposed project includes Policy 2.1.1 of the Land Use Element which states that the City will coordinate with service providers to ensure adequate infrastructure and services. If additional and/or expanded facilities are needed, subsequent environmental review for each development project would be required. Therefore, impacts would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact related to the need for new or expanded fire, police, school, or library infrastructure services in order to maintain acceptable service ratios, response times, or other performance objectives. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.14-2: The project would increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated.

Buildout of the proposed project would result in an estimated population of 7,037 residents in the City. The proposed project would increase the existing population of 2,016 residents in Colfax, by 5,021 additional residents. This would result in an increase in the use of existing park and recreational facilities.

Each jurisdiction determines the appropriate park standard based on the guidance provided by Section 666477 of the California Government Code, commonly referred to as the Quimby Act, which requires a standard of three acres of parkland per 1,000 residents. The City's park standard is four acres of parkland per 1,000 residents. With an existing population of 2,016 residents, the parkland requirements at four acres per thousand would be approximately 8.1 acres. Using the same four acres per thousand metric, the buildout population of 7,037 residents in the City would result in a need of 28.1 acres of parkland. Therefore, the City would have a parkland deficiency of 24.84 acres, given that the City currently has 3.26 acres of parklands (excluding the proposed skate park for the existing Children's Park.). However, Placer County recreation areas 3, 12, and 14 provide approximately 215.5 acres of parklands, and would be more than adequate publicly available land for residents in the City and SOI.

New development would be required to pay development impact fees and/or dedicate parkland or pay an in-lieu fee. The availability of new facilities would prevent the accelerated physical deterioration of existing facilities. Additionally, Policy 2.1.1 of the Land Use Element of the proposed project states that the City will coordinate with service providers to provide infrastructure and services, such as parks and recreational facilities. Additionally, the proposed Conservation and Open Space Element includes policies which require land or in-lieu fees for parks, call for cooperation with the Park and Recreation Commission to improve and maximize existing parks and recreational facilities, strive to provide parks to meet the needs of developing areas, and continue to meet community park and recreation needs (Policy 6.5.1 through Policy 6.5.4). As such, impacts would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.14-3: The project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

The General Plan Update guides growth and development within the City and is not a development project. As the population of the City grows, recreational facilities may be developed and/or improved to provide residents with additional recreational opportunities and to adhere to the City's

parkland of four acres per 1,000 residents. Parks are also a permitted use under other land use designations (e.g., residential land uses), which could result in the development of recreational facilities outside of park-designated parcels.

Development and operation of new or expanded recreational facilities may have an adverse physical effect on the environment, including impacts related to air quality, biological resources, lighting, noise, and traffic. As this Draft EIR assumes construction would occur on all areas designated for development, the physical environmental impacts associated with the construction of new and/or expansions of existing recreational facilities in accordance with the proposed land use plan are addressed throughout this Draft EIR. Similarly, potentially adverse impacts to the environment that may result from the expansion of parks, recreational facilities, and multiuse trails pursuant to buildout of the proposed project are also addressed throughout this Draft EIR. Subsequent environmental review for individual recreational developments would also be required if additional and/or expanded parks and recreational facilities are needed. Consequently, impacts from the General Plan Update relating to new and/or expanded recreational facilities would not result in additional impacts than disclosed in this Draft EIR. Impacts would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact related to the construction or expansion of recreational facilities. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

15. Transportation

Impact 4.15-1: The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

The proposed Circulation Element focuses on developing a transportation system that meets the needs of all segments of the population through a complete streets approach. This includes increasing options for alternative transportation (public transit, walking, and bicycling); ensuring that pedestrian and bicycle systems connect residential neighborhoods to public facilities and services, schools, parks, and shopping areas; and other means to develop a multi-modal transportation system that meets the needs of all members of the community. The proposed Land Use Element also supports alternative transportation by promoting infill and mixed-use development, increasing residential densities along major traffic corridors and near employment opportunities and shopping, and encouraging circulation improvements that promote community connectivity. Therefore, the goals and policies of the proposed Elements are consistent with the regional goals and strategies expressed in the 2040 RTP. Discretionary projects are reviewed on a case-by-case basis according to determine compliance with the City's Vehicle Congestion Management Program. Implementation of the 2040 General Plan would have a beneficial effect on the City's transportation system by enhancing safety on the roadway system and promoting alternative travel modes, including transit, pedestrian, and bicycle circulation systems. There would be no impact.

Finding: The proposed project would no significant direct, indirect, and cumulative impact as it would not conflict with a program, plan, ordinance, or policy addressing the circulation system,

including transit, roadway, bicycle, and pedestrian facilities. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.15-3: The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Roadway hazards are typically assessed at the project level. Potential hazards associated with future development projects would be analyzed and evaluated in detail through the project-specific environmental review process or during project application review. Prior to the construction of streets, highways, alleys, traffic signals, and related public improvements, the Colfax Public Works Department reviews and needs to approve plans according to construction standards and specifications. Additionally, the Placer County Local Road Safety Plan will continue to help to guide improvements to the local roadway system based on existing gaps needs.

While growth within Colfax and its SOI would result in changes to the existing transportation network, the proposed Circulation Element contains policies that require local planning and development decisions to consider impacts to transportation facilities. The following General Plan policies would support the design of a transportation system that is safe for all modes of travel. The proposed policies could directly and indirectly result in improving the transportation network, such as Policy 3.1.2, which ensures that roadways are built to standards meeting long-term needs by evaluating current and future land uses; Policy 3.1.3, which ensures that roadways are complete streets meeting the needs of all users; and Policy 3.1.5, which ensures city roadways are maintained and repaired, coordinating with Caltrans and Placer County, to provide safe driving conditions in the community.

Implementation of these policies would promote the design of improvements to the transportation network that are safe for all modes of travel. Compliance with State regulations on roadway and facility design, materials, and signage would further minimize this impact. Implementation of the proposed project would not result in conflicts with adopted policies, plans, or actions or otherwise increase hazards due to a design feature that may have a significant impact on the environment. The impact would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact as it would not increase hazards due to a geometric design nor incompatible uses. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.15-4: The project would not result in inadequate emergency access.

Future potential development that could occur during the buildout of the proposed 2040 General Plan would alter land use patterns and increase travel demand on the transportation network that may influence emergency access. Like roadway hazards, emergency access is typically assessed at the project level, and potential impacts to emergency access associated with future development projects

would be analyzed and evaluated in detail through the environmental review process or during project application review. Prior to the construction of streets, highways, alleys, traffic signals, and related public improvements, the City of Colfax Public Works Department reviews and needs to approve plans according to construction standards and specifications to ensure adequate emergency access. This may include applying for an encroachment permit and other requirements outlined in Chapter 15.12, Encroachment Permits, of the City's Municipal Code for projects that involve working in the City of Colfax right-of-way.

While growth within the city and SOI would result in changes to land use and the existing transportation network, the proposed 2040 Safety Element contains policies that require local planning and development decisions to consider improvements to transportation efficiency, mobility, and access, including developing and updating emergency response plans. The following describes the policies that directly and indirectly result in providing emergency access, such as Policy 7.3.11, which focuses on coordinating with the California Department of Forestry and Fire Protection (CAL FIRE) and Placer County Fire Department to identify and maintain evacuation routes for emergency situations. Policy 7.3.12 focuses on maintaining fuel breaks and emergency access routes for effective fire suppression. Policy 7.3.9 requires the Planning Department to review development permits for construction projects and landscaping plans. Plans should include a site plan, planting plan, planting palette, and irrigation plan to reduce fire hazards, defensible space development, multiple points of ingress and egress, adequate water infrastructure, Class A roof materials, and location and source of anticipated water supply. Policy 7.3.14 requires new development locations with adequate fire and emergency services capacity or upgrading to ensure adequate fire protection and Policy 7.3.18 mandates development with adequate access for fire and emergency vehicles and equipment, meeting or exceeding California Fire Safe Regulations standards.

Implementation of the 2040 General Plan would not result in inadequate emergency access that may have a significant impact on the environment and impacts would be less than significant. No mitigation measures are required.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact as development and construction from future projects under the General Plan Update would not result in inadequate emergency access. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

16. Utilities and Service Systems

Impact 4.16-1: The project would require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage; however, the construction or relocation would not cause significant environmental effects.

Water

As mentioned in Section 4.16.1, *Existing Conditions*, the City of Colfax is within Zone 3 of Placer County Water Agency (PCWA)'s service area and is projected to result in 11,526 AFY total water use in 2040, which is an 806 AFY increase since 2020.

In the PCWA 2020 UWMP, Zone 3, situated in the Sierra Nevada foothills, has outdated water system facilities, causing water loss. Replacements will reduce water loss and decrease gross water use. Retail treated water uses in Zone 3 are a fraction of PCWA's current usage and will increase slightly over the next few decades due to nominal growth in mountain communities. Changes in this zone are unlikely to significantly impact the expected increase in total water use served by PCWA. Zone 3 untreated retail water use is primarily for commercial agriculture, irrigation customers, landscape greenbelts, and metered irrigation. The PCWA 2020 Urban Water Management Plans (UWMP) reports that all untreated retail water use is expected to remain consistent in the UWMP planning horizon.

The General Plan Update includes policies that would reduce the impacts, such as Policy 6.3.4, which ensures that proposed developments can be adequately served by available water supplies. Policy 6.3.5 promotes Colfax residents, businesses, and public agencies to encourage water conservation through programs and incentives, and Policy 2.2.2 requires all new residential subdivision, commercial, or industrial land development within the city be contingent on City services, including water.

Moreover, if water system improvements are needed, additional project-specific environmental analysis would be completed pursuant to the California Environmental Quality Act (CEQA). Therefore, the proposed project would have a less-than-significant impact on water supplies and facilities.

Wastewater Treatment

The City of Colfax operates a 1.24 million gallons per day (mgd) Waste Water Treatment Plant (WWTP) in Colfax. Development allowed by the proposed project would generate increased amounts of wastewater in the city. However, General Plan Update Land Use Policy 2.2.2 requires that all new residential subdivisions, as well as commercial and industrial uses, be contingent on City sewer services availability. In addition, new development under the proposed project would need to comply with Colfax Code of Ordinances Chapter 13.08, Sewer Service System, which outlines connection permits and charges for the City of Colfax's Sewer Service System and charges individuals for connecting to the system that increases or alters the sewage discharged from the premises. Compliance with this chapter would ensure that this impact would be less than significant.

Stormwater

Development under the proposed project can create impacts on local storm systems through increased demand on the City's system. However, the proposed project would need to comply with the City's Municipal Code Chapter 16.68, Storm Drainage Utility, which states that future developers must provide stormwater drainage facilities approved by the city engineer, ensuring they meet minimum standards and comply with Standard Specifications for carrying water above and within the project. In addition, the General Plan Update Conversation Element includes Policy 6.3.4, which mandates new development projects affecting local water quality through increased stormwater runoff or erosion to include analysis of water quality impacts as a component of project review, and to integrate measures that would reduce identified impacts to an acceptable level.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact related to new or expanded water, wastewater treatment and stormwater facilities. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.16-2: The project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

As shown in Table 3-2, *City of Colfax Buildout Projections*, in Chapter 3, *Project Description*, the proposed General Plan would result in 2,645 new residential units, as well as 141.1 acres of commercial and office space and 105.3 acres of industrial space.

Development under the proposed project can create impacts on local water supplies through increased demand from the proposed project. The increase in water demand with implantation of the proposed General Plan is provided in Table 4.16-1, *Net Increase in Water Demand with Proposed General Plan*, of the *DEIR*.

The projected water demand increase from the proposed General Plan Update is estimated to be 1,155.6 AFY. As mentioned in Section 4.16.1, *Existing Conditions*, Zone 3 is projected to result in 11,526 AFY total water use in 2040. In comparing 2040 water supply to water demand from the 2020 Urban Water Management Plan, the proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

In addition, the General Plan Update would include policies aimed at maintaining the health and supply of the City of Colfax's water, such as Policy 7.6.1, which would prepare for a reduced long-term water supply resulting from more frequent and severe drought events, including working with regional water providers to implement extensive water conservation measures and ensure sustainable water supplies, Policy 6.3.4 ensures that proposed developments can be adequately served by available water supplies, Policy 2.2.2 requires that all new development be contingent with the City's water services, and Policy 7.6.1 addresses drought-related water supply reduction by collaborating with regional providers to implement conservation measures and ensure sustainable water supplies, including fire suppression, for emergency purposes.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact as it would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.16-3: Implementation of the proposed project would not result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments.

Development allowed by the General Plan Update would generate increased amounts of wastewater in the city. However, the General Plan Land Use Policy 2.2.2 requires that all new development within the city be contingent on City services, including sewer services. The proposed project must comply with Chapter 13.08, Sewer Service System, ensuring connection permits and charges for the City of Colfax's Sewer Service System, which charges individuals for increasing or altering sewage discharge.

In addition, any new or expanded wastewater facilities would be subject to project-specific review under CEQA and the direct regulatory authority of the RWQCB and would require a Report of Waste Discharge to be filed and issued by the RWQCB. The processes and requirements described in this section will ensure that the cumulative impacts related to wastewater would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact related to the water supply and delivery systems. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.16-4: The project would not generate solid waste in excess and would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.

The General Plan Update is anticipated to introduce approximately 7,037 residents and 6,273 jobs into the Planning Area. As shown in Table 4.16-2, *Increase in Solid Waste Generation Rates*, of the DEIR this projected growth would result in an increase in solid waste of approximately 87.5 tons/day or 31,937.5 tons/year. These numbers are conservative because with continued recycling and waste-reduction programs implemented by the County, cities, and joint powers authority (JPAs), the waste generation rates would be reduced over time.

Conservatively assuming that all of the solid waste generated is transported to the Eastern Regional Landfill MRF, an increase of 87.5 tons/day with the implementation of the proposed General Plan Update would be about 14.6 percent of the current residual capacity of the landfill. However, since the City of Colfax and its SOI would also be serviced by the Auburn Placer Disposal Transfer Station, then the solid waste generated from the proposed project would be easily accommodated by these two landfills.

During construction, future development projects would comply with CALGreen requirements, specifically recycling and/or salvaging for reuse of a minimum of 65 percent of nonhazardous construction and demolition waste generated during most “new construction” projects. Section 74-04.006, Amendments to CALGreen Building Standards Code, amends Section 5.408.1, Construction Waste Management, to include 2019 CALGreen requirements.

The proposed project would comply with the CALGreen Building Code Standards, which requires that at least 65 percent of nonhazardous construction and demolition waste from nonresidential construction operations be recycled and/or salvaged for reuse. Furthermore, the proposed project would also comply with the requirements of Assembly Bill (AB) 341 that mandates recycling for commercial land uses. Additionally, any organic waste generated in amounts over a certain threshold would be recycled in accordance with AB 1826. In addition, Senate Bill (SB) 1383 requires every jurisdiction to provide organic waste collection services to all residents and businesses.

All new development proposed under the proposed project, such as the addition or expansion of solid waste facilities, if needed, would be subject to subsequent project-level CEQA review. Construction activities would be required to comply with all federal, State, and local management and reduction statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact as it would not generate solid waste in excess and would comply with federal, State, and local management and reduction statutes and regulations related to solid waste. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

17. Wildfire

Impact 4.17-1: Development under the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

The City of Colfax does not have an adopted emergency response plan or emergency evacuation plan. However, the Placer County LHMP provides strategies and mitigation measures to address local fire hazards. Furthermore, the Placer County Community Wildfire Protection Plan (CWPP) identifies areas of high wildfire risk and proposes measures to prevent and mitigate the effects of wildfires in these areas. It outlines a coordinated approach between federal, State, and local agencies, as well as private stakeholders, to create defensible space, improve evacuation procedures, and enhance firefighting capabilities. No substantive land use changes are proposed under the General Plan Update. Buildout would not result in substantial changes to the circulation patterns or emergency access routes in the city or SOI, as identified in Figure 2, *Evacuation Routes*, of the General Plan Safety Element.

The Placer County Sheriff's Office and CAL FIRE conduct emergency preparedness activities in Colfax. The Placer County Sheriff's Office provides contract law enforcement services to the City of Colfax. Fire protection in the City of Colfax is provided by contract through the Placer County Fire Department and CAL FIRE. During an emergency, standard emergency response procedures of the

Placer County Sheriff's Office and CAL FIRE are conducted in tandem. The City of Colfax participates in the Western Placer County Fire Chief's Association Cooperative Response Agreement, where fire agencies have agreed to automatically support each other on incidents using the closest available resource concept. No areas in Colfax are currently lacking access to fire protection services. Mutual-aid agreements are also maintained with numerous surrounding local, State, and federal agencies to allow for appropriate backup services in case of an emergency, disaster, or other similar event.

Future development would be required to comply with applicable fire and building codes. To ensure emergency services in the city and SOI are not impaired by future development, all development projects in the city and SOI are reviewed by CAL FIRE, prior to approval. In accordance with the California Fire Code, CAL FIRE requires site design to consider fire access. Several of these requirements include vegetation management requirements, construction standards, and subdivision and building access, among others. New development is required to comply with these regulations to provide sufficient clear emergency vehicle access.

Additionally, the proposed General Plan contains policies that would ensure effective emergency response including Policy 7.3.13 which supports measures that help firefighting crews and emergency response teams respond to fire hazards, such as high-visibility signage for streets and building addresses that meet or exceed the standards in the California Fire Safe Regulations, Policy 7.3.17 identifies existing public and private roadways in fire hazard areas not in compliance with contemporary fire-safe standards, including road standards, vegetation clearance, and other requirements of Sections 1273 and 1274 of the California Code of Regulations to the extent resources are available, and Policy 7.3.18 requires proposed development to provide adequate access for fire and emergency vehicles and equipment that meets or exceeds the standards in the California Fire Safe Regulations (Sections 1273 and 1274 of the California Code of Regulations – Title 24, Division 1.5, Chapter 7, Articles 2 and 3).

Although the City of Colfax does not have an adopted emergency response plan or emergency evacuation plan, construction of new development or redevelopment could cause a temporary impairment of an evacuation route due to road closure. However, all future development, regardless of whether new development or redevelopment, is required to comply with adopted local, regional, and State plans and regulations addressing emergency access, response, and evacuation. Therefore, impacts would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact related to impairing an adopted emergency response plan or emergency evacuation plan. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.17-3: The proposed project would not require the installation and maintenance of associated infrastructure in areas that are undeveloped or vacant, which could exacerbate fire risk or result in temporary or ongoing impacts to the environment.

Buildout of the proposed General Plan would result in additional infrastructure, such as roadways and transmission lines, in underdeveloped and undeveloped areas of the Planning Area in order to serve new development. Some of this new infrastructure would likely be constructed in the wildlife-urban interface (WUI) or very high fire hazard severity zone (VHFHSZ). These types of improvements would involve temporary construction and result in changes to the existing built environment. The installation and operation of new aboveground power transmission lines would create a higher risk of exacerbating wildfire risks compared to other infrastructure. However, the California Public Utilities Commission (CPUC) requires maintenance of vegetation around power lines, strict wire-to-wire clearances, annual inspections of aboveground power lines, and the preparation of fire prevention plans for aboveground power lines in high fire-threat districts. These measures would reduce the wildfire risks associated with the installation and maintenance of power lines.

