

City Council Meeting

COUNCIL CHAMBERS, 33 SOUTH MAIN STREET, COLFAX, CA

Mayor Trinity Burruss · Mayor Pro Tem Kim Douglass
Councilmembers · David Ackerman · Sean Lomen

REGULAR MEETING AGENDA

May 24, 2023

Closed Session 6:00 PM

Regular Session to Follow

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

ZOOM at

<https://us02web.zoom.us/j/89414067337>

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

894 1406 7337

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1 (346) 248-7799

1 (312) 626-6799

1 (929) 205-6099

1 (253) 215-8782

1 (301) 715-8592

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 CLOSED SESSION

1A. Call Closed Session to Order

1B. Roll Call

1C. Public Comment

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

1E. Report from Closed Session.

2 OPEN SESSION

2A. Call Open Session to Order

2B. Report from Closed Session

2C. Pledge of Allegiance

2D. Roll Call

2E. 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.



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.

May 24, 2023

3 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

- 3A. Cash summary – April 2023** (Pages 5-12)
Recommendation: Accept and File.
- 3B. Minutes** (Pages 13-15)
Recommendation: By Motion, approve the Colfax City Council minutes of 5/10/2023
- 3C. CDBG Grant Agreement – Road Improvement Project** (Pages 16-19)
Recommendation: Approve Resolution __-2023 authorizing the City Manager to approve an application for funding and the execution of a grant agreement and any amendment thereto form the 2021-2022 funding year of the State CDBG Program.
- 3D. Lift Station #2 Pump Motor Rebuild – Flo-Line Technology Inc.** (Pages 20-22)
Recommendation: Approve Resolution __-2023 authorizing the City Manager to enter into agreement with Flo-Line Technology Inc. to rebuild Lift Station #2 pump in the amount not to exceed \$11,376.
- 3E. 2022 Annual Housing Element Progress Report** (Pages 23-26)
Recommendation: Discuss and consider adopting Resolution __-2023 accepting the 2022 Annual Housing Element Progress Report and authorizing staff to send the report to the State.
- 3F. Annual Appropriation Limits** (Pages 27-36)
Recommendation: Adopt Resolution __-2023 certifying compliance with the Fiscal Year 2022-2023 Appropriation Limitation and establishing the Appropriation Limitation for the Fiscal year 2023-2024.
- 3G. Fiscal Year 2023-2024 Rate Adjustments** (Pages 37-40)
Recommendation: Information Only.
- 3H. Construction Support Contract Amendment – Wood Rodgers** (Pages 41-44)
Recommendation: Adopt Resolution __-2023 authorizing the City Manager to amend the existing contractor value with Wood Rodgers for Construction Management and Support for the SWRCB Construction Grant projects in the amount of \$35,600.
- 3I. Community Development Block Grant – Road Rehabilitation Projects Engineering Design with GHD Inc.** (Pages 45-47)
Recommendation: Adopt Resolution __-2023 approving a budget amendment for GHD to provide Engineering design Services for the Community Development Block Grant (CDBG) Road Rehabilitation in an amount not to exceed \$65,550.00.

*** End of Consent Calendar ***

4 AGENCY REPORTS

- 4A. Placer County Sheriff's Office**
- 4B. California Highway Patrol**



4C. **Placer County Fire Department/CALFIRE**

4D. **Non-Profits**

5 **PRESENTATION**

5A. **Fire Season Fuels and Weather Outlook**

Presentation By: Placer County Fire/CALFIRE Battalion Chief Jeff Loveless

Recommendation: Receive the update.

6 **PUBLIC HEARING**

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

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

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

6A. **143 Whitcomb Ave. (APN 006-072-001)** (Pages 48-194)

Recommendation: Approve a design Review application to allow the construction of a 332-unit self-storage facility, subject to conditions.

7 **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.

8 **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.