Any development or redevelopment in wildfire-prone areas of the city would also be required to comply with building and design standards in the California Building Code and California Fire Code, which include provisions for fire-resistant building materials, the clearance of debris, and fire safety requirements during demolition and construction activities. Public Resources Code Section 4291 also requires vegetation around buildings or structures to maintain defensible space within 100 feet of a structure and an ember-resistant zone within 5 feet of a structure. Additionally, SRA Fire Safe Regulations would prevent structures from being placed within 30 feet of a roadway, reducing the potential for new roadways to exacerbate wildfire risks. These measures, along with Policy 7.3.2, which requires the prevention of fuel accumulation around any City-owned infrastructure where fires are known to occur; Policy 7.3.3, which requires an adequate peak-load water supply for fire-suppression efforts; and Policy 7.3.12, which requires the maintenance of fuel breaks, would minimize wildfire risks associated with the installation and maintenance of infrastructure.

Such infrastructure and maintenance activities would also be required to comply with the adopted State regulations, Colfax Municipal Code standards, and General Plan Update policies to mitigate the impact of infrastructure on the environment. Therefore, impacts would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact on infrastructure in areas that are undeveloped or vacant, which could exacerbate fire risk or result in temporary or ongoing impacts to the environment. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 4.17-4: The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

As discussed in Chapter 4.10, *Hydrology and Water Quality*, of the DEIR, Colfax does not contain lands within the 100-year or 500-year floodplain. As discussed in Chapter 4.7, *Geology, Soils, and Mineral Resources*, the northern portions of the city are in landslide-susceptible areas, with moderate to high landslide potential areas coinciding with VHFHSZs.

Potential future development under the General Plan Update could contribute to post-fire slope instability or drainage changes upstream. However, Safety Element Policy 7.2.4 requires detailed soils and geologic studies prior to approval for development in potentially hazardous areas. It also requires mitigation measures if significant hazards are identified. Policy 7.2.5 requires that development is avoided in areas of steep slope and high erosion potential.

Additionally, all new development in the city is required to comply with State and local regulations, such as the California Building Code and Colfax Municipal Code. For example, Section 1803 of the 2022 California Building Code requires a geotechnical investigation that must assess existing landslide susceptibility on a project site. The Colfax Municipal Code Chapter 15.30, Grading, Erosion and Sediment Control, requires that prior to commencement of any grading within the city, the project applicant must meet with the city engineer or designee and complete a simple form application to outline what is proposed. The city engineer will then make a determination whether a permit is required and what other actions may be necessary before grading can commence.

Moreover, new development under the General Plan Update would be subject to several State and local regulations that would ensure future development would not substantially alter the existing drainage pattern of a site, resulting in increased runoff or erosion. For example, future development would be required to request coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit, Order No. Water Quality Order No. 2009-0000-DWQ (as amended by Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ), if the proposed project would result in one or more acres of land disturbance. To conform to the requirements of the MS4 General Permit, a SWPPP would need to be prepared. The SWPPP would specify best management practices (BMPs) to prevent construction pollutants, including eroded soils (such as topsoil), from moving off-site.

New development complying with these policies in the General Plan Update would not expose people or structures to downslope landslides or downstream flooding due to post-fire hazards. Furthermore, as identified in Impacts 4.18-1 and 4.18-2, development under the General Plan Update must also comply with BMPs regarding wildfire prevention, action, and recovery as outlined in the Placer County LHMP and Placer County CWPP. All future development, regardless of the location, is required to comply with adopted local, regional, and State plans and regulations addressing wildfire prevention, which would minimize risks of post-fire hazards. As such, compliance with these policies and regulatory requirements would ensure impacts from post-fire instability would be less than significant.

Finding: The proposed project would have a less than significant direct, indirect, and cumulative impact towards exposing people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

C. Findings on Significant Environmental Impacts that Can Be Mitigated to Less Than Significant

The following summary describes impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the DEIR, these impacts, from Chapter 5, would be considered less than significant.

1. Cultural Resources and Tribal Cultural Resources

Impact 4.5-4: The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource, as defined in Public Resources Code Sections, 21074, 5020.1(k), or 5024.1.

The City of Colfax is in a region known to have been occupied by the Nisenan, or Southern Maidu. Nisenan territory made up of the drainages of the Yuba, Bear, and American Rivers, and the lower drainages of the Feather River. Development allowed by the General Plan Update could result in direct or indirect impacts to tribal cultural resources. Construction activities, such as grading and excavation, may result in the accidental destruction or disturbance of tribal cultural resources and/or sites. Mitigation measures CULT-1 through CULT-4 require that before any development or redevelopment activities can occur, the site must be analyzed for conformance with the applicable local, State, and federal requirements, and must comply with the requirements of CEQA. The City will work with the tribe to address any artifacts unearthed during construction in accordance with the mitigation measures. By working with the tribe and following the mitigation measures, impacts to tribal cultural resources will be less than significant.

Mitigation Measures:

CULT-1 Treatment of Native American Remains. In the event that Native American human remains are found during development of a project and a tribe(s) is determined to be MLD pursuant to Public Resources Code Section 5097.98 Inadvertent Discovery of Native American Human Remains, the following provisions shall apply:

- The Medical Examiner shall immediately be notified; ground-disturbing activities in that location shall cease; and the applicable shall be allowed, pursuant to California Public Resources Code Section 5097.98(a), to:
 1. Inspect the site of the discovery, and
 2. Make determinations as to how the human remains and grave goods should be treated and disposed of with appropriate dignity.

- The applicable tribe(s) shall complete its inspection and make its MLD recommendation within 48 hours of getting access to the site. The tribe(s) shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future.
- The applicable tribe(s) may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b).

CULT-2 Non-Disclosure of Location of Reburials. In the event that Native American human remains are discovered, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, California Government Code Section 6250 et seq., unless otherwise required by law. The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). The applicable tribe(s) will require that the location for reburial is recorded with the California Historic Resources Inventory System (CHRIS) on a form that is acceptable to the CHRIS center.

CULT-3 Treatment of Cultural Resources. In the event that cultural items are found on-site, all such items, including ceremonial items and archaeological items, should be turned over to the applicable tribe(s) for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The project proponent should waive any and all claims to ownership of tribal ceremonial and cultural items, including archaeological items, which may be found on a project site in favor of the applicable tribe(s). If any intermediary, for example, an archaeologist retained by the project proponent, is necessary, said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the applicable tribe(s).

CULT-4 Inadvertent Discoveries. In the event that additional significant site(s) not identified as significant in a project environmental review process, but are later determined to be significant, are located within a project impact area, such sites will be subjected to further archaeological and cultural significance evaluation by the project proponent, lead agency, and the applicable tribe(s) to determine if additional mitigation measures are necessary to treat sites in a culturally appropriate manner consistent with CEQA requirements for mitigation of impacts to cultural resources. If there are human remains present that have been identified as Native American, all work will cease for a period of up to 30 days in accordance with federal law.

Finding: Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. The City of Colfax hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Rationale for Finding:

Mitigation Measures CULT-1 requires that if Native American human remains are found during development of a project the Medical Examiner shall immediately be notified; ground-disturbing activities in that location shall cease; and the applicable shall be allowed to inspect the site of the discovery and make determinations as to how the human remains and grave goods should be treated and disposed of with appropriate dignity. Mitigation Measure CULT-2 requires that if Native American human remains are discovered, the Medical Examiner shall withhold public disclosure of information related to the site of any reburial of Native American human remains, and the applicable tribe(s) will require that the location for reburial is recorded with the California Historic Resources Inventory System. Mitigation Measure CULT-3 requires that if cultural items are found on-site, all such items, including ceremonial items and archaeological items, should be turned over to the applicable tribe(s) for appropriate treatment. Mitigation Measure CULT-4 requires that if sites are determined to be significant and located within a project impact area, such sites will be subjected to further archaeological and cultural significance evaluation by the project proponent, lead agency, and the applicable tribe(s) to determine if additional mitigation measures are necessary to treat sites in a culturally appropriate manner. Therefore, Mitigation Measure CULT-1 through CULT-4 would reduce impacts to tribal cultural resources to less than significant.

2. Geology and Soils

Impact 4.7-6: Implementation of the proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Future development allowed under the proposed General Plan may result in impacts to paleontological resources or unique geological features. Geologic formations underlying the city have the potential to contain paleontological resources. Ground-disturbing activities in sensitive areas may cause damage to or destruction of these potential resources. Additionally, development of previous undeveloped areas could result in the discovery of paleontological resources, which would be considered a significant impact.

California Public Resources Code, Chapter 1.7, Sections 5097.5 and 30244, require reasonable mitigation of adverse impacts to paleontological resources resulting from development on State lands, define the removal of paleontological “sites” or “features” from State lands as a misdemeanor, and prohibit the removal of any paleontological “site” or “feature” from State land without permission of the jurisdictional agency. Mitigation Measure GEO-1 would require future project applicants to consult with a geologist or paleontologist to confirm potential paleontological sensitivity and impacts. Mitigation Measure GEO-2 would require evaluation of paleontological discoveries by a qualified paleontologist if found on-site during ground-disturbing activities. As such,

State regulations as well as Mitigation Measures GEO-1 and GEO-2 would reduce potential impacts to less than significant.

Mitigation Measures:

GEO-1 Prior to issuance of a grading permit for projects involving ground disturbance in previously undisturbed areas, the project applicant shall consult with a geologist or paleontologist to confirm whether the grading would occur at depths that could encounter highly sensitive sediments for paleontological resources. If confirmed that underlying sediments may have sensitivity, construction activity shall be monitored by a qualified paleontologist. The paleontologist shall have the authority to halt construction during ground-disturbing activities, as outlined in Mitigation Measure GEO-2.

GEO-2: In the event of any fossil discovery, regardless of depth or geologic formation, ground-disturbing activities shall halt within a 50-foot radius of the find until its significance can be determined by a qualified paleontologist. Significant fossils shall be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility, in accordance with the standards of the Society of Vertebrate Paleontology. The repository shall be identified, and a curatorial arrangement shall be signed prior to collection of the fossils.

Finding: Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. The City of Colfax hereby finds that implementation of the mitigation measures is feasible, and the measures are therefore adopted.

Rationale for Finding:

Mitigation Measure GEO-1 Mitigation GEO-1 mandates that project applicants must consult a geologist or paleontologist before issuing a grading permit for projects involving ground disturbance in undisturbed areas, and if sediments are found to be sensitive, construction activity must be monitored. Mitigation Measure GEO-2 requires the halt of ground disturbing activities in the event of any fossil discovery. Implementation of Mitigation Measures GEO-1 and GEO-2 would reduce potential impacts to paleontological resources or unique geological features to less than significant.

Impact 4.7-7: Implementation of the proposed project could result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state.

The proposed General Plan could result in a significant impact if it would result in the loss of availability of a mineral resource that would be of value to the region and the residents of the state—for example, if development were permitted that created surface land use incompatibilities with mining operations or precluded access to subsurface mineral resources. As illustrated in the CGS Mineral Land Classification Map of Concrete Aggregate in the Greater Sacramento Area Production-

Consumption Region, the city overlies MRZ-1 and MRZ-3 areas. Under the proposed General Plan, development of non-mineral extraction uses would be allowed on land that overlies mapped MRZ-1 and MRZ-3 areas.

Because the proposed General Plan would allow incompatible development in designated MRZ-1 and MRZ-3 areas, the proposed project could contribute to the loss of availability of a known mineral resource of value to the region and the residents of the state, resulting in a potentially significant impact. Mitigation Measure MIN-1 would ensure that development in areas overlying these important mineral resource zones is studied and the significance of potential deposits is determined. Mitigation Measure MIN-1 would therefore reduce impacts to less than significant.

Mitigation Measures:

MIN-1 Pursuant to the Public Resources Code, the Surface Mining and Reclamation Act, Chapter 9, Article 4, Section 2762(e), prior to the issuance of a grading permit on lands classified by the State Geologist as MRZ-1 or MRZ-3, the Placer County Geologist shall make a site-specific determination as to the site's potential to contain or yield important or significant mineral resources of value to the region and the residents of the State of California.

If it is determined by the County Geologist that lands classified as MRZ-3 have the potential to yield significant mineral resources that may be of "regional or statewide significance" and the proposed use is considered "incompatible" and could threaten the potential to extract said minerals, the future project applicant(s) shall prepare an evaluation of the area to ascertain the significance of the mineral deposit located therein. This site-specific mineral resources study shall be performed to, at a minimum, document the site's known or inferred geological conditions; describe the existing levels of development on or near the site which might preclude mining as a viable adjacent use; and analyze the State standards for designating land as having "regional or statewide significance" under the Surface Mining and Reclamation Act. The results of such evaluation shall be transmitted to the State Geologist and the State Mining and Geology Board.

Should significant mineral resources be identified, the future project applicant(s) shall either avoid said resource or incorporate appropriate findings subject to a site-specific discretionary review and CEQA process.

Finding: Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The City of Colfax hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding:

Mitigation Measure MIN-1 requires that before issuing a grading permit on lands classified as MRZ-1 or MRZ-3, the Placer County Geologist must determine the site's potential to contain or yield significant mineral resources. If lands classified as MRZ-3 have significant mineral resources and

proposed use is incompatible, future project applicants must evaluate the area to determine the mineral deposit's significance. If significant resources are identified, future project applicants must either avoid or incorporate findings, subject to a site-specific review and CEQA process. Implementation of Mitigation Measure MIN-1 would reduce potential impacts of a known mineral resource to less than significant.

D. Significant and Unavoidable Impacts that Cannot Be Mitigated to Below the Level of Significance

The following describes the unavoidable adverse impacts of the proposed project where either mitigation measures were found to be infeasible, or the mitigation measures are under the control of another lead agency. The following impacts would remain significant and unavoidable:

1. Agricultural and Forestry Resources

Impact 4.2-3: The proposed project would result in loss of forest land or conversion of forest land to non-forest use.

Government Code Section 51104(g) defines Timber, Timberland, and Timberland Production Zone for the California Environmental Quality Act (CEQA) and "Timberland Preserve Zone" in city and county general plans. Timber refers to trees maintained for forest production purposes but does not include nursery stock. Timberland is land used for growing and harvesting timber, or for other uses, with an average annual volume of wood fiber of at least 15 cubic feet per acre. Timberland Production Zone (TPZ) is an area zoned for growing and harvesting timber or related uses and is commercially viable. There are no TPZ lands within the Planning Area. As such, the General Plan Update would not result in the conversion of forested areas to non-forested areas.

According to Public Resources Code Section 12220(g), "Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. Native vegetation within Colfax includes habitat, such as oak woodlands, that meets the definition of "forest land." While oak trees do not have commercial use and would not be harvested for timber, the General Plan Update could result in the conversion of oak woodlands and other upland habitats for future development. However, Conservation and Open Space Element Policy 6.1.1 seeks to limit development on lands that provide native habitat. Additionally, Policy 6.1.4 aims to protect native plant species in undisturbed portions of a development site and encourages planting and regeneration of native plant species wherever possible in undisturbed portions of the project site. Habitat and plant species in Colfax include oak woodlands and a variety of oak species.

The Colfax Municipal Code Chapter 17.110, Tree Preservation Guidelines, seeks to preserve trees whenever feasible through the review of all proposed development activities where trees are present, while recognizing individual rights to develop property in a reasonable manner. Municipal Code Section 12.16.110, Tree Preservation Requirements, includes requirements for innovative techniques or alternative project design to preserve trees to the maximum extent feasible to retain conifers, oaks, maples, and cedars. Furthermore, Municipal Code Section 12.16.120, Tree Replacement

Requirements, includes requirements to replace and replant removed trees with an equal number of trees.

Despite these policies and implementation of the tree removal guidelines in the Municipal Code, some areas with woodland habitat will likely be impacted by future development. Therefore, impacts to forestland under the proposed project would be potentially significant.

Mitigation Measures:

There are no feasible mitigation measures applicable to Impact 4.2-3. Although policies in the General Plan Update would help to minimize impacts to loss of woodland and other habitat types, and result in the planting of new trees, the proposed project could potentially convert "Forest Land" to non-forested uses to accommodate future development. Therefore, this impact would remain significant and unavoidable.

Finding:

The proposed project could potentially convert "Forest Land" to non-forested uses, causing significant and unavoidable impacts, despite policies in the General Plan Update aiming to minimize habitat loss.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

2. Air Quality

Impact 4.3-1: Construction activities associated with the proposed project would generate short-term emissions in exceedance of PCAPCD's threshold criteria.

The proposed General Plan would accommodate future development for residential, commercial, recreational, and industrial uses. The future development and other physical changes that could result from the implementation of the proposed project would generate construction-related emissions of criteria air pollutants and O₃ precursors, including ROG, NO_x, PM₁₀, and PM_{2.5} from site preparation, off-road equipment, material delivery, worker commute trips, and other activities. Typical construction activities that could occur with land use development include use of all-terrain forklifts, cranes, pick-up and fuel trucks, compressors, loaders, backhoes, excavators, dozers, scrapers, pavement compactors, welders, concrete pumps, concrete trucks, and off-road haul trucks as well as other diesel-powered equipment as necessary. Fugitive dust emissions of PM₁₀ and PM_{2.5}

would be associated primarily with site preparation and grading and would vary as a function of the soil silt content, soil moisture, wind speed, acreage of disturbance, and mobile sources. Emissions of O₃ precursors would occur from the exhaust of construction equipment and on-road vehicles. Paving and the application of architectural coatings would also result in off-gas emissions of ROG. PM₁₀ and PM_{2.5} would also be emitted from off-road equipment and vehicle exhaust.

Construction activities associated with the proposed project would occur over the buildout horizon of the plan, causing short-term emissions of criteria air pollutants. For the proposed General Plan, which is a broad policy document, it is not possible to determine whether the scale and phasing of individual projects would exceed the Placer County Air Pollution Control District (PCAPCD)'s thresholds of criteria pollutants of concern, as identified in Table 4.3-5, *PCAPCD Significance Thresholds*, of the DEIR, due to project-level variability and uncertainties related to future individual projects in terms of detailed site plans, construction schedules, equipment requirements, etc., which are not currently known or proposed. Nonetheless, depending on how development proceeds, construction-generated emissions associated with the proposed General Plan could potentially exceed PCAPCD thresholds of significance. Overall, air quality emissions related to construction must be addressed on a project-by-project basis, and information regarding specific development projects, soil types, and the locations of receptors would be needed to quantify the level of impact associated with construction activity.

As described in Appendix C, Section 16.36.040, Air quality mitigation fees, of the City Municipal Code requires that development applications in which the initial study environmental assessment identifies potentially significant impact(s) on air quality must be reviewed by the PCAPCD and incorporate, as conditions of approval, PCAPCD-recommended mitigation measures. The PCAPCD has promulgated methodology protocols for the preparation of air quality analyses. For instance, the PCAPCD has adopted thresholds of significance depicting the approximate level of construction-generated emissions that would result in a potentially significant impact for each pollutant of concern. The significance criteria established by the PCAPCD may be relied upon to make a determination of impact significance level. In addition, the PCAPCD recommends appropriate emissions modeling input parameters for the Placer County region in addition to other recommended procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements.

Projects estimated to exceed PCAPCD significance thresholds are required to implement mitigation measures in order to reduce air pollutant emissions as much as feasible. Such measures would be required to be implemented per PCAPCD and could include the requirement that all construction equipment employ the use of the most efficient diesel engines available, which are able to reduce NO_x, PM₁₀, and PM_{2.5} emissions by 60–90 percent (e.g., EPA-classified Tier 3 and/or Tier 4 engines), and/or that construction equipment be equipped with diesel particulate filters.

Other PCAPCD recommended air pollutant reduction measures include, but are not limited to the fueling of all off-road and portable diesel-powered equipment with CARB certified motor vehicle diesel fuel; the prohibition of all on and off-road diesel equipment from idling for more than 5 minutes and the posting of signs in the designated queuing areas; the prohibition of diesel idling or locating staging and queuing areas within 1,000 feet of sensitive receptors; the use of electrified equipment; the substitution of gasoline-powered in place of diesel-powered equipment; the use of

alternatively fueled construction equipment on-site; contractors repower equipment with the cleanest engines available; construction equipment uses be installed California Verified Diesel Emission Control Strategies; the contractor prepare a dust control plan when the disturbed area is more than 1 acre; the reduction of the amount of disturbed areas; the use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site; the spraying of all dirt stock-pile areas daily as needed; the pavement of all roadways, driveways, sidewalks, etc. as soon as possible; the showing of all fugitive dust mitigation measures on grading and building plans, and the contractor or builder designating a person or persons to monitor the fugitive dust emissions to minimize dust complaints, reduce visible emissions below 20 percent opacity, and prevent transport of dust offsite.

Furthermore, all development projects in Colfax are subject to PCAPCD rules and regulations adopted to reduce air pollutant emissions. For example, PCAPCD Rule 202, Visible Emissions, states that no person shall discharge into the atmosphere from any single source of emissions whatsoever any air contaminant for a period or periods aggregating more than three (3) in any one (1) hour which is: a.) As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or b.) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described above. Rule 205, Nuisance, states that no person shall discharge from any source whatsoever such quantities of air contaminants or other material which causes injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause to have a natural tendency to cause injury or damage to businesses or property. Rule 218, Architectural Coating, requires a limit on the quantity of volatile organic compounds in architectural coating supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the county. Rule 228, Fugitive Dust, requires the reduction of the amount of particulate matter entrained in the ambient air, or discharge into the ambient air, as a result of anthropogenic (manmade) fugitive dust sources by requiring actions to prevent, reduce, or mitigate fugitive dust emissions.

While the PCAPCD has promulgated methodology protocols for the preparation of air quality analyses, and future development projects allowed under the proposed General Plan Update that are projected to exceed PCAPCD significance thresholds are required to implement mitigation measures in order to reduce air pollutant emissions as much as feasible, PCAPCD significance thresholds may still be exceeded as a result of construction activities allowed under the proposed General Plan Update. Since it cannot be guaranteed that construction of future projects allowed under the proposed General Plan would generate air pollutant emissions below PCAPCD significance thresholds due to the programmatic and conceptual nature of the proposed project and uncertainties related to future individual projects, this is considered a significant impact. As such, due to nonattainment status for O₃, construction activities associated with implementation of the proposed project may result in adverse air quality impacts to surrounding land uses and may contribute to the existing air quality condition in the city. Therefore, impacts due to construction emissions would be significant.

Mitigation Measures:

No mitigation measures are feasible. Specific details for future development projects are currently unknown and therefore potential impacts and mitigation measures that would reduce those impacts with regard to construction emissions cannot be determined. Future projects would be required to comply with PCAPCD rules and implement mitigation measures when PCAPCD thresholds are exceeded.

Finding:

The feasibility of mitigation measures for construction emissions is currently unknown due to the lack of specific details for future development projects. Therefore impacts would remain significant an unavoidable.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 4.3-2: Long-term operation of the project would generate new operational emissions in exceedance of PCAPCD's threshold criteria.

The proposed project would accommodate new development that would operate through the planning horizon year and beyond. New residential, commercial, industrial, and recreational development facilitated by the proposed General Plan would result in long-term area-, energy-, and mobile-source emissions. Area source emissions are the combination of many small emission sources that include use of outdoor landscape maintenance equipment, use of consumer products such as cleaning products, use of fireplaces and hearths, and periodic reapplication of architectural coatings. Criteria pollutants generated from energy sources are principally from the onsite use of natural gas and other heating fuels; electricity consumption is not included in energy source emissions as those potential emissions would be generated as the result of the operation of an electricity generation facility which may or may not be within the same air basin and under the same attainment status as the end-use.

Mobile source emissions result from the vehicle activity associated with the operation of a given land use development project. It should be noted that the proposed General Plan would not itself authorize specific development to occur within the city. Future development projects would be subject to the City's standard CEQA review process and would be required to assess project-specific emissions in relation to the PCAPCD significance thresholds. Although specific project-level

information for potential future development is not available at this time and the estimation of emissions resulting from future development would be speculative, anticipated average daily emissions were quantified and presented in Table 4.3-6, *Operational Criteria Air Pollutant Emissions*, of the DEIR in order to provide an estimate of the potential overall area, energy, and mobile source emissions resulting from the proposed project based on the calculation methodology described in Section 4.3.3.1, *Methodology*.

As shown by Table 4.3-6, the criteria air pollutant emissions from buildout of the proposed project are generally the same as air pollutant emissions from buildout of the existing General Plan 2020 buildout. Specifically, ROG emissions under the proposed project could be expected to be reduced by approximately 24 pounds daily while emissions of NO_x and PM₁₀ could be expected to be reduced by approximately 56 pounds per day and 122 pounds per day, respectively. However, as shown in Table 4.3-6, buildout of the General Plan Update would still result in ROG, NO_x, and PM₁₀ emissions greater than PCAPCD thresholds.

Several proposed policies would help to reduce the generation of criteria air pollutants from mobile sources. For instance, proposed Circulation Element Policy 3.2.1 would require that design of new construction, and major remodel of existing buildings, allow for alternative forms of transportation by providing necessary facilities, such as bicycle racks, walkways, paths, and connections, as well as ride share parking. The promotion of these alternative forms of transportation contributes to less dependency on automobiles, a source of criteria air pollutants. Similarly, Policy 3.2.2 proposes to promote the development of bikeways, sidewalks, pedestrian pathways, and multi-use paths that connect residential neighborhoods with other neighborhoods, schools, employment centers, commercial centers and public open space, and that separate bicyclists, skateboarders, and pedestrians from vehicular traffic whenever possible. Proposed Policy 3.2.3 seeks to ensure that pedestrian facilities follow logical routes providing connections between transportation nodes and land uses, including bicycle and pedestrian connections to transit stops, buses that can accommodate bicycles, and park-and-ride lots, so that the pedestrian facilities serve the transportation needs of residents, and are not constructed as “sidewalks to nowhere.”

Additionally, Implementation Measure 3.2.C of the Circulation Element proposes to develop a Walkways, Trails, and Bikeways Master Plan that incorporates the recommendations of the City of Colfax Bikeway Master Plan, and other planning proposals as appropriate, to plan the location and development of future trails and active transportation routes in the city and the vicinity. The Master Plan will also consider connection of the city bicycle network with the countywide bicycle network, collaboration with the County in development of a countywide bicycle network, the provision of signage where automobile traffic merges with or intersects bicycle traffic to notify automobile drivers of the presence of cyclists, the repairing or developing railroad crossings in a way that allows safe crossing by bicycles and pedestrians, and the timing of traffic lights and sensitivity of traffic sensing equipment to accommodate bicycles. Lastly, proposed Policy 3.3.2 would require transportation systems planned and constructed in conjunction with significant development projects, including roads, trails, bikeways, and other improvements, to provide links to the existing transportation network.

Development projects accommodated by the proposed General Plan would be analyzed on a case-by-case basis when detailed information regarding operational activities is known. Future projects

would be subject to the proposed General Plan Update policies identified above, as well as PCAPCD and State rules and regulations, including, but not limited to those identified in Appendix B. Nonetheless, buildout of the General Plan Update would result in regional operational emissions that exceed the PCAPCD's significance thresholds. As such, this impact would be potentially significant.

Mitigation Measures:

No mitigation measures are feasible. Specific details for future development projects are currently unknown and therefore potential impacts and mitigation measures that would reduce those impacts with regard to operational emissions cannot be determined. Future projects would be required to comply with PCAPCD rules and proposed General Plan policies and implementation measures in addition to implementing mitigation measures when PCAPCD thresholds are exceeded.

Finding:

The feasibility of mitigation measures for construction emissions is currently unknown due to the lack of specific details for future development projects. Therefore impacts would remain significant an unavoidable.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 4.3-3: The proposed project could expose sensitive receptors to substantial pollutant concentrations.

Construction-Generated Air Contaminants

Construction under the proposed project would result in temporary emissions of ROG, NO_x, CO, PM₁₀, PM_{2.5}, and the TAC, DPM. As previously described, TACs are a defined set of airborne pollutants that may pose a present or potential hazard to human health. Sources of the TAC, DPM, during construction activities include off-road construction vehicle and equipment use and on-road vehicle use for material and soil hauling. Identification of potential impacts to sensitive receptors resulting from individual project-generated TACs would require project-specific information for future individual land use development projects that is not currently known. Therefore, assessment of future development projects facilitated by the proposed project that would be subject to CEQA would undergo their own review of potential construction-related localized impacts and identify appropriate and feasible mitigation to implement to reduce potentially significant impacts. Implementation of appropriate PCAPCD-recommended pollutant reduction measures would reduce

construction emissions for future individual development projects; however, because individual project-specific information is not available, it is not possible to determine whether implementation of the PCAPCD reduction measures would reduce health risk-related impacts to sensitive receptors or identify additional quantifiable mitigation measures that would reduce project-specific construction emissions to ensure that localized emissions generated during construction of future development projects under the General Plan Update do not expose sensitive receptors to substantial pollutant concentrations. As such, this impact would be significant.

Operational Air Contaminants

Common sources of operational TAC emissions are stationary sources (e.g., diesel backup generators and gasoline stations), which are subject to PCAPCD permit requirements. Another common and often more significant source type is on-road motor vehicles on high-volume roads, such as Interstate (I-) 80, and off-road sources such as diesel-powered trains traveling on the Union Pacific Railroad corridor. As previously described, CARB developed and approved the *Air Quality and Land Use Handbook: A Community Health Perspective* (2005) to address the siting of sensitive land uses in the vicinity of freeways, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and gasoline-dispensing facilities. This guidance document was developed to assess compatibility and associated health risks when placing sensitive receptors near existing pollution sources. CARB's recommendations on the siting of new sensitive land uses identified in Table 4.3-4, *CARB Recommendations on Siting New Sensitive Land Uses Near Air Pollutant Sources*, of the DEIR were based on a compilation of recent studies that evaluated data on the adverse health effects from proximity to air pollution sources.

The proposed General Plan contains policy provisions that are generally consistent with the CARB Land Use Handbook. For example, proposed Implementation Measure 2.1.A discourages sensitive residential land uses from pollutant hotspot locations such as busy roadways by instead supporting commercial development on arterial streets and at major intersections near I-80 interchanges. This is consistent with the proposed General Plan Land Use map, which substantially limits new sensitive residential development in areas adjacent to I-80 and the Union Pacific Railroad. Implementation Measure 2.1.B seeks to place supportive land uses near the railroad and prohibits placing sensitive uses, such as residences, where they could jeopardize use of rail. Implementation Measure 2.1.C would require the location of industrial and commercial land uses away from noise-sensitive land uses, which also includes TAC-sensitive land uses such as residences, thereby prohibiting the development of any substantial commercial or industrial source of TAC emissions in the vicinity of residential land uses. Additionally, Implementation Measure 2.1.D states that to protect existing industry and commercial businesses, new sensitive land uses shall not be placed near existing noise-generating uses, which often consist of sources of TAC emissions such as manufacturing facilities and/or distribution centers, thereby prohibiting the development of TAC-sensitive land uses in the vicinity of most sources of stationary TAC sources. Lastly, Policy 5.3.2 requires that new development be compatible with the existing urban area where they are proposed. These proposed policies of the General Plan effectively assist to reduce human health impacts and exposure of sensitive receptors to substantial pollutant concentrations. As such, impacts associated with operational TAC emissions would be less than significant.

Mitigation Measures:

No mitigation measures are feasible. Specific details for future development projects are currently unknown and therefore potential impacts and mitigation measures that would reduce those impacts with regard to stationary TAC sources cannot be determined. Future projects would be required to comply with the proposed General Plan policies and implementation measures, consistent with the CARB Land Use Handbook, in addition to implementing mitigation measures when PCAPCD thresholds are exceeded.

Finding:

The feasibility of mitigation measures for pollutant concentrations is currently unknown due to the lack of specific details for future development projects. Therefore impacts would remain significant and unavoidable.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

3. Cultural Resources and Tribal Cultural Resources

Impact 4.5-1: The proposed project could cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.

There are two identified historical resources in the City of Colfax and one within the SOI that are National Register of Historic Places (NRHP) historic listed buildings or structures. This includes the Colfax Freight Depot, Colfax Passenger Depot, and Steven's Trail. Future development under the General Plan Update could adversely impact historic resources through changes to accommodate adaptive reuse, removal, or reconstruction. Known or future historic sites or resources listed in the national, California, or local registers maintained by the City would be protected through local ordinances, General Plan Update policies, and State and federal regulations restricting alteration, relocation, and demolition of historical resources. For example, Chapter 15.20, Demolition Review and Permit Process, of the Colfax Municipal Code implements historic preservation and maintenance of the architectural character and integrity of the city, in accordance with policies of the Colfax General Plan. Chapter 17.116, Design Guidelines, establishes a set of standard regulations to continue to maintain and enhance the historic resources, qualities, and character of the city.

Chapter 17.200, Significant Buildings, of the Colfax Municipal Code seeks to prevent the demolition of significant buildings unless it is needed for the development of a new building and after having a noticed public hearing and a discretionary approval. Significant buildings include special historic, cultural, or aesthetic interest, and may have significant value to the community. The City has also adopted the historic building provisions of the California Building Code as described in the City's Municipal Code, Chapter 15.04.010, California Building Standards Code adopted. Compliance with the proposed General Plan Update policies, local ordinances, and State and federal regulations would ensure that development would not result in adverse impacts to identified historic and cultural resources. While the regulations provide a process for recognizing historic buildings and places, they do not prevent the reuse or modification of them. Further, a comprehensive assessment of historic resources has not been undertaken.

The General Plan Update is a regulatory document that sets the framework for future growth and development of the city and does not directly result in development. Before any development or redevelopment projects can occur in the city, all such projects are required to be analyzed for conformance with the General Plan, zoning requirements, and other applicable local and State requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits. Therefore, adoption of the General Plan Update would not lead to demolition or material alteration of any historic resources.

However, identified historic structures may be vulnerable to development activities accompanying infill, redevelopment, or revitalization that would be accommodated by the General Plan Update. For instance, the placement of new buildings adjacent to a historic resource may result in indirect impacts to access, visibility, and visual context, while renovations or modification to historic resources may deteriorate or destroy the characteristics that make those resources important or unique.

In addition, other buildings or structures that could meet the NRHP criteria upon reaching 50 years of age might be impacted by development or redevelopment activity that would be accommodated by the General Plan Update, and construction could damage or destroy as-yet undiscovered resources. The General Plan Update also seeks to preserve important historic resources through Policy 2.3.5 which encourages adaptive reuse of the Historic District and its buildings and states that new construction and buildings in the Historic District shall complement the historical character of the community and surrounding architecture, policy 2.3.6 adopts and maintains design standards and a development code for the City, including specific design standards for the Historic District, Policy 5.2.3 preserves and revitalizes Colfax's historic buildings and sites and ensure that new development respects the character and context of those resources, Policy 5.2.4 preserves notable landmarks, streetscape, and other areas of architectural or aesthetic value providing continuity with the past, Policy 5.2.5 ensures that infill development is consistent with historic development patterns in terms of scale, design, and material, and Policy 8.2.1 continues redevelopment and improvement efforts in Downtown Colfax, including programs to preserve the unique historic character of the Downtown, and expand upon the Downtown's vibrant mixed-use character.

Furthermore, several existing regulatory procedures would help to protect existing or potential historic resources. For example, if a project is subject to federal approval, funding, authorization, or permit, then the federal lead agency will direct the compliance and consultation procedures. Typically, this begins with a cultural resources inventory conducted according to the applicable

federal agency's regulations and guidelines in compliance with Section 106 of the National Historic Preservation Act. This process includes establishing an Area of Potential Effect (APE), surveying the APE for cultural resources, applying the criteria of adverse effects in 36 CFR 800.5(a)(1) to determine if historic properties will be adversely affected by the project, and handling resources that may be discovered inadvertently during construction pursuant to 36 CFR 800.13(b).

Additionally, projects subject to approval under CEQA may be required to conduct a cultural resources analysis to identify and protect historical resources in compliance with CEQA. This could include conducting a cultural resources inventory of the Planning Area and designing or configuring the project to avoid impacts on eligible or listed resource or preparing and implementing appropriate treatment measures as determined by a qualified professional. Resources that may be discovered inadvertently during construction may be subject to inadvertent discovery protocols.

Regardless of the implementation of General Plan policies and adherence to State regulations, some historic properties may be significantly affected by implementation of this General Plan Update. This impact would be potentially significant.

Mitigation Measures:

Compliance with the applicable regulatory processes would ensure that existing and future historic resources are protected to the extent possible. Project-specific impacts are not known at this time and future impacts would be assessed under project-specific environmental review, during which mitigation measures may be adopted to address specific impacts. However, potential significant impacts to historic resources may occur and as such, impacts are significant and unavoidable.

Finding:

The project's specific impacts are currently unknown, and future assessments will involve a project-specific environmental review. However, significant potential impacts to historic resources may occur, making these impacts significant and unavoidable.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

4. Greenhouse Gas Emissions

Impact 4.8-1: The proposed project would generate construction-based greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

The proposed project would accommodate future development for residential, commercial, recreational, and industrial uses. The future development and other physical changes that could result from the implementation of the proposed General Plan would generate construction related GHG emissions from worker commute trips, haul trucks carrying supplies and materials to and from the construction site, and off-road construction equipment.

Construction activities associated with the proposed project would occur over the buildout horizon of the plan, causing short-term GHG emissions. For the proposed General Plan, which is a broad policy plan, it is not possible to determine whether the scale and phasing of individual projects would exceed the PCAPCD's GHG construction threshold of 10,000 metric tons of CO₂e annually, due to project-level variability and uncertainties related to future individual projects in terms of detailed site plans, construction schedules, equipment requirements, etc., which are not currently determined or even proposed. Nonetheless, depending on how development proceeds, construction-generated GHG emissions associated with the proposed project could potentially exceed the PCAPCD threshold of significance. Overall, GHG emissions related to construction must be addressed on a project-by-project basis, and information regarding specific development projects, soil types, and the locations of receptors would be needed to quantify the level of impact associated with construction activity.

Section 16.36.040, Air quality mitigation fees, of the City Municipal Code requires that development applications in which the initial study environmental assessment identifies potentially significant impact(s) related to emissions must be reviewed by the PCAPCD and incorporate, as conditions of approval, PCAPCD-recommended mitigation measures. The PCAPCD has promulgated methodology protocols for the preparation of GHG analyses. For instance, the PCAPCD has adopted thresholds of significance depicting the approximate level of construction-generated emissions that would result in a potentially significant impact, as described. The significance criteria established by the PCAPCD may be relied upon to make a determination of impact significance level. In addition, the PCAPCD recommends appropriate emissions modeling input parameters for the Placer County region in addition to other recommended procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements.

Projects estimated to exceed PCAPCD significance thresholds are required to implement mitigation measures in order to reduce GHG emissions as much as feasible. Such measures would be required to be implemented per PCAPCD CEQA Handbook include, but are not limited to, the following:

The fueling of all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel, the prohibition of all on and off-road diesel equipment from idling for more than 5 minutes and the posting of signs in the designated queuing areas and/or job sites, the use of electrified equipment when feasible, the use of alternatively fueled construction equipment on-site where feasible, the requirement that contractors repower equipment with the cleanest engines

available, and the requirement that construction equipment use installed California Verified Diesel Emission Control Strategies.