8A. **Committee Reports and Colfax Informational Items – All Councilmembers**

8B. **City Operations Update – City Manager**

9 **COUNCIL BUSINESS**



- 9A. Authorization to award – Algae Reduction Project and I&I Mitigation Project.** (Pages 195-199)
Recommendation: Adopt Resolution __-2023 authorizing the city Manager to execute agreements for the following projects, subject to early termination if the State Water Resources Control Board (SWRCB) does not adequately increase the grant funds for these projects:
1. The Algae Reduction Project to W.M Lyles Company for a construction cost of \$3,964,224.
 2. The I&I Mitigation Project to McGuire and Hester for a construction cost of \$4,225,633.
- 9B. Draft Short-Term Rental Regulations.** (Pages 200-220)
Recommendation: Provide direction on the preparation of a draft ordinance to allow short-term rentals.
- 9C. Discussion, Consideration and Possible Action to Adopt a Resolution Approving an Agreement with MNJ Advisors, Inc, and appointing Michael J. Luken as Interim City Manager effective June 28, 2023.** (Pages 221-230)
Recommendation: Discuss, consider and adopt Resolution __-2023 approving an agreement with MNJ Advisors, Inc. and appointing Michael Luken as Interim City Manager effective June 28, 2023.
- 9D. Appoint an Ad Hoc Committee to Oversee and Monitor Recruitment of a City Manager.**
Recommendation: Discuss and appoint an Ad Hoc Committee to oversee and monitor the recruitment of a City Manager.

10 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.

11 ADJOURNMENT

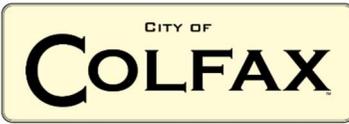
I, Marguerite Bailey, City Clerk for the City of Colfax, declare that this agenda was posted in accordance with the Brown Act at Colfax City Hall and Colfax Post Office. The agenda is also available on the City website at <http://colfax-ca.gov/>

Marguerite Bailey

Marguerite Bailey, City Clerk

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





Staff Report to City Council

FOR THE MAY 24, 2023 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Laurie Van Groningen, Finance Director
Subject: Cash Summary – April 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 April 2023. Some monthly highlights are listed below:

- April revenues included:
 - Allocation for Sales Tax revenues reported/paid to the State for the month of February 2023 (two-month lag).
- April expenditures included:
 - Approved capital project expenditures – expenditures on WWTP Construction Grant, purchase of Skid Steer and attachments, purchase of message boards.
- Negative cash fund balances at the end of April 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), City Gas Tax revenues, and a General Fund allocation. All allocations will be funded by the end of the fiscal year.
 - Fund 300 – Capital Projects. This is the new project for the installation of a metal storage building at the City Corporation Yard. The project is slated to be paid for by Mitigation Fund 214 – City Buildings. Funds are to be transferred at project completion.
 - Fund 358 – CDBG Road Rehabilitation. This is a reimbursable grant – the final funding of the grant is still pending. CDBG has approved the start date of expenditures. Any unfunded expenditures would require allocation from the General Fund.
 - Fund 367 – SB2 Planning Grant – this is a reimbursable grant. The next reimbursement request is delayed to May based on project activity and inputs from project manager.