While the PCAPCD has promulgated methodology protocols for the preparation of GHG analyses, and future development projects allowed under the proposed General Plan that are projected to exceed the PCAPCD significance threshold are required to implement mitigation measures to reduce GHG emissions as much as feasible, the PCAPCD significance threshold may still be exceeded by construction activities allowed under the proposed project. Since it cannot be guaranteed that construction of future projects allowed under the proposed General Plan would generate GHG emissions below the PCAPCD significance threshold due to the programmatic and conceptual nature of the proposed project and uncertainties related to future individual projects, this is considered a significant impact.

Mitigation Measures:

No mitigation measures are feasible. Specific details for future development projects are currently unknown; therefore, potential impacts and mitigation measures that would reduce those impacts with regard to construction emissions cannot be determined. Future projects would be required to comply with City Municipal Code provisions and implement mitigation measures when PCAPCD thresholds are exceeded.

Finding:

The feasibility of mitigation measures for future development projects is uncertain due to the lack of specific details. Therefore impacts would remain significant an unavoidable.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 4.8-2: The proposed project would generate operational greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Development under the proposed project would contribute to global climate change through direct and indirect emissions of GHG from land uses within the city. A General Plan does not directly result in development without additional approvals. However, the proposed General Plan would guide and facilitate development throughout the city. Before any development can occur in the city, it must be analyzed for consistency with the General Plan, zoning requirements, and other applicable

local and State requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits.

Future development projects would be subject to the City's standard CEQA review process and would be required to assess project-specific emissions in relation to the PCAPCD significance thresholds. Although specific project-level information for potential future development is not available at this time and the estimation of emissions resulting from future development would be speculative, anticipated maximum annual GHG emissions were quantified and presented in Table 4.8-3, *Operational-Related Greenhouse Gas Emissions*, of the DEIR in order to provide an estimate of the potential overall GHG emissions resulting from the proposed General Plan Update based on the calculation methodology provided in Section 4.8.4.1, *Methodology*.

As shown by Table 4.8-3, the GHG emissions from buildout of the proposed General Plan would be less than the GHG emissions from buildout of the existing General Plan buildout by approximately 24,589 metric tons annually. This is largely due to the reduced population projected under buildout of the proposed General Plan compared with buildout of the existing General Plan.

The operational emissions identified in Table 4.8-3 are specifically compared to the PCAPCD's efficiency thresholds since these are calculated on a per capita basis and therefore the most appropriate thresholds to employ for a programmatic analysis involving a General Plan Update. Residential emissions are compared to the rural residential threshold of 5.5 metric tons of CO₂e annually per capita and nonresidential emissions are compared to the rural nonresidential threshold 27.3 metric tons of CO₂e annually per capita. This approach is used to identify the emissions level for which the growth allowed under the proposed project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions. An advantage of the service population approach is its application to both residential land uses and employment-oriented land uses. The per capita metric represents the rates of emissions needed to achieve a fair share of the state's emission reduction mandate. The use of "fair share" in this instance indicates the GHG efficiency level that, if applied statewide or to a defined geographic area, would meet the Statewide GHG emissions reduction targets.

Based on the population and employment projections shown in Table 3-2, *City of Colfax Buildout Projections*, of the DEIR in Chapter 3, *Project Description*, GHG emissions are compared to the PCAPCD's efficiency thresholds, as shown in Table 4.8-4, *Greenhouse Gas Emissions per Capita*, of the DEIR.

As shown by Table 4.8-4, buildout of the residential components of both the proposed General Plan and existing General Plan would result in per capita GHG emissions greater than PCAPCD thresholds, while buildout of the nonresidential components of both the proposed General Plan and existing General Plan would result in per capita GHG emissions less than PCAPCD thresholds.

The General Plan Update does propose several policy provisions that would assist to reduce the generation of GHG emissions from mobile sources. For instance, proposed Circulation Element Policy 3.2.1 would require that design of new construction, and major remodel of existing buildings, allow for alternative forms of transportation by providing necessary facilities, such as bicycle racks, walkways, paths, and connections, as well as ride share parking. The promotion of these alternative forms of transportation contributes to less dependency on automobiles, a source of GHG emissions.

Similarly, Policy 3.2.2 proposes to promote the development of bikeways, sidewalks, pedestrian pathways, and multi-use paths that connect residential neighborhoods with other neighborhoods, schools, employment centers, commercial centers and public open space, and that separate bicyclists, skateboarders, and pedestrians from vehicular traffic whenever possible. Proposed Policy 3.2.3 seeks to ensure that pedestrian facilities follow logical routes providing connections between transportation nodes and land uses, including bicycle and pedestrian connections to transit stops, buses that can accommodate bicycles, and park-and-ride lots, so that the pedestrian facilities serve the transportation needs of residents, and are not constructed as “sidewalks to nowhere.”

Additionally, Implementation Measure 3.2.C of the Circulation Element proposes to develop a Walkways, Trails, and Bikeways Master Plan that incorporates the recommendations of the City of Colfax Bikeway Master Plan, and other planning proposals as appropriate, to plan the location and development of future trails and active transportation routes in the city and the vicinity. The Master Plan will also consider connection of the city bicycle network with the countywide bicycle network, collaboration with the County in development of a countywide bicycle network, the provision of signage where automobile traffic merges with or intersects bicycle traffic to notify automobile drivers of the presence of cyclists, the repairing or developing railroad crossings in a way that allows safe crossing by bicycles and pedestrians, and the timing of traffic lights and sensitivity of traffic sensing equipment to accommodate bicycles. Lastly, proposed Policy 3.3.2 would require transportation systems planned and constructed in conjunction with significant development projects, including roads, trails, bikeways, and other improvements, to provide links to the existing transportation network.

Development projects accommodated by the proposed project would be analyzed on a case-by-case basis when detailed information regarding operational activities is known. Future projects would be subject to the proposed General Plan policies identified above, as well as PCAPCD and State rules and regulations. Nonetheless, buildout of the proposed project would result in residential emissions that exceed the PCAPCD’s per capita rural residential significance threshold. As such, this impact is significant.

Mitigation Measures:

No mitigation measures are feasible. Specific details for future development projects are currently unknown and therefore potential impacts and mitigation measures that would reduce those impacts with regard to operational GHG emissions cannot be determined. Future projects would be required to comply with proposed General Plan policies and implement mitigation measures when PCAPCD thresholds are exceeded.

Finding:

The feasibility of mitigation measures for future development projects is uncertain due to the lack of specific details. Therefore impacts would remain significant and unavoidable.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential

opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

5. Hazards and Hazardous Materials

Impact 4.9-7: The project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Development under the General Plan Update would be subject to compliance with the most recent CBC and CFC. The CFC includes Section 4905.2, Construction Methods and Requirements within Established Limits. The CFC Chapter 49 cites specific requirements for WUI areas that include, but are not limited to, providing defensible space and hazardous vegetation and fuel management. In addition, future development would be required to comply with the City's Municipal Code Chapter 8.32, Hazardous Vegetation Abatement and Establishment of Defensible Space, which addresses hazardous vegetation abatement, defensible space, and enforcement. The City of Colfax is covered by the Placer County LHMP, which provides guidance to effectively respond to any emergency, including wildfires. In addition, the Placer County Community Wildfire Protection Program provides information and community recommendations for individual communities in regard to fire safety and efforts to reduce wildfire risk.

The General Plan Update also includes policies that would reduce wildfire impacts. Policy 7.3.2 prevents fuel accumulation in City-owned infrastructure fire-prone areas; Policy 7.3.3 ensures Colfax's peak load water supply is sufficient for fire suppression efforts; Policy 7.3.8 mandates fire protection plans for new development projects, including long-term, comprehensive fuel reduction and management; Policy 7.3.9 requires Planning Department review before granting development permits for construction projects and landscaping plans; and Policy 7.3.10 mandates fire-resistant landscaping and defensible space requirements for new residential and commercial development.

Although the proposed General Plan Update, in combination with State laws and regulations, would reduce hazards regarding fire risks, future development in the city would still expose people and structures to wildfire risk. As shown in Figures 3, 4, and 5 of the General Plan Safety Element, the City of Colfax is within VHFHSZs and the WUI. Therefore this impact would be potentially significant.

Mitigation Measures:

No mitigation measures are feasible. In order to avoid wildfire impacts from the proposed General Plan, development must not occur in VHFHSZs and the WUI. However, this is not feasible due to the City's responsibility to promote economic and residential development within its growth boundaries. Potential unknown impacts from future development under the General Plan Update will remain significant and unavoidable.

Finding:

The only measure to completely avoid wildfire impacts from the proposed project is to not allow development to occur within VHFHSZs and WUI. However, this is not feasible due to the City's responsibility to promote economic and residential development within its growth boundaries. Therefore impacts would remain significant and unavoidable.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

6. Population and Housing

Impact 4.13-1: The proposed project would directly induce substantial unplanned population growth.

As shown in Table 3-2 in Chapter 3, *Project Description*, under the proposed General Plan Update, the City of Colfax is projected to result in a net decrease of 668 units, 1,778 residents, and 99 jobs compared to the existing General Plan projections. The proposed General Plan Update would increase the amount of land designated low-density residential, and reduce the amount of land designated medium-density residential, high-density residential, industrial, and commercial. New land use designations under the proposed General Plan Update include the public-quasi public facilities, mixed use, and downtown mixed-use.

While the population, housing, and jobs projections under the proposed General Plan Update would be less than the existing General Plan, the housing and job projections of the proposed General Plan Update would exceed the SACOG estimates by 1,255 units and 2,993 jobs. It should be noted that the State of California has a shortage of housing. In 2019, Governor Newsom signed several bills aimed at addressing the need for more housing, including the Housing Crisis Act of 2019 (Senate Bill 330). Nonetheless, as the housing and job projections of the proposed General Plan exceed the SACOG projections by 90 percent and 91 percent, respectively, impacts would be substantial and potentially significant.

As shown in Table 4.13-6, *SACOG Growth Projections for the City of Colfax and Placer County*, of the DEIR the SACOG jobs-housing ratio for the City would be 2.36. Under the General Plan Update, development based on the land use designations would result in a jobs-housing ratio of 2.37, which is more than the existing General Plan's ratio of 1.95. A ratio of 2.37 indicates that the City would be job rich. As an ideal jobs-housing ratio is between 1.3 and 1.7, the City would be considered to have

an unbalanced jobs-housing ratio upon implementation of the proposed General Plan Update. As such, impacts would be potentially significant.

Mitigation Measures:

No feasible mitigation measures.

Finding:

The proposed General Plan Update, despite being less populous than the existing plan, will surpass the SACOG estimates by 1,255 units and 2,993 jobs, resulting in substantial and potentially significant impacts on housing and employment. However, as the existing plan also exceeds housing and jobs this is impacts would remain significant and unavoidable unless the General Plan Update is modifies its land use designations and zoning. As this scenario is not feasible due to the City's responsibility to promote economic and residential development within its growth boundaries. Therefore impacts would remain significant and unavoidable.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

7. Transportation

Impact 4.15-2: The project would conflict or be inconsistent with CEQA Guidelines, Section 15064.3, subdivision (b).

The following evaluates whether the project would conflict or be inconsistent with CEQA Guidelines, Section 15064.3(b), which describes specific considerations for analyzing transportation impacts as amended on July 1, 2020, pursuant to Senate Bill (SB) 743. CEQA Guidelines Section 15064.3(b) states that vehicle miles traveled (VMT) is “generally” the most appropriate measure of transportation impacts.

No particular methodology or metric is mandated by Section 15064.3(b) and the methodology or metric is left to the lead agency, bearing in mind the criteria the legislature had in mind for determining the significance of transportation impacts in SB 743. These were expressed in Public Resource Code Section 21099(b)(1), which states: “[t]hose criteria shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.”

The assessment of VMT impacts for this EIR was conducted consistent with *The County of Placer Transportation Study Guidelines* (TSG). The TSG were adopted by the Board of Supervisors on December 1, 2020, and further amended on June 22, 2021. The TSG are intended to describe the transportation analysis requirements for land development projects and major land plans in Placer County.

The County Guidelines are primarily focused on analyzing the effects of individual, site-specific land use projects, and the screening criteria are designed as such. The proposed General Plan is a long-range and large-scale plan that will affect land uses of a wide range of sizes and types, in a range of locations throughout the City and SOI, and over a long planning horizon. As such, the proposed project does not fit within any of the screening criteria in the TSG and thus requires a full VMT assessment.

Significance Threshold

The recommended CEQA VMT metrics and significance thresholds for Placer County are described by land use type in Table 4.15-3, *CEQA VMT Thresholds of Significance by Project Type*, of the DEIR.

The City of Colfax and SOI are within the SACOG boundary, and the proposed project is within western Placer County. Therefore, the proposed project is evaluated against the Placer County TSG threshold of 15 percent below the unincorporated county baseline for VMT per capita, VMT per employee, and other applicable VMT metrics.

Based on this threshold, the impact would be considered potentially significant if the forecasted rate of VMT metrics for the City of Colfax and SOI under Year 2040 conditions with the proposed project were to exceed 85 percent of the baseline (year 2020) regional rate of VMT per resident, Work VMT per employee, and VMT per room per site for the unincorporated Placer County. The impact would also be considered potentially significant if the forecasted total VMT metrics for the City of Colfax and SOI under Year 2040 conditions with the proposed project were to result in a total VMT net increase compared to the baseline.

The assessment of VMT impacts for this EIR was conducted by using SACOG's Sacramento Activity-Based Travel Stimulation Model (SACSIM). SACOG created thresholds and screening maps for residential and office projects using the 2016 travel demand model for the 2020 MTP/SCS. The SACSIM is activity/tour based and is designed to estimate individual's daily travel, accounting for land use, transportation, and demographics that influence peoples' travel behaviors. The model reports VMT per Resident (commonly referred to as "VMT per Capita") and VMT per Job. Residential VMT threshold is defined as total household VMT per capita achieving 15 percent reduction compared to regional average. The threshold for employment-generating projects in the Governor's Office of Planning and Research (OPR) Technical Advisory is achieving a 15 percent reduction in regional average work VMT per job.

Finding

Based on the SACSIM, the VMT per Capita for the City of Colfax's forecasted average VMT per Resident (150 percent) and VMT per Job (100 to 150 percent) is greater than the regional average. This finding is consistent with the SACOG 2020 RTP/SCS, which noted that Colfax has a higher rate of VMT per Capita in the region for both 2016 and 2040.

Individual projects under the General Plan Update that do not screen out from VMT analysis shall provide a detailed VMT analysis consistent with the methodology in the County of Placer TSG. Projects which result in a significant impact shall provide VMT mitigation. The Guidelines contain potential mitigation measures to reduce VMT such as modifying the project's characteristics to reduce VMT generated by the project. This might involve changing the density or mixture of land uses on the project site, changing the project's location to one that is more accessible by transit or other travel modes, relocating the project in an area that already exhibits low VMT, or implementing transportation demand management (TDM) or physical design measures to reduce VMT generated by the project.

Though the General Plan Update would include policies that would support mixed-use development and public transportation in the city, the proposed project plans for more growth, which would result in an increase in VMT without proper infrastructure to support it. This impact would be potentially significant.

Mitigation Measures:

No feasible mitigation measures are available. As discussed above, the proposed project is a programmatic General Plan and considerable uncertainty exists with regard to the implementation and feasibility of mitigation for individual development projects. Projects with significant VMT impacts would be required to implement VMT mitigation consisting of modification to project designs and implementation transportation demand management strategies. While the County's Guidelines would require that projects that are found to have a significant VMT impact implement VMT-reducing measures, since this is a comprehensive analysis and the effectiveness of each mitigation measure is dependent on the land use context and other factors, it cannot be determined at this time whether impacts would be reduced to less than significant for individual projects. As a result, the VMT impacts associated with the proposed project would be considered significant and unavoidable.

Finding:

The proposed project is a programmatic General Plan with significant uncertainty regarding the implementation and feasibility of mitigation measures for individual development projects. The County's Guidelines require VMT-reducing measures for projects with significant VMT impacts, but it is not yet determined whether these measures can be reduced for individual projects. As a result, the VMT impacts associated with the project are considered significant and unavoidable with no feasible mitigation measures.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits,

including regionwide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

8. Wildfire

Impact 4.17-2: Development under the proposed project could exacerbate wildfire risks due to slope, prevailing winds, and other factors, thereby exposing project occupants to elevated particulate concentrations from a wildfire.

The City of Colfax and its SOI are vulnerable to and at significant risk of wildfires. Bordered by forest and woodlands, the city is in proximity to areas with fuel mixes that could easily ignite and encroach into the community. During a wildfire event, people within the air basin would be exposed to elevated levels of particulates. The type and extent of vegetation and fuel, wind and climatic patterns, general topography and canyons, and other local characteristics make the city more vulnerable to wildfires.

Figure 3, *Fire Hazard Severity Zones*, in the General Plan Safety Element, depicts the CAL FIRE mapped VHFHSZs in Colfax and its SOI. The VHFHSZ includes areas potentially threatened by wildfires based on historical fire activity and prevalent vegetation types. The entire city is within a VHFHSZ. Thus, development associated with buildout of the General Plan Update would result in new development in VHFHSZs. To protect development in the VHFHSZ, the City requires adherence to a wide range of State and local codes (California Fire Code, CAL FIRE fire safe design requirements, CAL FIRE wildfire requirements, and other standards). Because development in these areas presents challenges for fire protection and suppression, development would be required to abide by those requirements. Additionally, several policies in the Safety Element emphasize and require fire-safe development in the city including Policy 7.3.4 which enforces and adopts new development standards to reduce fire hazard risks for new and existing development to minimize property damage and loss of life, Policy 7.3.7 promotes the use of fire-resistant landscaping in public and private developments, Policy 7.3.8 requires fire protection plans for all new development projects, including plans for long-term, comprehensive, fuel reduction and management, Policy 7.3.10 enforces fire-resistant landscaping and defensible space requirements for new residential and commercial development, Policy 7.3.14 ensures that new development be located where fire and emergency services have sufficient capacity to meet project needs or require that they be upgraded to provide necessary capacity as part of the proposed development activities to ensure new development has adequate fire protection, and Policy 7.3.18 require proposed development to provide adequate access for fire and emergency vehicles and equipment that meets or exceeds the standards in the California Fire Safe Regulations (Sections 1273 and 1274 of the California Code of Regulations – Title 24, Division 1.5, Chapter 7, Articles 2 and 3).

As shown in Figure 8, *Landslide Risk*, of the General Plan Safety Element, a significant portion of the north side of the city contains steep slopes with high landslide susceptibility. Construction of potential future development in these areas may require grading and site preparation activities that could change the slope of a single parcel or site. However, all potential future development within Colfax would be required to comply with the California Building Standards Code and SRA Fire Safe Regulations.

Other factors, such as vegetation, have the potential to exacerbate wildfire risks. During late summer and fall when temperatures are high, relative humidity is low, and winds are high, forests and brush vegetation can dry out, particularly in areas with unirrigated vegetation, becoming extremely flammable and increasing wildfire risks. The Placer County LHMP and Placer County CWPP contain several vegetation management, fuel reduction, fuel break, and chipper programs, and projects to reduce the uncontrolled spread of wildfire due to vegetation. Additionally, all potential future development within wildfire-prone areas in Colfax would be required to comply with SRA Fire Safe Regulations, Public Resources Code Section 4291, and the California Fire Code. These regulations have specific requirements for new development to create defensible space and extensive fuel reduction within 100 feet of a structure, an ember-resistant zone within 5 feet of a structure, and the overall maintenance of properties to reduce the risk of uncontrolled fires or the spread of fires to other properties.