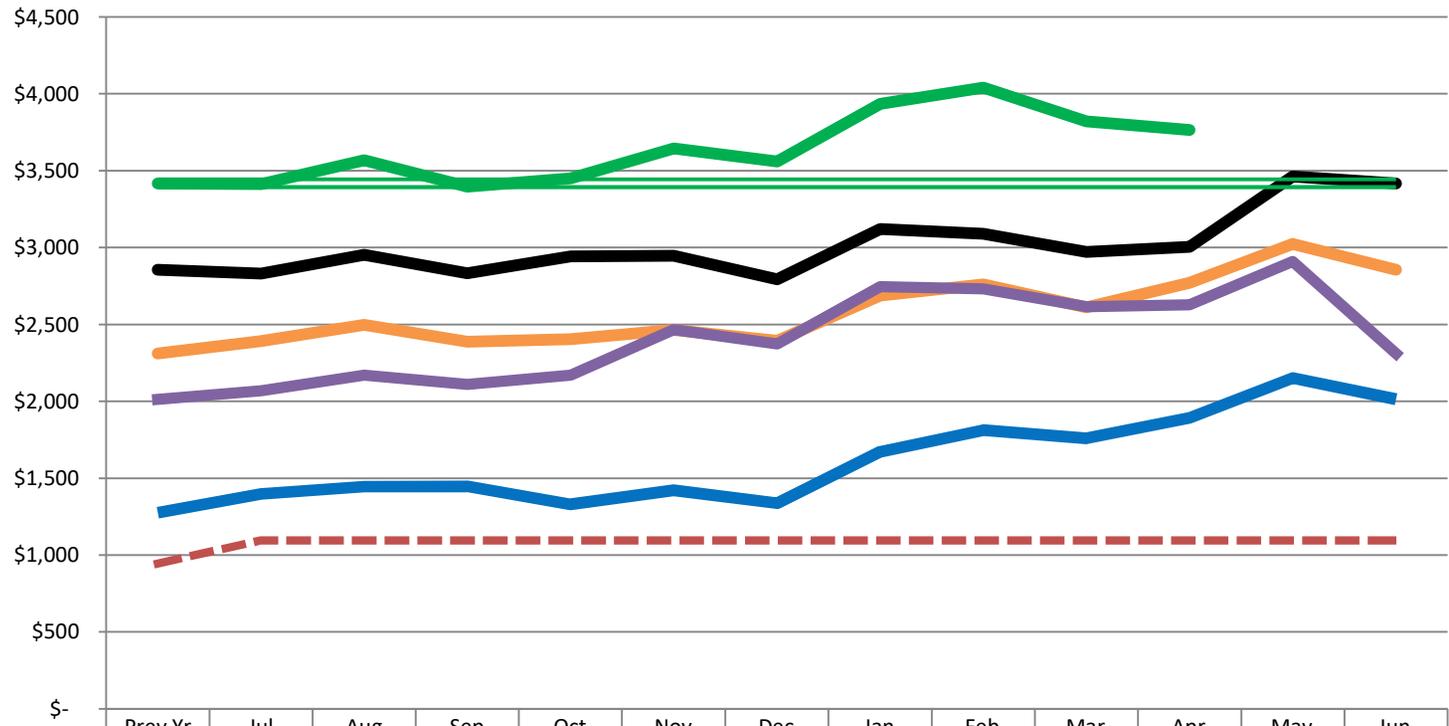
- Fund 376 – Downtown Streetscape – This project is primarily (89%) funded with grant funds on a reimbursement basis. Reimbursement requests are expected to be submitted on a quarterly basis. The balance of funding (11%) will be a City General Fund match.
- Fund 378 – Zoning Code Update. This project is 100% funded with grant funds on a reimbursement basis. Reimbursement requests are expected to be submitted on a quarterly basis. The next reimbursement request is pending project activity and inputs from project manager.
- Fund 575 – WWTP Construction Grant. This is a reimbursable grant. Reimbursement requests are scheduled to be submitted quarterly. Reimbursement request (#5) was submitted in March and is pending final approval/payment.
- 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 paid by Fund 564 – Sewer Connection Fees. Funds to be transferred at project completion.
- Anticipated revenues/expenditures for May include:
 - Revenues
 - Allocation for Sales Tax revenues reported/paid to the State for the month of March 2023 (two-month lag).
 - Second allocation (40%) of annual property tax revenues and direct charges to be received from County.
 - Expenditures
 - Approved capital project expenditures.

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 - April 2023 General Fund Reserved Cash Analysis (Dollars in Thousands)

Fiscal Year 2022-23 >>



	Prev Yr	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
■ 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		
■ 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
■ Cash Balance FY2018-19	\$1,275	\$1,398	\$1,444	\$1,447	\$1,329	\$1,420	\$1,336	\$1,672	\$1,812	\$1,760	\$1,893	\$2,151	\$2,013
- - - *Reserves (Ops, Cap, Pen)	\$945	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095	\$1,095
■ Budget FY2022-23	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418	\$3,418

*City Administrative policy stipulates General Fund Reserve of 25% (3 months) of annual General Fund Revenues.

**City of Colfax
Cash Summary
April 30, 2023**

	Balance 03/31/2023	Revenues In*	Expenses Out*	Transfers	Balance 04/30/2023
US Bank	\$ 139,203.03	\$ 390,430.10	\$ (579,808.39)	\$ 175,000.00	\$ 124,824.74
LAIF	\$ 8,716,719.90	\$ 55,906.24	\$ -	\$ (175,000.00)	\$ 8,597,626.14
Total Cash - General Ledger	<u>\$ 8,855,922.93</u>	<u>\$ 446,336.34</u>	<u>\$ (579,808.39)</u>	<u>\$ -</u>	<u>\$ 8,722,450.88</u>
Petty Cash (In Safe)	\$ 300.00				\$ 300.00
Total Cash	<u>\$ 8,856,222.93</u>	<u>\$ 446,336.34</u>	<u>\$ (579,808.39)</u>	<u>\$ -</u>	<u>\$ 8,722,750.88</u>

Change in Cash Account Balance - Total \$ (133,472.05)

Attached Reports:

1. Cash Transactions Report (By Individual Fund)	
2. Check Register Report (Accounts Payable)	\$ (485,008.13)
Cash Receipts	\$ 234,687.06
Payroll Checks and Tax Deposits	\$ (80,282.85)
Utility Billings - Receipts	\$ 141,150.63
LAIF Interest	\$ 55,906.24
Voided Checks/Reissues	\$ 75.00
	<u><u>\$ (133,472.05)</u></u> \$ -