Furthermore, the General Plan contains policies for existing, new, and redevelopment projects that integrate with the LHMP, CWPP, and other State and regional regulations to reduce wildfire risks associated with vegetation including Policy 7.3.2 which prevents fuel accumulation around any City-owned infrastructure where fires are known to occur, Policy 7.3.7 promotes the use of fire-resistant landscaping in public and private developments, Policy 7.3.9 requires review by the Planning Department prior to the issuance of development permits for proposed construction projects and conceptual landscaping plans, and Policy 7.3.10 enforces fire-resistant landscaping and defensible space requirements for new residential and commercial development.

Adherence to these building practices, fire safety regulations, and vegetation fuel management requirements would reduce the potential for exacerbating wildfire risks. However, due to the programmatic nature of this analysis, the unknown details and potential impacts of specific future potential development projects under the General Plan Update and the possibility of potential future development being located in wildfire-prone areas, impacts would still be potentially significant.

Mitigation Measure:

No feasible mitigation measures are available. Implementation of the General Plan Update could increase population, buildings, and infrastructure in wildfire-prone areas. With implementation of the General Plan Update policies and mandatory wildfire hazard reduction measures per State regulations, impacts related to exacerbating the risk of pollutant concentrations from wildfire and the uncontrolled spread of wildfire could be reduced, but not necessarily to a less-than-significant level.

As listed previously, the General Plan Update contains policies that require existing development, new, and redevelopment projects to create and maintain fire-safe vegetation around structures and roadways, enforcement of fire-safe standards, and creation of fuel breaks. These policies would not increase the number of people, buildings, and infrastructure, but would also not prohibit development under the proposed General Plan; however, they would provide the best wildfire hazard-reduction measures available.

However, the only way to fully avoid the wildfire impact from implementation of the proposed General Plan is to not allow development in areas within Very High Fire Hazard Severity Zones and the WUI, thereby eliminating the wildfire impact. However, doing so is not feasible or practical as the entire city is within a Very High Fire Hazard Severity Zone and the City has a responsibility to

meet other obligations, such as promoting both economic development and corresponding residential development, as required by State housing law, within its adopted growth boundaries. This conclusion does not prevent a finding of less-than-significant impacts at the project level; however, due to potential unknown impacts from future development under the General Plan Update, impacts at the programmatic level would remain significant and unavoidable.

Finding:

The only measure to completely avoid wildfire impacts from the proposed project is to not allow development to occur within VHFHSZs and WUI. However, this is not feasible due to the City's responsibility to promote economic and residential development within its growth boundaries. Therefore impacts would remain significant and unavoidable.

The City finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the DEIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

IV. ALTERNATIVES TO THE PROPOSED PROJECT

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible, and therefore, merit in-depth consideration, and which ones are infeasible.

A. Alternatives Considered and Rejected During the Scoping/Project Planning Process

The following is a discussion of the alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the DEIR.

1. Alternative Location

The proposed General Plan covers the entire City and the Sphere of Influence. Alternative locations are typically included in an environmental document to avoid, lessen, or eliminate the significant impacts of a project by considering the proposed development in an entirely different location. To be feasible, development of off-site locations must be able to fulfill the project purpose and meet most of the project's basic objectives. Given the nature of the proposed project (a General Plan for the entire city and sphere of influence), it is not possible to consider an off-site alternative because the city boundaries have been established through incorporation and the SOI established by LAFCO. For this reason, an off-site alternative was considered infeasible pursuant to State CEQA Guidelines Section 15126.6(c) and was rejected as a feasible project alternative.

2. Reduced Density Alternative

A reduced density alternative that would result in fewer residences and less nonresidential development would theoretically reduce traffic and thereby reduce community impacts, such as air quality, greenhouse gas (GHG) emissions, traffic, noise, and demand for utilities and public services. However, such an alternative would not achieve or would only partially achieve the General Plan objectives of providing for growth of the city. This alternative could prevent the development of needed housing as projected by the California Department of Housing and Community Development (HCD), increase jobs in the city, or foster growth in the focus and identified opportunity areas rather than in sensitive areas or through annexation. By restricting growth, the environmental impact of the projected growth would increase development pressure elsewhere in the region. A reduced development density alternative could conflict with regional plans and would relocate impacts outside of the city.

3. No Residential Uses in the Historic Downtown District Alternative

Under this alternative, no future residential development would be allowed in the City's Historic Downtown District. This alternative could result in reduced impacts for aesthetics and cultural resources. However, future projects under the General Plan Update would be evaluated on their aesthetic and historic compatibility with its surroundings and City design guidelines. In addition, the City's Historic Downtown District currently contains residential uses. Therefore, from a comprehensive level, removing housing from the downtown would not significantly reduce or eliminate impacts and instead might increase the severity of other impacts. For example, not allowing future residential uses in the downtown area, away from commercial and public transit areas, would increase vehicle miles travelled (VMT) compared to the proposed project. In addition, not allowing residential uses in the Historic Downtown District could also put a strain on the amount of available land for development. This alternative was ultimately dismissed from further consideration because it would not reduce environmental impacts.

4. Restricting Wood-Burning Stoves Mandate

Under this alternative, the City of Colfax would set a mandatory program that would limit the use of wood burning stoves in new development, resulting in a reduction in emissions and fire hazards. Depending on the limit of enrollment and development, this could result in reduced impacts such as greenhouse gases and wildfire. This alternative was ultimately dismissed from further consideration due to uncontrollable outside factors such as outages from weather and fires.

B. ALTERNATIVES SELECTED FOR FURTHER ANALYSIS

Based on the criteria listed, the following two alternatives have been determined to represent a reasonable range of alternatives that have the potential to feasibly attain most of the basic objectives of the project, but which may avoid or substantially lessen any of the significant effects of the proposed project. These alternatives are analyzed in detail in the following sections.

- **No Project/Existing General Plan** – This is the only EIR alternative that is specifically required by the CEQA Guidelines (Section 15126.6[e]). The No Project alternative does not represent a no-development or no-change scenario as the City has an existing General Plan.

Further, the land use diagram in the existing General Plan is unchanged with the proposed project. This alternative will focus on the potential result of not updating the General Plan to include changes to State law that have occurred since the adoption of the current plan.

- **Increased Density** – As a General Plan Update, the City can consider changes to the land use pattern. A greater density and intensity would reduce the need for annexation in the future, which would reduce the potential to convert forest land to urban uses and protect biological resources. This alternative could also reduce VMT with corresponding reductions in air quality and GHG emission impacts.

An EIR must identify an “environmentally superior” alternative and where the No Project Alternative is identified as environmentally superior, the EIR is then required to identify as environmentally superior an alternative from among the others evaluated. Each alternative's environmental impacts are compared to the proposed project and determined to be environmentally superior, neutral, or inferior. Section 6.18 identifies the Environmentally Superior Alternative. The preferred land use alternative (proposed project) is analyzed in detail in Chapter 4 of this Draft EIR.

5. No Project/Existing General Plan Alternative

The No Project/Existing General Plan Alternative (No Project Alternative) is required to discuss the existing conditions at the time the notice of preparation is published and evaluate what would reasonably be expected to occur in the foreseeable future if the proposed project is not approved (CEQA Guidelines, Section 15126.6[e]). Pursuant to CEQA, this alternative is also based on current plans and consistent with available infrastructure and community services. Therefore, the No Project/Existing General Plan Alternative assumes that the proposed project would not be adopted, and the development intensity assumed in the existing General Plan would be followed. Under this alternative, the Planning Area would not increase development potential with 819 parcels redesignating various land uses throughout the city.

Finding:

This Alternative is rejected because it would not meet any of the proposed project's objectives such as adopting the 2040 General Plan, complying with the State regulations including new laws such as climate adaptation, engaging community members as key decision makers, addressing the protection, enhancement, use, and management of natural resources and the environment, and playing a critical role in establishing a positive environment for economic development.

6. Increased Density Alternative

This alternative would result in more intense development, such as increased lot coverage, higher or larger buildings, within the existing land use designations. Increased densities may further result in additional customers for transit and mixed-use projects. This alternative could change the character of the city by making it more urban than the rural/suburban nature of some neighborhoods. While land would be used more efficiently under this alternative, it could also result in changing the character of some neighborhoods in the city with taller and larger buildings. This alternative would reduce VMT compared to the proposed project, as more mixed use and housing would be encouraged on less land. While this alternative would result in a more efficient use of land with the

same benefits, there may not be a market or acceptance of more intensive development within the city. This could create a demand for growth outside of the city, but within the SOI and beyond.

Finding:

This Alternative is rejected because it could change the character of the city by making it more urban than the rural/suburban nature of some neighborhoods. This alternative would not meet the proposed project objective of updating the General Plan without significant land use changes.

V. Statement of Overriding Considerations

CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. If the benefits of the proposed project outweigh the unavoidable adverse effects, those effects may be considered “acceptable” (State CEQA Guidelines § 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (State CEQA Guidelines § 15093 [b]). The agency’s statement is referred to as a Statement of Overriding Considerations.

The following provides a description of the proposed project’s significant and unavoidable adverse impacts and the justification for adopting a statement of overriding considerations.

A. Significant and Unavoidable Impacts

Although most potential project impacts have been substantially avoided or mitigated, there remain eleven project impacts for which complete mitigation is not feasible. The DEIR identified the following significant and unavoidable adverse impacts of the proposed project, which would continue to be applicable upon implementation of the proposed project:

Agriculture and Forestry Resources

- **Impact 4.2-3:** The proposed project would result in loss of forest land or conversion of forest land to non-forest use.

Air Quality

- **Impact 4.3-1:** Construction activities associated with the proposed project would generate short-term emissions in exceedance of PCAPCD’s threshold criteria.
- **Impact 4.3-2:** Long-term operation of the project would generate new operational emissions in exceedance of PCAPCD’s threshold criteria.
- **Impact 4.3-3:** The proposed project could expose sensitive receptors to substantial pollutant concentrations.

Cultural and Tribal Resources

- **Impact 4.5-1:** The proposed project could cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.

Greenhouse Gases

- **Impact 4.8-1:** The proposed project would generate construction-based greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- **Impact 4.8-2:** The proposed project would generate operational greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Hazards and Hazardous Materials

- **Impact 4.9-7:** The project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

Population and Housing

- **Impact 4.13-1:** The proposed project would not directly induce substantial unplanned population growth.

Transportation

- **Impact 4.15-2:** The project would conflict or be inconsistent with CEQA Guidelines, Section 15064.3, subdivision (b).

Wildfire

- **Impact 4.17-2:** Development under the proposed project could exacerbate wildfire risks due to slope, prevailing winds, and other factors, thereby exposing project occupants to elevated particulate concentrations from a wildfire.

B. Project Benefits in Support of the Statement of Overriding Considerations

The following section describes the benefits of the proposed project that outweigh the proposed project's unavoidable adverse effects and provides specific reasons for considering the proposed project acceptable even though the DEIR has indicated that there will be eleven significant project impacts. Accordingly, this Statement of Overriding Considerations regarding potentially significant adverse environmental impacts resulting from the proposed project, as set forth below, has been prepared. Pursuant to CEQA Guidelines §15093(c), the Statement of Overriding Considerations will be included in the record of the project approval and will also be noted in the Notice of Determination. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the proposed project.

Having reduced the potential effects of the proposed project through feasible mitigation measures as described previously herein, and balancing the benefits of the proposed project against its potential

unavoidable adverse impacts on air quality, biological resources, cultural and tribal resources, greenhouse gas emissions, hazards and hazardous materials, noise, and wildfire if the mitigation measures cannot be implemented, the City finds that the following legal requirements and benefits of the proposed project individually and collectively outweigh the potentially significant unavoidable adverse impacts for the following reasons:

1. Implements the Objectives Established for the Proposed Project

The proposed project objectives include addressing the current and future needs of residents, businesses, employees, and visitors of Colfax, complying with the State regulations, including new laws such as climate adaptation, engaging community members as key decision makers for adaptation, community resiliency, and public safety, updating the General Plan without significant land uses changes, addressing the protection, enhancement, use, and management of natural resources and the environment, promoting the public's health, safety, and welfare, playing a critical role in establishing a positive environment for economic development, and addressing, identifying, and promoting ways to maintain or enhance economic opportunity, viability, and community well-being while protecting and restoring the natural environment. The proposed project will achieve all these objectives, therefore outweighing any unavoidable adverse effects.

2. Improves Quality of Life and the Physical Environment

Although development in the proposed project would have significant impacts on the environment, it would also promote opportunities for economic development, reduce greenhouse gas emissions, conserve natural resources, and encourage health and well-being. Some examples of these policies include Policy 3.2.1 which requires that design of new construction, and major remodel of existing buildings, allow for alternative forms of transportation by providing necessary facilities, such as bicycle racks, walkways, paths, and connections, as well as ride share parking, Policy 5.2.1 which states to ensure that street design is pedestrian in scale and incorporates landscaping that contributes to the overall quality of development-specific design and the city's unique character, Policy 6.2.2 which states to protect sensitive wildlife habitat from destruction and intrusion by incompatible land uses where appropriate, Policy 8.1.1 which encourages a full range of commercial establishments and facilities to serve the residents of the community, to provide local employment opportunities, and to improve and diversify the community's tax base, and Policy 7.6.4 which states to reduce health and economic risks associated with extreme heat and human health hazards. This is not a comprehensive list of all of the policies that aim to improve the quality of life and the physical environment in Colfax. The General Plan Update is a guide for how the city will make decisions regarding their long-term development, and the well-being of the community and the environment are considered throughout all of the policies.

C. Conclusion

The City has balanced the proposed project's benefits against the significant and unavoidable impacts and finds that the proposed project's benefits, which aim to meet the goals and policies of the General Plan Update, outweigh the proposed project's significant and unavoidable impacts. These impacts, therefore, are considered acceptable in the light of the proposed project's benefits. The City finds that each of the benefits described above is an overriding consideration, independent of the

other benefits, that warrants approval of the proposed project notwithstanding the proposed project's significant and unavoidable impacts.

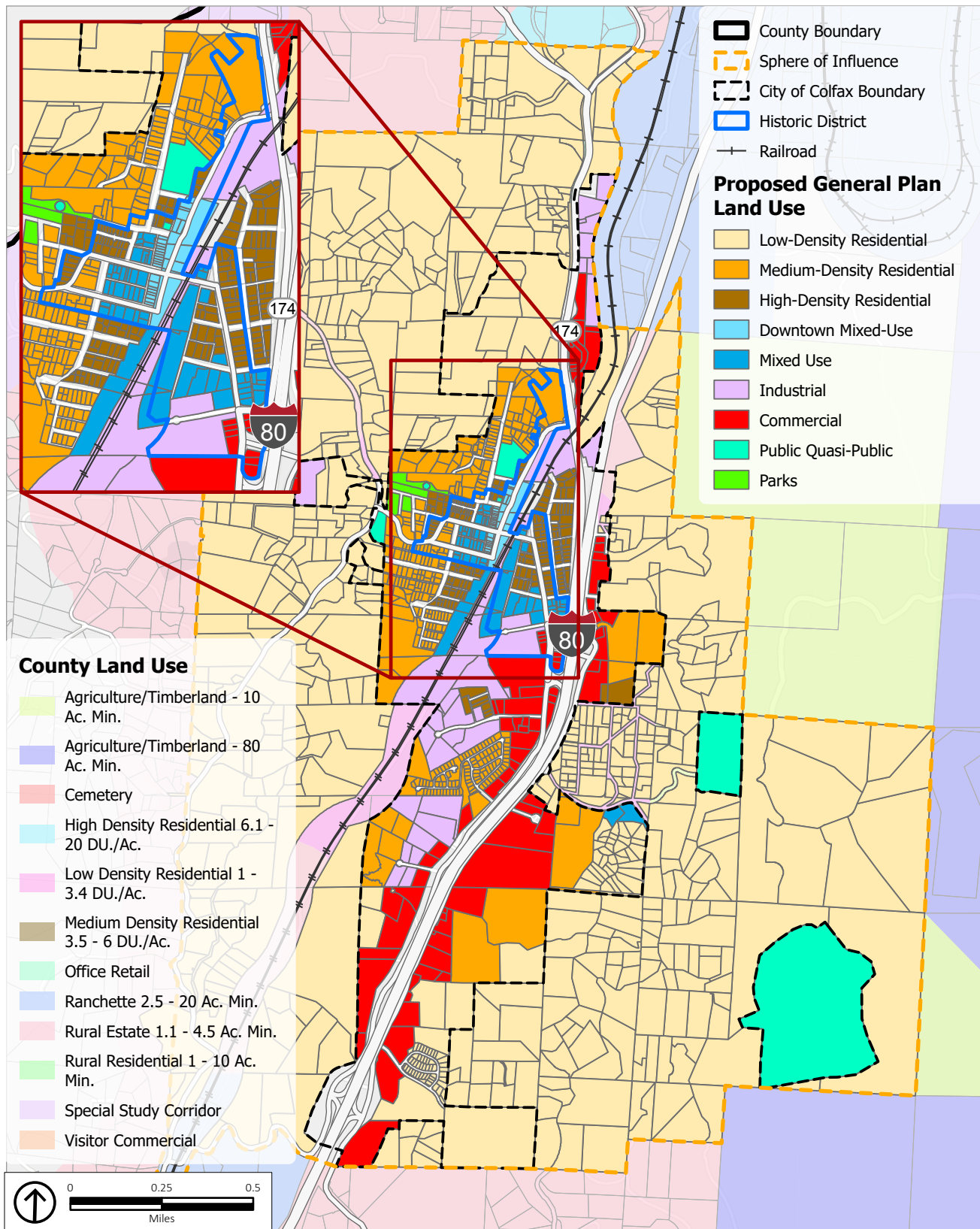
VI. FINDINGS ON RESPONSES TO COMMENTS ON THE DEIR AND REVISIONS TO THE FINAL EIR

The Final EIR contains responses to comments, revisions, clarifications, and corrections to the DEIR. The focus of the response to comments is on the disposition of significant environmental issues as raised in the comments, as specified by State CEQA Guidelines Section 15088(b). The City provided written responses to each comment made by a public agency, as set forth in Section 2 of the Final EIR, pursuant to State CEQA Guidelines Section 15088(b).

City staff has reviewed this material and determined that none of this material constitutes the type of significant added information that requires recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the proposed project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5 of the CEQA Guidelines.

Exhibit D Figure 2-2 Land Use Diagram

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Source: City of Colfax, ESRI, Placer County, 2022; PlaceWorks, 2022

Figure 2-2
Land Use Diagram

Exhibit E General Plan Update EIR Mitigation Monitoring and Reporting Program

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November 2023 | Mitigation Monitoring and Reporting Program
State Clearinghouse No. 2023070105

GENERAL PLAN UPDATE EIR

for City of Colfax

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APPENDICES

Appendix A Appendix Title

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1. Introduction

1.1 PURPOSE OF MITIGATION MONITORING PROGRAM

This Mitigation Monitoring Program has been developed to provide a vehicle by which to monitor mitigation measures and conditions of approval outlined in the Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2023070105. The Mitigation Monitoring Program has been prepared in conformance with Section 21081.6 of the Public Resources Code and Colfax City Monitoring Requirements. Section 21081.6 states:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
 - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
 - (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

1.2 EIR SUMMARY

The 2040 General Plan Update is an update to the City of Colfax adopted General Plan. The proposed project includes comprehensive updates to the required elements under the State Planning and Zoning Law, as well as other optional elements that the City has elected to include in its General Plan.