*Does not include transfers between funds

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

Reviewed by: Wes Heathcock, City Manager
Wes Heathcock, City Manager

City of Colfax

Cash Transactions Report - April 2023

	Beginning Balance	Debit Revenues	Credit (Expenditures)	Ending Balance
Fund Type: 1.11 - General Fund - Unassigned				
Fund: 100 - General Fund	\$ 3,627,908.75	\$ 213,282.50	\$ (266,561.74)	\$ 3,574,629.51
Fund: 120 - Land Development Fees	\$ 183,141.33	\$ 3,923.01	\$ (3,995.61)	\$ 183,068.73
Fund: 200 - Cannabis Application	\$ 7,424.99	\$ -	\$ -	\$ 7,424.99
Fund Type: 1.11 - General Fund - Unassigned	\$ 3,818,475.07	\$ 217,205.51	\$ (270,557.35)	\$ 3,765,123.23
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	\$ 792,096.33	\$ 32,142.78	\$ (7,549.01)	\$ 816,690.10
Fund Type: 1.14 - General Fund - Restricted	\$ 855,150.59	\$ 32,142.78	\$ (7,549.01)	\$ 879,744.36
Fund Type: 1.24 - Special Rev Funds - Restricted				
Fund: 202 - ARPA American Rescue Plan Act	\$ -	\$ -	\$ -	\$ -
Fund: 210 - Mitigation Fees - Roads	\$ 142,711.22	\$ 915.86	\$ -	\$ 143,627.08
Fund: 211 - Mitigation Fees - Drainage	\$ 5,454.54	\$ 35.01	\$ -	\$ 5,489.55
Fund: 212 - Mitigation Fees - Trails	\$ 75,774.56	\$ 486.29	\$ -	\$ 76,260.85
Fund: 213 - Mitigation Fees - Parks/Rec	\$ 194,055.66	\$ 1,245.37	\$ -	\$ 195,301.03
Fund: 214 - Mitigation Fees - City Bldgs	\$ 102,364.44	\$ 656.93	\$ -	\$ 103,021.37
Fund: 215 - Mitigation Fees - Vehicles	\$ 22,356.21	\$ 143.48	\$ -	\$ 22,499.69
Fund: 217 - Mitigation Fees - DT Parking	\$ 43,765.30	\$ 280.87	\$ -	\$ 44,046.17
Fund: 218 - Support Law Enforcement	\$ 5,209.23	\$ -	\$ -	\$ 5,209.23
Fund: 244 - CDBG Program Inc - ME Lending	\$ 2,000.00	\$ 508.56	\$ -	\$ 2,508.56
Fund: 250 - Streets - Roads/Transportation	\$ (96,558.53)	\$ 3,816.27	\$ (57,540.21)	\$ (150,282.47)
Fund: 253 - Gas Taxes	\$ 60,770.50	\$ 3,941.26	\$ (1,371.34)	\$ 63,340.42
Fund: 258 - Road Maintenance - SB1/RSTBG	\$ 197,219.65	\$ 5,096.89	\$ -	\$ 202,316.54
Fund: 270 - Beverage Container Recycling	\$ 19,315.03	\$ 123.96	\$ -	\$ 19,438.99
Fund: 280 - Oil Recycling	\$ 3,808.49	\$ 24.45	\$ -	\$ 3,832.94
Fund: 290 - SB1383 Implementation Grant	\$ 20,400.65	\$ 130.93	\$ -	\$ 20,531.58
Fund: 292 - Fire Department Capital Funds	\$ 94,312.37	\$ 605.26	\$ -	\$ 94,917.63
Fund: 342 - Fire Construction - Mitigation	\$ 76,923.55	\$ 493.67	\$ -	\$ 77,417.22
Fund: 343 - Recreation Construction	\$ 76,924.03	\$ 493.67	\$ -	\$ 77,417.70
Fund: 367 - SB2 - Planning Grant	\$ (36,564.18)	\$ -	\$ (8,198.45)	\$ (44,762.63)
Fund: 376 - Downtown Streetscape	\$ (7,778.01)	\$ -	\$ (14,752.51)	\$ (22,530.52)
Fund: 378 - Zoning Code Update	\$ (36.05)	\$ -	\$ (1,448.17)	\$ (1,484.22)
Fund Type: 1.24 - Special Rev Funds - Restrict	\$ 1,002,428.66	\$ 18,998.73	\$ (83,310.68)	\$ 938,116.71
Fund Type: 1.34 - Capital Projects - Restricted				
Fund: 300 - GF Capital Projects	\$ (3,744.25)	\$ -	\$ (2,425.00)	\$ (6,169.25)
Fund: 358 - CDBG Pavement	\$ (92,621.34)	\$ -	\$ -	\$ (92,621.34)
Fund Type: 1.34 - Capital Projects - Restricted	\$ (96,365.59)	\$ -	\$ (2,425.00)	\$ (98,790.59)
Fund Type: 2.11 - Enterprise Funds				
Fund: 560 - Sewer	\$ 1,761,885.19	\$ 121,314.31	\$ (145,055.76)	\$ 1,738,143.74
Fund: 561 - Sewer Liftstations	\$ 705,514.42	\$ 17,827.74	\$ (23,464.84)	\$ 699,877.32
Fund: 563 - Wastewater Treatment Plant	\$ 946,913.39	\$ 38,485.73	\$ -	\$ 985,399.12
Fund: 564 - Sewer Connections	\$ 321,774.88	\$ -	\$ -	\$ 321,774.88
Fund: 575 - WWTP Construction Grant	\$ (461,442.63)	\$ -	\$ (46,065.75)	\$ (507,508.38)
Fund: 577 - Capital Projects	\$ (1,811.25)	\$ -	\$ (1,380.00)	\$ (3,191.25)
Fund: 585 - LS #5 Force Main Repairs	\$ -	\$ -	\$ -	\$ -
Fund Type: 2.11 - Enterprise Funds - Unassign	\$ 3,272,834.00	\$ 177,627.78	\$ (215,966.35)	\$ 3,234,495.43
Fund Type: 9.0 - CLEARING ACCOUNT				
Fund: 998 - PAYROLL CLEARING FUND	\$ 3,400.20	\$ 361.54	\$ -	\$ 3,761.74
Fund Type: 9.0 - CLEARING ACCOUNT	\$ 3,400.20	\$ 361.54	\$ -	\$ 3,761.74
Grand Totals:	\$ 8,855,922.93	\$ 446,336.34	\$ (579,808.39)	\$ 8,722,450.88