1.3 PROJECT LOCATION

The City of Colfax is the eastern-most incorporated city in Placer County, located in the Sierra Nevada foothills. Colfax is principally bordered by unincorporated Placer County lands. The city covers an area of 1.3 square miles and is bisected by Interstate 80 (I-80). Colfax is a few miles outside the Tahoe National Forest as I-80 begins its climb into the Sierra Nevada. The City of Colfax is in the western part of Placer County,

1. Introduction

approximately 46 miles northeast of Sacramento and 68 miles southwest of Reno. Interstate and regional access to Colfax is provided by I-80 and Union Pacific Railroad, which runs in a general north-south direction and bisects the city. Rail freight access is provided by the Union Pacific Railroad; Amtrak provides daily passenger service north and south of Colfax.

1.4 ENVIRONMENTAL IMPACTS

1.4.1 Impacts Considered Less Than Significant

The DEIR identified various thresholds from the CEQA Guidelines among a number of environmental categories that would not be significantly impacted by the proposed project and therefore have no mitigation measures to monitor. Impacts to the following were found to be less than significant.

- AESTHETICS
- BIOLOGICAL RESOURCES
- ENERGY HYDROLOGY AND WATER QUALITY
- LAND USE AND PLANNING
- NOISE
- PUBLIC SERVICES AND RECREATION
- UTILITIES AND SERVICE SYSTEMS

1.4.2 Potentially Significant Adverse Impacts That Can Be Mitigated, Avoided, or Substantially Lessened

The DEIR identified various thresholds from the CEQA Guidelines among a number of environmental categories that could be reduced, avoided, or substantially lessened through the implementation of mitigation measures.

- CULTURAL AND TRIBAL RESOURCES
- GEOLOGY AND SOILS AND MINERAL RESOURCES

1.4.3 Unavoidable Significant Adverse Impacts

The following impacts would remain significant and unavoidable after implementation of the required mitigation, as identified in the DEIR:

- AGRICULTURAL AND FORESTRY RESOURCES
- AIR QUALITY
- CULTURAL AND TRIBAL RESOURCES
- GREENHOUSE GAS EMISSIONS
- HAZARD AND HAZARDOUS MATERIALS
- POPULATION AND HOUSING
- TRANSPORTATION
- WILDFIRE

1. Introduction

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2. Mitigation Monitoring Process

2.1 MITIGATION MONITORING PROGRAM ORGANIZATION

As the lead agency, the City of Colfax (City) is responsible for the review of all monitoring reports, enforcement actions and document disposition. The City will rely on information provided by individual monitors (e.g., CEQA consultant, etc.) as accurate and up to date, and will field check mitigation measure status, as required.

2.1.1 Mitigation Monitoring Team

The mitigation monitoring team, consisting of the designated Project Manager and Technical Consultants (CEQA consultant, etc.) are responsible for monitoring implementation and compliance with all adopted mitigation measures and conditions of approval. A major portion of the team's work is in-field monitoring and compliance report preparation. Implementation disputes are brought to the Project Manager/City Planning Director.

2.1.2 Mitigation Monitoring Team

The following summarizes key positions in the MMRP and their respective functions:

- **Project Manager:** Responsible for coordination of mitigation monitoring team, technical consultants, report preparation, and overall program administration and document/report clearinghouse. The overall Project Manager is the Planning Director who may delegate responsibilities as required to efficiently monitor the project mitigation measures.
- **Construction Contractor:** Responsible for coordination of mitigation monitoring team; technical consultants; report preparation; and implementation the monitoring program, including overall program administration, document/report clearinghouse, and first phase of dispute resolution.
- **Technical Consultants:** Responsible for monitoring in respective areas of expertise (CEQA consultant, project engineer, noise analyst/specialist). Report directly to the Project Manager.

2.1.3 Recognized Experts

The use of recognized experts on the monitoring team is required to ensure compliance with scientific and engineering mitigation measures. The mitigation monitoring team's recognized experts assess compliance with required mitigation measures, and recognized experts from responsible agencies consult with the Project Manager regarding disputes.

2. Mitigation Monitoring Process

2.2 ARBITRATION RESOLUTION

If the mitigation monitor determines that a mitigation measure, in the opinion of the monitor, has not been implemented or has not been implemented correctly, the problem will be brought before the Project Manager for resolution. The decision of the Project Manager is final unless appealed to the City's Planning Director. The Project Manager will have the authority to issue stop-work order until the dispute is resolved.

2.3 ENFORCEMENT

Public agencies may enforce conditions of approval through their existing police power, using stop-work orders, fines, infraction citations, or in some cases, notice of violation for tax purposes.

2. Mitigation Monitoring Process

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3. Mitigation Monitoring Requirements

3.1 PRE-MITIGATION MEETING

A pre-monitoring meeting will be scheduled to review mitigation measures, implementation requirements, schedule conformance, and mitigation monitoring committee responsibilities. Committee rules are established, the entire mitigation monitoring program is presented, and any misunderstandings are resolved.

3.2 CATEGORIZED MITIGATION MEASURES/MATRIX

Project-specific mitigation measures have been categorized in matrix format, as shown in Table 3-1. The matrix identifies the environmental factor, specific mitigation measures, schedule, and responsible monitor. The mitigation matrix will serve as the basis for scheduling the implementation of, and compliance with, all mitigation measures.

3.3 IN-FIELD MONITORING

Project monitors and technical subconsultants shall exercise caution and professional practices at all times when monitoring implementation of mitigation measures. Protective wear (e.g. hard hat, glasses) shall be worn at all times in construction areas. Injuries shall be immediately reported to the mitigation monitoring committee.

3.4 DATA BASE MANAGEMENT

All mitigation monitoring reports, letters, and memos shall be prepared utilizing Microsoft Word software on IBM-compatible PCs.

3.5 COORDINATION WITH CONTRACTORS

The construction manager is responsible for coordination of contractors and for contractor completion of required mitigation measures.

3.6 LONG-TERM MONITORING

Long-term monitoring related to several mitigation measures will be required, including fire safety inspections. Post-construction fire inspections are conducted on a routine basis by Colfax Fire Department.

3. Mitigation Monitoring Requirements

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3. Mitigation Monitoring Requirements

Table 3-1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
4.5 CULTURAL RESOURCES				
<p>CULT-1: Treatment of Native American Remains. In the event that Native American human remains are found during development of a project and a tribe(s) is determined to be MLD pursuant to Mitigation Measure CULT-1, the following provisions shall apply:</p> <ul style="list-style-type: none"> ■ The Medical Examiner shall immediately be notified; ground-disturbing activities in that location shall cease; and the applicable, pursuant to California Public Resources Code Section 5097.98(a), to: <ol style="list-style-type: none"> 1. Inspect the site of the discovery, and 2. Make determinations as to how the human remains and grave goods should be treated and disposed of with appropriate dignity. ■ The applicable tribe(s) shall complete its inspection and make its MLD recommendation within 48 hours of getting access to the site. The tribe(s) shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future. ■ The applicable tribe(s) may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area that will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b). 	Project Applicant	In the event of human remains being discovered during the course of ground disturbance from the project	City of Colfax	
<p>CULT-2: Non-Disclosure of Location of Reburials. In the event that Native American human remains are discovered, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, California Government Code Section 6250 et seq., unless otherwise required by law. The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). The applicable tribe(s) will require that the location for reburial is recorded with the California Historic Resources Inventory System (CHRIS) on a form that is acceptable to the CHRIS center.</p>	Project applicant	In the event of human remains being discovered during the course of ground disturbance from the project	City of Colfax	
<p>CULT-3: Treatment of Cultural Resources. In the event that cultural items are found on-</p>	Project Applicant	In the event of any cultural	City of Colfax	

3. Mitigation Monitoring Requirements

Table 3-1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
site, all such items, including ceremonial items and archaeological items, should be turned over to the applicable tribe(s) for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The project proponent should waive any and all claims to ownership of tribal ceremonial and cultural items, including archaeological items, which may be found on a project site in favor of the applicable tribe(s). If any intermediary, for example, an archaeologist retained by the project proponent, is necessary, said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the applicable tribe(s).		resource discoveries		
CULT-4: Inadvertent Discoveries. In the event that additional significant site(s) not identified as significant in a project environmental review process, but are later determined to be significant, are located within a project impact area, such sites will be subjected to further archaeological and cultural significance evaluation by the project proponent, lead agency, and the applicable tribe(s) to determine if additional mitigation measures are necessary to treat sites in a culturally appropriate manner consistent with CEQA requirements for mitigation of impacts to cultural resources. If there are human remains present that have been identified as Native American, all work will cease for a period of up to 30 days in accordance with federal law.	Project applicant	In the event of human remains being discovered during the course of ground disturbance from the project	City of Colfax	
4.7 GEOLOGY AND SOILS AND MINERAL RESOURCES				
GEO-1: Prior to issuance of a grading permit for projects involving ground disturbance in previously undisturbed areas, the project applicant shall consult with a geologist or paleontologist to confirm whether the grading would occur at depths that could encounter highly sensitive sediments for paleontological resources. If confirmed that underlying sediments may have sensitivity, construction activity shall be monitored by a qualified paleontologist. The paleontologist shall have the authority to halt construction during ground-disturbing activities, as outlined in Mitigation Measure GEO-2.	Project Applicant	Prior to issuance of a grading permit	City of Colfax	
GEO-2: In the event of any fossil discovery, regardless of depth or geologic formation, ground-disturbing activities shall halt within a 50-foot radius of the find until its significance can be determined by a qualified paleontologist. Significant fossils shall be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility, in accordance with the standards of the Society of Vertebrate Paleontology. The repository shall be identified, and a curatorial arrangement shall be signed prior to the	Project Applicant	In the event of any fossil discovery	City of Colfax	

3. Mitigation Monitoring Requirements

Table 3-1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
collection of the fossils.				
<p>MIN-1: Pursuant to the Public Resources Code, the Surface Mining and Reclamation Act, Chapter 9, Article 4, Section 2762(e), prior to the issuance of a grading permit on lands classified by the State Geologist as MRZ-1 or MRZ-3, the Placer County Geologist shall make a site-specific determination as to the site's potential to contain or yield important or significant mineral resources of value to the region and the residents of the State of California.</p> <ul style="list-style-type: none"> ■ If it is determined by the County Geologist that lands classified as MRZ-3 have the potential to yield significant mineral resources that may be of "regional or statewide significance" and the proposed use is considered "incompatible" (as defined by Section 3675 of Title 14, Article 6, of the California Code of Regulations) and could threaten the potential to extract said minerals, the future project applicant(s) shall prepare an evaluation of the area to ascertain the significance of the mineral deposit located therein. This site-specific mineral resources study shall be performed to, at a minimum, document the site's known or inferred geological conditions; describe the existing levels of development on or near the site which might preclude mining as a viable adjacent use; and analyze the State standards for designating land as having "regional or statewide significance" under the Surface Mining and Reclamation Act. The results of such evaluation shall be transmitted to the State Geologist and the State Mining and Geology Board. ■ Should significant mineral resources be identified, the future project applicant(s) shall either avoid said resource or incorporate appropriate findings subject to a site-specific discretionary review and California Environmental Quality Act process. 	Project applicant, Placer County Geologist	Prior to issuance of grading permit	City of Colfax	

Appendix

4. Mitigation Monitoring Reports

Mitigation monitoring reports are required to document compliance with the Mitigation Monitoring Program and to dispute arbitration enforcement resolution. Specific reports include:

- Field Check Report
- Implementation Compliance Report
- Arbitration/Enforcement Report

4.1 FIELD CHECK REPORT

Field check reports are required to record in-field compliance and conditions.

4.2 IMPLEMENTATION COMPLIANCE REPORT

The Implementation Compliance Report (ICR) is prepared to document the implementation of mitigation measures on a phased basis, based on the information in Table 3-1. The report summarizes implementation compliance, including mitigation measures, date completed, and monitor's signature.

4.3 ARBITRATION/ENFORCEMENT REPORT

The Arbitration/Enforcement Report (AER) is prepared to document the outcome of arbitration committee review and becomes a portion of the ICR.

Appendix

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CITY OF COLFAX
ORDINANCE NO. 556
**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~~. The double underlined text and strike out text will not appear in the codified ordinance.

Chapter 17.20 amends the zoning map as shown in the updated zoning map and as indicated in the table attached hereto as Exhibit B;

Chapter 17.68 establishes development standards for the Civic District;

Chapter 17.74 establishes residential density standards for the MU1 and MU2 zones;

Chapter 17.80 establishes a conditional use permit (CUP) requirement for any use proposed that occupies more than 15,000 square feet in the industrial zone, amends the chart of industrial uses to remove agricultural uses, consolidates the Light Industrial and Heavy Industrial use columns, requires a CUP for self-service storage facilities, and adds storage facilities for recreational and large vehicles subject to a CUP.

Chapter 17.84 repeals section 17.84.030 to remove the “SD” Special development overlay zone.

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 there 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 29th day of November 2023 and passed and adopted at a duly held regular meeting of the City Council held on the ___ day of _____ 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. 556
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. Civic District development standards.

Section 17.68.040 is added to the Municipal Code as follows:

17.68.040 Civic District development standards.

- A. Permitted uses and structures shall comply with the city's adopted community design guidelines and any other applicable requirements of this title.
- B. Structures within 20 feet of a property line in any single-family (R-1), multi-family (R-M) or mixed-use zone (MU) shall comply with the lesser of the setback and height standards of the adjacent zoning district or a minimum setback of 6 feet plus one foot for every foot above 10 feet in height.
- C. Additional development standards shall be determined as part of an administrative permit or conditional use permit.

2. Mixed Use Density Standards.

Section 17.74.040 is added to the Municipal Code as follows:

17.74.040 Mixed Use density standards.

In the Downtown Mixed-Use (MU-1) zone, the maximum floor area ratio (FAR) allowed is 2.0 and a minimum of 625 square feet of net parcel area is required per dwelling unit.

In the Mixed-Use (MU-2) zone, the maximum floor area ratio (FAR) is 1.5 and the allowed residential density is 10 to 29 dwelling units per acre.

For the purposes of this section, the calculation of FAR shall include all residential floor area on a parcel in addition to floor area as defined in section 17.12.030 of this title.

3. Industrial Zone.

Chapter 17.80 is amended as follows:

Chapter 17.80 INDUSTRIAL ZONES

17.80.010 Purpose.

This chapter provides regulations applicable to primary uses in the industrial zoning districts established by Section 17.16.10 (zoning districts established). ~~The industrial zoning districts are as follows:~~ The purposes of the industrial zoning district are to designate areas appropriate for the maintenance, establishment and protection of light industrial uses and heavy industrial uses, where uses do not produce objectionable effects observable beyond the boundaries of the site.

Industrial uses that have limited outdoor storage and the emission of limited amount of visible gasses, particulates, steam, heat, odor, vibration, glare, dust, and noise may be compatible operating in relatively close proximity to commercial and residential uses. These uses include indoor manufacturing, processing, assembly, high technology, research and development and storage uses.

Wholesale and heavy commercial activities and industrial processes are subject to approval of administrative permits or conditional use permits, and are to be limited to areas of the industrial zone not close to commercial and residential uses.

- ~~A. Light Industrial District. The purpose of the light industrial district (I-L) is intended to designate areas appropriate for light industrial uses such as manufacturing, processing, assembly, high technology, research and development and storage uses. The use types permitted within the I-L district do not include outdoor manufacturing but may include limited outdoor storage and the emission of limited amount of visible gasses, particulates, steam, heat, odor, vibration, glare, dust, and noise. These uses may be compatible operating in relatively close proximity to commercial and residential uses.~~
- ~~B. Heavy Industrial District. The purpose of the heavy industrial district (I-H) is to provide for areas in appropriate locations where wholesale and heavy commercial activities and industrial processes not producing objectionable effects observable beyond the boundaries of the site may be established, maintained and protected. The regulations of this district are designed to promote an environment in which industries and related activities requiring a reasonably high level of environmental quality and which themselves do not contribute to the deterioration of such environmental quality, may be conducted.~~

17.80.020 Permitted use types.

Primary uses are permitted in industrial 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 use that occupies more than 15,000 square feet of indoor area, outdoor area, or a combination of indoor and outdoor area in the Industrial zone is subject to a conditional use permit.

Accessory Uses and Structures are permitted in industrial 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

INDUSTRIAL ZONE DISTRICTS PERMITTED USES			
AGRICULTURAL AND OPEN SPACE USE TYPES	<u>I</u>	I-L	I-H
Agricultural		-	P
Resource Protection and Restoration	<u>P</u>	P	P
CIVIC USE TYPES		I-L	I-H
Community Assembly ⁽⁸⁾	<u>CUP</u>	CUP	CUP
Community Services	<u>AP</u>	AP	P
Essential Services	<u>AP</u>	AP	P
Intensive Public Facilities	<u>CUP</u>	-	CUP
Power Generating Facilities ⁽⁷⁾			
Emergency	<u>P</u>	AP	AP
Supplemental/Individual Use	<u>CUP</u>	AP	CUP
General Power Production	<u>CUP</u>	AP	CUP
Passive Power	<u>P</u>	P	P
Public Parking Services	<u>P</u>	P	P
Schools			
College and University	<u>CUP</u>	AP	CUP
Social Services			
Food Distribution ⁽²⁾	<u>AP/CUP</u>	AP/CUP	AP/CUP
Food Service ⁽³⁾	<u>AP/CUP</u>	AP/CUP	AP/CUP
Emergency Shelter ⁽⁴⁾	<u>AP/CUP</u>	AP/CUP	AP/CUP
RESIDENTIAL USE TYPES		I-L	I-H
Caretaker/Employee Housing	<u>AP</u>	AP	AP
COMMERCIAL USE TYPES		I-L	I-H
Adult-Oriented Businesses	<u>CUP</u>	CUP	CUP
Animal Sales and Service ⁽¹⁰⁾			
Kennels ⁽⁹⁾	<u>P</u>	P	P
Veterinary Clinic	<u>AP</u>	-	P
Veterinary Hospital	<u>P</u>	P	P
Automotive and Equipment			
Automotive Body and Equipment Repair	<u>AP</u>	P	
Automotive Rental	<u>P</u>	P	-
Automotive Repairs	<u>AP</u>	P	CUP
Automotive Sales	<u>P</u>	P	-
Carwash and Detailing	<u>P</u>	P	CUP
Commercial Parking	<u>P</u>	P	P
Heavy Equipment Rental and Sales	<u>P</u>	P	P
Gasoline Sales	<u>P</u>	P	P
Impound Yards	<u>AP</u>	AP	P
Broadcasting and Recording Studios	<u>P</u>	P	P

Building Material Stores	<u>P</u>	P	P
Business Support Services	<u>P</u>	P	CUP
Commercial Cannabis Activities			
Cultivation	<u>P</u>	P	P
Cultivation Nursery	<u>P</u>	P	P
Distributor	<u>P</u>	P	P
Manufacturer	<u>P</u>	P	P
Microbusiness	<u>P</u>	P	P
Retailer	<u>P</u>	P	P
Testing Laboratory	<u>P</u>	P	P
Commercial Recreation			
Indoor Entertainment	<u>AP</u>	AP	CUP
Indoor Sports and Recreation	<u>P</u>	P	P
Outdoor Entertainment	<u>CUP</u>	AP	CUP
Outdoor Sports and Recreation	<u>P</u>	P	P
Large Amusement Complexes	<u>CUP</u>	AP	P
<u>Day Care Center, Secondary (Employees Only)</u>	<u>P</u>		
Eating and Drinking Establishments, Convenience	<u>P</u>	P	P
Maintenance and Repair	<u>P</u>	P	CUP
Nightclubs ⁽¹⁾	<u>CUP</u>	AP	CUP
Nursery, Retail	<u>P</u>	P	P
Offices, Professional	<u>P</u>	P	P
Personal Services	<u>AP</u>	AP	CUP
Retail Sales and Services	<u>P</u>	P	-
Specialized Education and Training			
Vocational Schools	<u>AP</u>	P	CUP
Specialty Schools	<u>AP</u>	AP	CUP
Storage Facility, Self-service ⁽¹¹⁾	<u>CUP</u>	P	P
<u>Storage Facility, Recreational and Large Vehicles</u>	<u>CUP</u>		
INDUSTRIAL USE TYPES		IL	IH
<u>Day Care Center, Secondary (Employees Only)</u>		AP	-
Equipment and Materials Storage Yards	<u>AP</u>	AP	P
General Industrial	<u>AP</u>	AP	P
Hazardous Materials Handling	<u>AP</u>	AP	P
Laundries, Commercial	<u>P</u>	P	P
Light Manufacturing	<u>P</u>	P	P
Mineral Extraction and Processing ⁽¹²⁾	<u>CUP</u>	CUP	CUP
Printing and Publishing	<u>P</u>	P	P
Recycling, Scrap and Dismantling			
Enclosed	<u>P</u>	P	P
Unenclosed	<u>AP</u>	AP	P
Research Services	<u>P</u>	P	P

Specialized Industrial	<u>AP</u>	AP	CUP
Wholesale and Distribution			
Light	<u>P</u>	P	P
Heavy	<u>CUP</u>	AP	P
TRANSPORTATION AND COMMUNICATION USE TYPES			
Antennas and Communications Facilities ⁽⁵⁾		I-L	I-H
Developed Lot	<u>AP</u>	AP	P
Undeveloped Lot	<u>AP</u>	AP	CUP
Heliport	<u>CUP</u>	AP	CUP
Intermodal Facilities ⁽⁶⁾	<u>AP</u>	AP	P
Telecommunication Facilities ⁽⁵⁾	<u>P/AP/CUP</u>	AP	P/AP/CUP

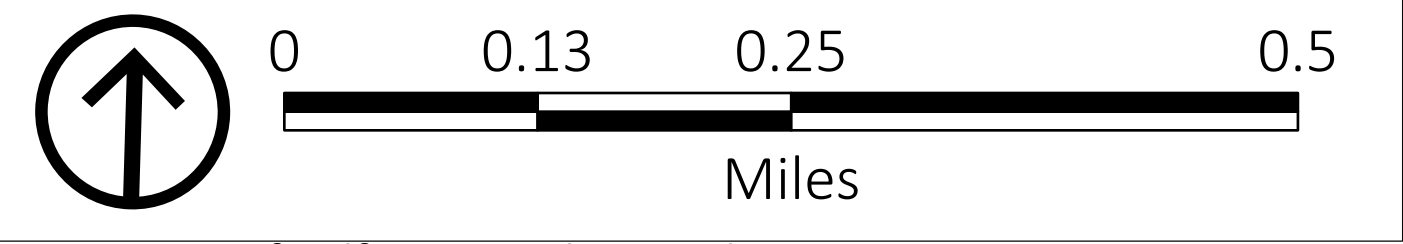
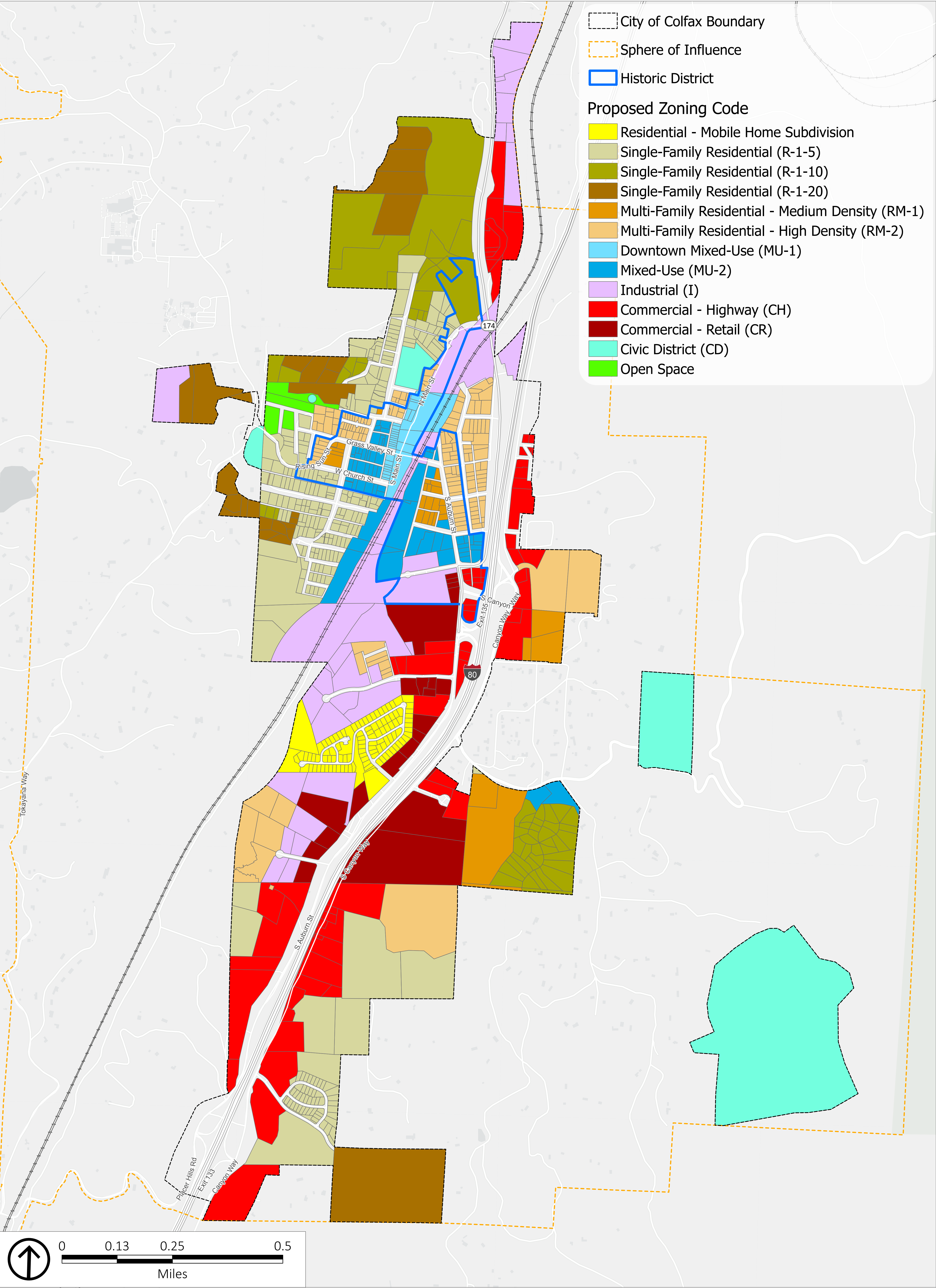
Notes:

- (1) Additional requirements are contained in Chapter 17.164.
- (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 17.132.
- (6) Additional requirements are contained in Chapter 17.136.
- (7) Additional requirements are contained in Chapter 17.180.
- (8) Food service or distribution facilities are allowed in conjunction with this use with approval of an admin permit.
- (9) Kennels are also subject to the regulations set forth in Colfax Municipal Code Chapter 6.12 (kennels).
- (10) These establishments are exempt from Municipal Code Chapter 6.20 (limitations on number of animals).
- (11) Additional requirements are contained in Chapter 17.176.
- (12) Additional requirements are contained in Chapter 17.163.

4. Special development overlay zone.

Municipal Code section 17.84.030 "SD" Special development overlay zone is repealed and the section is reserved.

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.



Source: City of Colfax, ESRI, PlaceWorks 2022

Ordinance 556

Exhibit B

Zoning Changes:

Assessor's Parcel Number	Zoning*		Assessor's Parcel Number	Zoning	
	Existing	Proposed		Existing	Proposed
006-022-024	SPSD	CD	006-067-008	CR	MU1
006-030-017	R-1-5	OS	006-067-009	CR	MU1
006-030-059	R-1-5	OS	006-067-010	CR	MU1
006-030-060	R-1-5	CD	006-067-011	CR	MU1
006-042-005	RM-2	CD	006-071-003	CR	MU2
006-043-002	CR	MU1	006-071-005	CR	MU2
006-043-003	CR	MU1	006-071-006	CR	MU2
006-043-004	CR	MU1	006-071-007	CR	MU1
006-043-006	CR	MU1	006-071-008	CR	MU2
006-043-007	CR	MU1	006-071-009	IL	MU2
006-043-013	IL	MU1	006-071-010	CR	MU1
006-043-013	IL	MU1	006-072-001	CR	MU2
006-051-001	OS	OS	006-091-002	CR	MU2
006-064-002	CR	MU2	006-091-003	CR	MU2
006-064-003	CR	MU2	006-091-006	CR	MU2
006-064-004	CR	MU2	006-091-007	CR	MU2
006-064-008	CR	MU2	006-091-025	CR	MU2
006-064-009	CR	MU2	006-091-029	CR	MU2
006-064-010	CR	MU2	006-091-030	CR	MU2
006-065-002	CR	MU2	006-091-031	CR	MU2
006-065-003	CR	MU2	006-091-032	CR	MU2
006-065-004	CR	MU2	006-093-019	IL	I

Assessor's Parcel Number	Zoning*		Assessor's Parcel Number	Zoning	
	Existing	Proposed		Existing	Proposed
006-065-005	CR	MU2	006-093-021	IL	I
006-065-006	CR	MU2	006-093-022	CR	MU2
006-066-001	CR	MU2	006-101-015	cr	MU2
006-066-004	CR	MU2	006-102-004	CR	MU2
006-066-005	CR	MU2	006-102-005	CR	MU2
006-066-006	CR	MU2	006-102-008	IL	MU2
006-066-007	CR	MU2	006-102-009	IL	MU2
006-066-009	CR	MU1	006-131-009	IL	I
006-066-010	CR	MU1	006-141-008	CR	MU2
006-066-011	CR	MU1	006-142-020	CR	MU2
006-066-012	CR	MU1	006-142-021	CR	MU2
006-066-013	CR	MU1	006-142-022	CR	MU2
006-066-014	CR	MU2	006-142-035	CR	MU2
006-066-016	CR	MU2	006-142-039	CR	MU2
006-066-017	CR	MU2	006-142-040	CR	MU2
006-066-018	CR	MU2	006-142-042	CR	MU2
006-066-019	CR	MU2	006-142-043	CR	MU2
006-066-020	CR	MU2	006-142-044	CR	MU2
006-066-021	CR	MU1	006-142-045	CR	MU2
006-066-024	CR	MU2	006-142-046	CR	MU2
006-066-025	CR	MU2	006-142-047	CR	MU2
006-066-026	CR	MU2	100-090-027	IL	I
006-066-027	CR	MU1	101-010-025	IL	I
006-066-028	CR	MU1	101-010-034	IL	I
006-066-029	CR	MU2	101-010-035	IL	I

Assessor's Parcel Number	Zoning*		Assessor's Parcel Number	Zoning	
	Existing	Proposed		Existing	Proposed
006-066-030	CR	MU2	101-010-039	IL	I
006-066-031	CR	MU2	101-010-042	IL	I
006-067-001	CR	MU1	101-010-044	IL	I
006-067-002	CR	MU1	101-010-046	IL	I
006-067-003	CR	MU1	101-010-047	IL	I
006-067-004	CR	MU1	101-040-021	SPSD	CD
006-067-005	CR	MU1	101-150-022	A-1	R-1-20
006-067-006	CR	MU1	101-161-059	SPSD	CD
006-067-007	CR	MU1	101-170-023	RM-1	MU2
			101-170-035	RM-1	MU2

* CR= Commercial Retail, I = Industrial, IL = Light Industrial, RM-1 = Multi-Family Residential-Medium Density, RM-2 – Multi-Family Residential- Medium High Density, R-1-20 = Single-Family Residential Low Density, MU1 = Mixed Use Downtown, MU2 = Mixed Use, SPSPD = Special Public Service District, OS = Open Space, A-1 = Agriculture, CD = Civic District



Staff Report to City Council

FOR THE JUNE 8 SPECIAL CITY COUNCIL MEETING

From: Mike Luken, Interim City Manager
 Alfred A. “Mick” Cabral, City Attorney
Prepared by: Mike Luken, Interim City Manager
Subject: Discussion, Consideration and Possible Action to Adopt a Resolution appointing Ronald Walker as City Manager effective January 15, 2024

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
--------	---------	------------	---------	----------

RECOMMENDED ACTION: Discuss, consider and adopt Resolution No. ____-2023 approving an employment contract with Ronald Walker for City Manager and appointing Ronald Walker as City Manager effective January 15, 2024.

Summary/Background

The City Manager is hired by and serves at the pleasure of the elected City Council. The City Council is the policy body, and the City Manager is the individual responsible for implementing Council policy direction. The City Manager manages the organization on a daily basis, hires staff, oversees the budget and drives forward the City Council’s projects and initiatives.

Former city manager Wes Heathcock accepted a position with the Town of Loomis and departed the City on June 9, 2023. The city hired Interim City Manager Mike Luken on July 1, 2023, who has acted in that position and will depart after a 2-week transition period on January 29, 2024 for a new city manager.

The City was fortunate to have a number of highly qualified candidates available to assume this position. An Ad Hoc Committee of Mayor Burruss and Mayor Pro-Tem Douglass and the full City Council held interviews with potential candidates in late October and early November and decided to bring forward Ronald Walker for formal consideration as the City Manager.

Mr. Walker has 30 years in public works, infrastructure project management, budgetary management and other municipal activities and recently served as the Director of Public Works for Live Oak, California in Sutter County, a small city of approximately 4,165 persons. Mr. Walker has a BA in Business Administration with an emphasis in Public Policy from South New Hampshire University and brings a wealth of management experience to the City of Colfax. Mr. Walker has been extremely involved in wastewater systems like Colfax’s wastewater treatment plan and holds a Grade 5 Operators License, the highest license available in California. He also has a Class B operators’ certificate for driving heavy equipment and has a FEMA emergency management certifications.

If approved, Mr. Walker will take the reins on January 15, 2024. Mr. Luken will serve until Mr. Walker arrives and will provide a short part-time transition period to help Mr. Walker get acclimated as requested by the City Council.

For all of the above reasons, staff recommends the City Council discuss, consider and take action to adopt the proposed resolution, approving an employment agreement with Ronald Walker and appoint Mr. Waker as the next permanent City Manager effective January 15, 2024.

Fiscal Impact

A budget amendment is not needed to support this proposed action. The contract can be funded for the remaining FY 2023/2024 fiscal year.

Attachments

1. Resolution
2. Employment Agreement

City of Colfax

City Council

Resolution № __-2023

APPROVING AN EMPLOYMENT AGREEMENT AND APPOINTING RONALD WALKER AS CITY
MANAGER EFFECTIVE JANUARY 15, 2024

WHEREAS, the City of Colfax had a vacancy in the City Manager position, and has conducted an open recruitment to fill the position; and

WHEREAS, the City desires to enter into an employment agreement with Ronald Walker and appoint him as its City Manager of the City of Colfax; and

WHEREAS, the City Council and Ronald Walker, desire to agree in writing to the terms and conditions pursuant to which Ronald Walker will provide the services of City Manager for the City of Colfax; and

WHEREAS, the position of City Manager requires specialized skills, including but not limited to advanced management, municipal leadership, budget and negotiation, and Mr. Walker possesses those skills; and

WHEREAS, Mr. Walkers's appointment to the position of City Manager will end pursuant to the termination provisions set forth in the Agreement attached as Exhibit A hereto.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Colfax that the terms of the Employment Agreement attached hereto as Attachment A between the City of Colfax and Ronald Walker appointing him to the position of City Manager effective January 15, 2024, are hereby approved and adopted, and the Mayor is authorized to sign and execute the Agreement on behalf of the City.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at a regular meeting of the City Council of the City of Colfax held on the 29th of November 2023, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Trinity Burruss, Mayor

Marguerite Bailey, City Clerk

EMPLOYMENT AGREEMENT FOR CITY MANAGER

THIS EMPLOYMENT AGREEMENT (“AGREEMENT”), is made and entered into effective the 29th day of November, 2023 (the “Effective Date”), by and between the City of Colfax, a California municipal corporation and general law city (the “City”) and Ronald Walker (“City Manager”), both of whom understand and agree as follows:

RECITALS

This Agreement is made with respect to the following facts:

A. The City wishes to employ Ronald Walker as its City Manager, subject to the following terms and conditions and consistent with applicable laws of the State of California and City ordinances; and

B. Ronald Walker desires to accept employment by the City as its City Manager, subject to the following terms and conditions and consistent with applicable laws of the State of California and City ordinances.

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals and of the mutual promises, terms and conditions of this Agreement, the City and City Manager agree as follows:

Section 1. Employment.

The City hereby employs Ronald Walker as its City Manager to perform the duties and functions identified in Colfax Municipal Code Title 2, Chapter 2.08, and other duties and functions as the Mayor and/or the City Council assign either orally or in writing to the City Manager. Ronald Walker hereby accepts employment as City Manager subject to the terms and conditions of this Agreement and agrees (1) to devote his full time, attention, and energies to performing all such duties and functions in a professional and ethical manner to the best of his skill and ability and (2) to use his best efforts to promote and advance the interests of the City. City Manager shall have the authority to execute contracts on behalf of and bind the City for amounts up to and including \$10,000 per contract, subject to the direction and control of the City Council. With this exception, City Manager agrees that he has no authority to bind the City or any of its elected or appointed officials or commit the City to any course of action without the duly authorized written consent of the Mayor and/or the City Council. City Manager acknowledges that the position of City Manager is a position of high visibility before the public and agrees that he shall conduct himself before the public and City staff, both during and outside of regular working hours, in a manner that reflects favorably on the City.

Section 2. No Other Employment.

City Manager agrees not to undertake any other employment during the term of this Agreement that will diminish the number of hours he has available to lawfully work for the City. City Manager further agrees to confer with the Mayor and/or the City Council or a designated subcommittee thereof before undertaking any projects for organizations other than the City which may require a time commitment by City Manager that may diminish the number of hours he has available to lawfully work for the City.

Section 3. Employment Agreement Controls.

In the event of any conflict or ambiguity between the terms of this Agreement and the Colfax Municipal Code Title 2, Chapter 2.08, the terms of this Agreement shall control.

Section 4. Term.

A. This Agreement is effective November 29, 2023, and shall automatically terminate on November 29, 2028, unless extended by both City Manager and City or unless and until it is terminated by either party as hereinafter provided. City Manager agrees that he serves at the pleasure of the City. Either the City or City Manager may, consistent with the provisions of Section 5 of this Agreement, terminate this Agreement and the relationship created hereby at any time for any reason with or without Good Cause.

B. Notwithstanding any other provision of this Agreement or of the Colfax Municipal Code, City Manager shall not be removed from office, except for Good Cause as defined in Section 5 C (iii) below, during or within a period of 30 days prior and 90 days immediately succeeding any general or special election held in the City at which a member of the City Council is elected, or within a period of 90 days immediately after a new member of the City Council is appointed. In this regard, Colfax Municipal Code Title 2, Chapter 2.08, Section 2.08.040 in effect as of the Effective Date is expressly made applicable to City Manager.

Section 5. Termination of Agreement.