Check Register Report

Item 3A

Checks Processed April 2023

Date: 05/03/2023

Time: 9:36 am

CITY OF COLFAX

BANK: US BANK

Page: 1

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
US BANK Checks								
59258	04/04/23	Printed			03141	CALPERS	HEALTH PREMIUMS APR 2023	15,375.55
59259	04/10/23	Printed			01500	ANDERSON'S SIERRA	WWTP DISCHARGE VALVE	40.31
59260	04/10/23	Printed			01766	AT&T MOBILITY	CITY CELL PHONES	825.39
59261	04/10/23	Printed			2819	BIG BRAND TIRE & SERVICE	PW VEHICLE RPR	565.11
59262	04/10/23	Printed			02901	BUREAU VERITAS NORTH AMERICA	BLDG OFFICIAL SVCS FEB 2023	5,040.00
59263	04/10/23	Printed			02901	BUREAU VERITAS NORTH AMERICA	PLAN CHECK - SCHOLTZ POOL	247.50
59264	04/10/23	Printed			3469	CIVIC PLUS	MUNICODE UPDATE	559.87
59265	04/10/23	Printed			3468	CIVICWELL	DOWNTOWN STREETSCAPE MAR 2023	13,527.14
59266	04/10/23	Printed			3476	CLARK EQUIPMENT COMPANY	SKID STEER ATTACHMENTS	114,415.67
59267	04/10/23	Printed			3475	CLARK PEST CONTROL	PEST CONTROL SVCS MAR 2023	508.00
59268	04/10/23	Printed			3494	COLANTUONO, HIGHSMITH &	LEGAL MATTER	420.00
59269	04/10/23	Printed			03558	COLFAX SMOG & AUTO REPAIR	PW VEHICLE RPR	180.73
59270	04/10/23	Printed			03562	COMMERCIAL PUMP SERVICE, INC	WWTP PUMP RPR	2,442.18
59271	04/10/23	Printed			4187	DAWSON OIL COMPANY	LS/WWTP GEN FUEL	910.58
59272	04/10/23	Printed			04234	DE LAGE LANDEN FINANCIAL	COPY MACH LEASE APR 2023	444.96
59273	04/10/23	Printed			04260	DEPARTMENT OF WATER RESOURCES	ANNUAL DAM FEE FY 23/24	20,177.00
59274	04/10/23	Printed			04532	DIVISION OF STATE ARCHITECT	SB1186 FEES Q3 FY 22/23	8.80
59275	04/10/23	Printed			4591	DUSTY WEBS	CITY HALL & DEPOT CLEANING	225.00
59276	04/10/23	Printed			06424(2)	FLO-LINE TECHNOLOGY, INC	WWTP REPLACEMENT PUMP	8,619.68
59277	04/10/23	Printed			06278	FRONTIER COMMUNICATIONS	WWTP PHONE	267.78
59278	04/10/23	Printed			7223	GEOCON CONSULTANTS INC.	SLOPE ASSESSMENT W OAK ST	1,000.00
59279	04/10/23	Printed			07570	GRAINGER	WWTP SUPPLIES	118.70
59280	04/10/23	Printed			07570	GRAINGER	WWTP SUPPLIES	11.13
59281	04/10/23	Printed			08159	HILL BROTHERS CHEMICAL CO.	WWTP CHEMICALS	14,671.35
59282	04/10/23	Printed			08170	HILLS FLAT LUMBER CO	SUPPLIES	531.86
59283	04/10/23	Printed			08200	HINDERLITER, DE LLAMAS & ASSOC	SALES TAX AUDIT Q3 FY 22/23	607.25
59284	04/10/23	Printed			08501	HOME DEPOT CREDIT SERVICES	STMT 3/21/23	136.86
59285	04/10/23	Printed			08660	HUNT AND SONS, INC.	FUEL	1,077.26
59286	04/10/23	Printed			09540	INTERSTATE SALES	ROAD SIGNS	9.12
59287	04/10/23	Printed			18400	NAPA AUTO PARTS	SUPPLIES	19.94
59288	04/10/23	Printed			14356	NORTHERN CALIFORNIA GLOVE	WWTP HARD HATS	87.00
59289	04/10/23	Printed			20092	PAMELA BIERY-WINKS	MAR 2023 PUBLIC OUTREACH CONS	600.00
59290	04/10/23	Printed			16300	PCWA -PLACER COUNTY	WATER	999.08
59291	04/10/23	Printed			16011(2)	PELLETREAU, ALDERSON & CABRAL	LEGAL SVCS MAR 2023	10,332.24
59292	04/10/23	Printed			03580	PLACER COUNTY HHS	ANIMAL & FIELD SVCS Q4	6,323.00
59293	04/10/23	Printed			16821	PSOMAS	WWTP CONST GRANT FEB 2023	8,235.00
59294	04/10/23	Printed			19037	SAFE SIDE SECURITY	CORP YARD SECURITY APR 2023	155.00
59295	04/10/23	Printed			19037	SAFE SIDE SECURITY	WWTP SECURITY APR 2023	95.00
59296	04/10/23	Printed			19065	SCI CONSULTING GROUP	ORDINANCE REVIEW	2,346.91
59297	04/10/23	Printed			19070	SCORE - SMALL CITIES ORGANIZED	WC Q4 22/23	17,677.20
59298	04/10/23	Printed			19193	SECURE RECORD MANAGEMENT	SHREDDING SVCS Q3 FY 22/23	75.00
59299	04/10/23	Printed			19575	SHANNA STAHL	SCORE MEETING MILEAGE REIMB	179.47
59300	04/10/23	Printed			19743	WILLIAM STOCKWIN	APR 2023 COLFAX CONN EDITING	300.00
59301	04/10/23	Printed			21452	EMMANUEL URSU	PLANNING SVCS FEB 2023	8,689.02
59302	04/10/23	Printed			21560	US BANK CORPORATE PMT SYSTEM	STMT 3/22/23	4,277.23