A. City Manager may terminate this Agreement and resign as City Manager at any time, for any reason, upon one-month prior written notice to the City. Upon receipt of written notice from City Manager, the City may elect to immediately remove City Manager from his position as City Manager or to allow City Manager to remain as City Manager for all or any part of the one-month notice period. If the City removes City Manager from his position as City Manager prior to the expiration of the one-month notice period, the City will pay City Manager an amount equal to the salary and benefits that City Manager would have received if he had remained in the City Manager position until the expiration of the one-month notice period, less legally required withholdings. If the City advises City Manager that he should continue to perform his duties and functions as City Manager during the one-month notice period, and City Manager fails to do so, City Manager will receive no salary or benefits after the last date on which he actually performs his City Manager duties and functions.

B. Unless the City Manager is terminated for Good Cause as defined below, then upon termination by the City of City Manager's employment, the City shall pay the City Manager his accrued but unpaid salary and his accrued but unpaid vacation in addition to the amounts payable to the City Manager under this Agreement. In addition thereto, if this Agreement is terminated by the City without Good Cause prior to November 29, 2024, then upon the effective date of termination, the City shall pay City Manager an amount equal to three months of gross pay as severance compensation. That severance compensation shall increase by one month for every year of City Manager's service as City Manager after November 29, 2023, up to a maximum total of four months. All of such gross pay shall be subject to usual state and federal withholding. With the exception of the foregoing, City shall not pay City Manager any other amounts whatsoever upon termination of City Manager's employment. City Manager shall not be entitled to receive any severance compensation if City Manager resigns his employment with City or terminates this Agreement, or if City Manager is terminated for Good Cause.

- C. (i) If the City elects to terminate this Agreement for Good Cause, it will pay City Manager for all earned pay and accrued, unused vacation benefits at the time it notifies City Manager of the termination decision, less legally required withholdings. City Manager will be entitled to no pay or benefits after the date that the City notifies him that this Agreement and his employment by the City are being terminated for Good Cause. If the City elects to

terminate this Agreement with Good Cause, it will provide City Manager with a brief, written explanation for that decision sent to City Manager's last known home address. City Manager shall have no right to be heard publicly by the City Council prior or subsequent to a final vote on his termination and hereby waives any right to be heard publicly under any provision of the Colfax Municipal Code or otherwise. City Manager shall have the right to meet with the City Council in closed session for the purpose of discussing the basis for his proposed termination for Good Cause prior to a final vote on his termination for Good Cause. In order to exercise that right, he must provide a written request to meet in closed session to the Mayor of the City within fifteen days after the date that the City notifies him that this Agreement and his employment by the City are being terminated for Good Cause. Failure to timely provide such written notice shall constitute a waiver of the right to be heard.

(ii) If the City Council proposes to terminate this Agreement and City Manager's employment for Good Cause, the City Council may consider granting City Manager, upon City Manager's written request, the opportunity to cure the proposed reason for termination within a thirty (30) business day period after City Manager is advised of the reason the City Council is considering termination of this Agreement and City Manager's employment.

(iii) For purposes of this Section 5, "Good Cause" includes without limitation, as determined in the sole discretion of the City, any of the following: (1) neglect of or failure to adequately perform the essential duties or functions of City Manager, (2) insubordination, (3) dishonesty, (4) embezzlement, (5) violation of Federal, State or local requirements pertaining to conflict of interest, (6) appearance of a conflict of interest, (7) conviction of a criminal act, other than minor traffic violations or similar offenses, which is likely to have a material adverse impact on the City or City Manager's reputation, (8) involvement in any act involving moral turpitude that would compromise City Manager's effective performance as City Manager, (9) taking a position adverse to the interests of the City without the City's prior written consent, (10) violation of any fiduciary duty owed to the City, (11) proven failure of City Manager to observe or perform any of his duties and obligations under this Agreement or (12) inability to perform the essential duties and functions of the City Manager position as referred to in Section 6 of this Agreement.

(iv) If termination of this Agreement is the result of the death of City Manager, the City shall pay all salary and benefits due up to and including City Manager's date of death to City Manager's legal heir(s).

D. In the event this Agreement is terminated by the City or City Manager for any reason, the City and City Manager agree that neither party shall make any written or oral statements to members of the public, the press, or any City employee concerning City Manager's termination except in the form of a joint press release or statement which is mutually agreeable to both parties. The joint press release or statement shall not contain any text or information that is disparaging to the City or City Manager. Either party may orally repeat the substance of the joint press release or statement in response to any inquiry.

Section 6. Inability To Perform Essential Duties and Functions.

City Manager agrees that if he is unable to perform the essential duties and functions of the City Manager position for any reason for more than 60 consecutive calendar days, the City may terminate this Agreement. If the City elects to terminate this Agreement based on City Manager's inability to perform the essential duties and functions of the City Manager position, it will so advise City Manager in a writing sent to

City Manager's last known home address. At the time the City provides such notice, it will pay City Manager for all earned pay and accrued, unused vacation benefits, less legally required deductions. Once said amounts have been paid, all financial obligations between City and City Manager shall cease.

Section 7. Compensation

A. Base Compensation

The City agrees to pay City Manager for the performance of his duties and functions a starting salary of \$146,000 per year that can be adjusted in accordance with Section C below. City Manager's salary will be paid in installments at the same time that other employees of the City are paid, prorated for any partial month of service. The City shall have the right to increase City Manager's base annual salary at any time. Any adjustment to City Manager's salary must be authorized in writing by the City. City Manager shall not be entitled to receive payment or credit for, and the City shall not pay or credit City Manager for, overtime, compensated time off in lieu of overtime or other compensation except as expressly provided in this Agreement. City Manager acknowledges that the position of City Manager is exempt from the provisions of the Fair Labor Standards Act (FLSA).

B. Annual Cost Of Living Adjustment.

At the commencement of the third year of service under this Agreement, and on each annual anniversary date of this Agreement thereafter (the "Adjustment Date"), and provided that City Manager remains employed by the City, the City Manager's annual salary shall increase by the increase in the Consumer Price Index (CPI), calculated as follows. The base for computing the annual salary adjustment is the Consumer Price Index, All Urban Consumers, All Items, For The San Francisco Bay Area, published by the United States Department of Labor, Bureau of Labor Statistics (the "Index") which is in effect on the Effective Date (the "Beginning Index"). The Index published most immediately preceding the Adjustment Date in question ("Extension Index") is to be used in determining the amount of the adjustment. If the Extension has increased over the Beginning Index, the increase in the City Manager's salary shall be set by multiplying the City Manager's gross annual salary immediately prior to the Adjustment Date by a fraction, the numerator of which is the Extension Index and the denominator of which is the Beginning Index. In no case shall the City Manager's salary be decreased and in no case shall this increase exceed five percent (5%). If the CPI is discontinued by the Bureau of Labor Statistics, the Index designated by the Bureau of Labor Statistics as replacing the CPI shall be used. The CPI increase provided for in this paragraph shall be in addition to any other salary or benefit increase the City Council may authorize.

C. Performance Pay. The Council desires to encourage excellent performance by the City Manager and utilize the annual performance review for this purpose. City shall evaluate Employee's performance in November 2024 and each year thereafter. If the City Manager receives an exemplary evaluation, the City Manager shall receive a five percent (5%) merit increase and an additional \$200 per pay period in Employer's contribution to the City's deferred compensation plan commencing January 1, 2025, and an additional five percent (5%) merit increase and an additional \$200 per pay period in Employer's contribution to the City's deferred compensation plan each year thereafter for which City Manager receives an exemplary performance evaluation. This adjustment may be implemented by minute order or other action of the Council.

Section 8. Benefits.

During the term of this Agreement and his employment hereunder, City Manager shall be entitled to receive the following benefits on the same terms and conditions as other City department heads:

- A. Vacation: City Manager shall accrue vacation at the rate specified in the City's July 1, 2017 adopted Employee Handbook based on City Manager's original hire date.
- B. Holidays: City Manager shall be entitled to holidays and holiday pay consistent with the City's adopted Employee Handbook.
- C. Sick Leave: City Manager shall accrue sick leave at the rate specified in the City's adopted Employee Handbook.
- D. Bereavement Leave: City Manager shall be entitled to bereavement leave consistent with the City's adopted Employee Handbook.
- E. Health Plan. City Manager and City Manager's qualified dependents shall be eligible to participate in City's sponsored health plan consistent with the City's adopted Employee Handbook as it pertains to exempt employees. Any and all monthly premium payments payable by City Manager may, at City Manager's discretion, be deducted from the City Manager's paycheck as a pre-tax deduction as allowed by applicable law. City Manager shall be permitted, at City Manager's election, to receive \$800 per month in lieu of medical insurance which can be paid directly to City Manager or deposited into one of the City's qualified plans for City Manager's benefit.
- F. Pension: On the same basis as other department heads employed by the City, which is currently the California Public Employee's Retirement System (CalPERS) 2% at 60.
- G. Compensated Time Off /Administrative Time: City Manager shall be entitled to compensated time off/administrative leave consistent with the City's adopted Employee Handbook.
- H. Other benefits on the same basis as department heads covered by the City's adopted Employee Handbook.
- I. City Manager shall either receive a \$50 per pay period stipend for using his mobile phone for City business or the City Manager shall use a City mobile phone provided.
- J. Relocation Reimbursement - It is the City's preference that the City Manager live no further than 20 minutes from Colfax for emergency response purposes. City Manager shall be provided a one-time reimbursement for a U-Haul or equivalent vehicle, moving supplies and other miscellaneous moving costs for purposes of moving his personal residence from Live Oak, California to or near Colfax, California. This reimbursement shall not exceed \$1,500.
- K. City Manager shall prepare an annual personal educational training plan for consideration by the City Council focused on best practices for new city managers. This training will be carried out in the 12 months immediately following Council adoption of said plan and shall be incorporated into the two-year budget for the City.

Section 9. Automobile

While this Agreement remains in effect, City shall pay City Manager a vehicle allowance of \$400 per month, subject to periodic adjustments approved by the City Council. At all times during this Agreement, City Manager shall keep and maintain a policy of comprehensive automobile insurance (Bodily Injury and Property Damage) on owned, leased and non-owned vehicles used in connection with City business of no less than

\$500,000 combined single limit per occurrence. Proof of such insurance shall be provided to the City's risk manager. The City Manager's insurance coverage shall be primary as respects the City, its officers, agents, employees and volunteers. Any insurance kept or maintained by the City, its officers, agents, employees and volunteers shall be excess of City Manager's and shall not contribute with it.

Section 10. Performance Evaluations

The City Council shall review and consider City Manager's performance as City Manager as close as reasonably possible to the beginning of each year while this Agreement, or any renewal or extension of this Agreement, remains in effect. The review shall be discussed with City Manager and reduced to writing, and shall only cover the annual period of performance being reviewed.

Section 11. Confidential Information.

City Manager agrees that he will not reveal any confidential information about the City or City employees that he learns while performing the duties and functions of City Manager.

Section 12. City Property.

City Manager agrees that all materials, regardless of their form, that he receives, creates or produces in connection with this Agreement and/or his employment as City Manager are and will remain the exclusive property of the City. City Manager will immediately deliver all originals and all copies of such materials that are in his possession or control to the City upon termination of this Agreement or upon any request from the Mayor and/or the City.

Section 13. Assistance in Litigation.

City Manager agrees that he will furnish information and proper assistance to the City as it may reasonably require with any litigation in which it is or may become involved, either during or after the termination of this Agreement. City Manager further agrees that he will not discuss, reveal or convey any information or documents pertaining to the City to any person or entity, or to any attorney for or representative of any person or entity, with actual or potential claims that are adverse to the City except pursuant to duly issued legal process or as otherwise authorized by the City. City Manager agrees to notify the City immediately upon receipt of any legal process pertaining to the City.

Section 14. Alternative Dispute Resolution

(a) City Manager and the City agree that if a dispute arises from or relates to this Agreement, to City Manager's employment as City Manager or his termination or resignation from that position, or to the amount of pay or benefits which City Manager is owed, then before resorting to mediation, arbitration or other legal process, City Manager and a committee of two elected City Council members appointed by the Mayor and approved by a majority of the City Council shall first meet and confer and attempt to amicably resolve any such dispute subject to the following provisions. Any party desiring to meet and confer shall so advise the other party pursuant to a written notice. Within 30 days after provision of that written notice by the party desiring to meet and confer, City Manager and a committee of two elected City Council members appointed by the Mayor and approved by a majority of the City Council shall meet in person and attempt to amicably resolve their dispute. If any dispute remains unresolved at the end of the meeting, any party to this Agreement shall have the right to invoke the mediation process provided for in sub-Section 14 (b) below. Any resolution shall be subject to approval by a majority of the City Council.

(b) Subject to the provisions of sub-Section 14 (a), any dispute that remains unresolved after the meet and confer shall immediately be submitted to non-binding neutral mediation before a mutually acceptable, neutral retired judge or justice at the nearest office of the Judicial Arbitration and Mediation Service (JAMS). If within five days after the meet and confer the parties are unable to agree upon the selection of a neutral mediator, then the first available retired judge or justice at the nearest office of JAMS shall serve as the neutral mediator. The parties agree to commit to at least one full day to the mediation process. Additionally, to expedite the resolution of any dispute that is not resolved by mediation, the parties agree to each bring to the neutral mediation a list of at least five neutral arbitrators, including their resumes, whose availability for an arbitration hearing within 30 days after the mediation has been confirmed.

(c) If mediation is unsuccessful, then before the mediation concludes, the parties shall mediate the selection of a neutral arbitrator to assist in the resolution of their dispute. If the parties are unable to agree on an arbitrator, the parties shall submit selection of an arbitrator to the mediator, whose selection of an arbitrator shall be binding on the parties. In that case, the mediator shall select a neutral arbitrator from the then active list of retired judges or justices, other than himself/herself, at the nearest office of the Judicial Arbitration and Mediation Service (JAMS). The arbitration shall be conducted pursuant to the provisions of the California Arbitration Act, sections 1280-1294.2 of the California Code of Civil Procedure or pursuant to such other process as the City and City Manager may agree. In either case, the provisions of Code of Civil Procedure Section 1283.05 and 1283.1 shall apply and are hereby incorporated into this Agreement. The award of the arbitrator shall be subject to the provisions of the California Arbitration Act, sections 1280-1294.2 of the California Code of Civil Procedure. The City shall pay the costs incurred with JAMS for the arbitration. The arbitration hearing shall last as long as is reasonably necessary for the arbitrator to decide all issues in dispute. Both parties shall be allowed to present to the arbitrator all legal and equitable claims available to them under law.

NOTICE: BY INITIALING IN THE SPACE BELOW YOU ARE AGREEING TO HAVE ANY DISPUTE ARISING OUT OF THE MATTERS INCLUDED IN THE 'ARBITRATION OF DISPUTES' PROVISION DECIDED BY NEUTRAL ARBITRATION AS PROVIDED BY CALIFORNIA LAW AND YOU ARE GIVING UP ANY RIGHTS YOU MIGHT POSSESS TO HAVE THE DISPUTE LITIGATED IN A COURT OR JURY TRIAL.

BY INITIALING IN THE SPACE BELOW YOU ARE GIVING UP YOUR JUDICIAL RIGHTS TO DISCOVERY AND APPEAL, UNLESS THOSE RIGHTS ARE SPECIFICALLY INCLUDED IN THIS SECTION 14. IF YOU REFUSE TO SUBMIT TO ARBITRATION AFTER AGREEING TO THIS PROVISION, YOU MAY BE COMPELLED TO ARBITRATE UNDER THE AUTHORITY OF THE CALIFORNIA CODE OF CIVIL PROCEDURE. YOUR AGREEMENT TO THIS ARBITRATION PROVISION IS VOLUNTARY.

WE HAVE READ AND UNDERSTAND THE FOREGOING AND AGREE TO SUBMIT DISPUTES ARISING OUT OF THIS AGREEMENT TO ALTERNATIVE DISPUTE RESOLUTION AS PROVIDED IN THIS SECTION 14.

City Initials: _____ City Manager's Initials: _____

Section 15. Indemnification

Pursuant to the requirements of the California Government Code, including but not limited to Sections 825, 995, 995.2, 995.8 and 996.4, as amended from time to time, the City shall defend, save harmless and indemnify City Manager against any tort, professional liability claim and demand or other claim or legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the course and scope of City Manager's duties as City Manager. Said defense shall be provided by the City until such time as all legal action on the matter is concluded.

Section 16. Governing Law.

This Agreement will be construed and enforced in accordance with the laws of the State of California.

Section 17. Headings.

The headings used in this Agreement are provided for convenience only and may not be used to construe meaning or intent.

Section 18. Assignment.

Neither this Agreement nor any interest in this Agreement may be assigned by City Manager without the prior express written approval of the City.

Section 19. Severability.

If any provision or portion of this Agreement is held to be invalid or unenforceable, this Agreement, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable provision(s) or portion(s) had never been included.

Section 20. Notices.

Notices pursuant to this Agreement shall be given in writing and shall be deemed given when personally served upon the person to whom addressed or when mailed by certified or registered mail and deposited with the United States Postal Service, postage prepaid and addressed as follows:

City: Mayor, City of Colfax
P.O. Box 702
33 S. Main Street
Colfax, CA 95713

City Manager: Ronald Walker
Colfax City Hall
P.O. Box 702
Colfax, CA 95713

Section 21. Modification.

This Agreement may only be modified in a writing signed by the City and the City Manager.

Section 22: Abuse of Office.

- A. Any salary paid to City Manager pending an investigation shall be fully reimbursed to City if City Manager is convicted of a crime involving an abuse of City Manager's office or position, as set forth in Government Code sections 53243 and 53243.4. Any funds City pays or provides for the legal criminal defense of City Manager shall be fully reimbursed to the City if the City Manager is convicted of an abuse of City Manager's office or position, as set forth in Government Code sections 53243.1 and 53243.4. If this Agreement is terminated, any cash settlement or severance related to the termination that the City Manager receives from the City shall be fully reimbursed to the City if

the City Manager is convicted of a crime involving an abuse of City Manager's office or position, as set forth in Government Code sections 53243.2 and 53243.4.

- B. In accordance with and subject to Government Code Section 53244, if City Manager is convicted by a state or federal trial court of any felony under state or federal law for conduct arising out of, or in the performance of, City Manager's official duties, City Manager shall forfeit any contract right or other common law, constitutional, or statutory claim against the City to retirement or pension rights or benefits, however those benefits may be characterized, including lost compensation, other than the accrued rights and benefits to which City Manager may be entitled under any public retirement system in which City Manager is a member. The forfeiture provided by this section shall be in addition to, and independent of, any forfeiture of public retirement system rights and benefits pursuant to Government Code Sections 7522.70, 7522.72, or 7522.74.

Section 23. Entire Agreement.

This Agreement supersedes any and all other agreements, either oral or in writing, and contains all agreements between City Manager and the City regarding his employment as City Manager. City Manager and the City agree that no representations, inducements, promises or agreements, oral or otherwise, have been made to either party, or anyone acting on behalf of either party, which are not stated herein, and that no agreement, statement, or promise not contained in this Agreement will be valid or binding on either party.

Section 24: Execution.

This Agreement may be executed in original counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one original counterpart is signed by both parties hereto. In proving this Agreement, it shall not be necessary to produce or account for more than one such counterpart. In accordance with applicable law, the Parties may execute this Agreement by electronic signature and, if they do so, an electronic signature and this Agreement will have same legal validity and enforceability as a manually executed signature and agreement.

City of Colfax

By: _____
Trinity Burruss
Mayor, City of Colfax

Ronald Walker
City Manager

ATTEST:

Approved As To Form

Marguerite Bailey, City Clerk

Alfred A. Cabral, City Attorney