Check Register Report

Item 3A

Checks Processed April 2023

Date: 05/03/2023

Time: 9:36 am

CITY OF COLFAX

BANK: US BANK

Page: 2

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
US BANK Checks								
59303	04/10/23	Printed			21500	USA BLUE BOOK, INC	WWTP LAB SUPPLIES	507.99
59304	04/10/23	Printed			22106	VAN GRONINGEN & ASSOCIATES	FINANCIAL SVCS MAR 2023	7,813.75
59305	04/10/23	Printed			22134	VISION QUEST	TECH SUPPORT SVCS FEB 2023	3,800.00
59306	04/10/23	Printed			22134	VISION QUEST	TECH SUPPORT MAR 2023	3,800.00
59307	04/10/23	Printed			22134	VISION QUEST	APR 2023 TECH SUPPORT	3,800.00
59308	04/10/23	Printed			22134	VISION QUEST	TECH SUPPORT SVCS	3,800.00
59309	04/10/23	Printed			22134	VISION QUEST	TECH SUPPORT SUPPLIES DEC 2022	861.98
59310	04/10/23	Printed			22135	VISTA COMPLETE CARE	NEW HIRE PHYSICAL	170.00
59311	04/10/23	Printed			22240	VULCAN MATERIALS COMPANY	ASPHALT	113.52
59312	04/10/23	Printed			22240	VULCAN MATERIALS COMPANY	ASPHALT	175.78
59313	04/10/23	Printed			23169	WAVE BUSINESS SOLUTIONS	CITY HALL INTERNET	159.90
59314	04/10/23	Printed			23169	WAVE BUSINESS SOLUTIONS	DEPOT PHONE	19.07
59315	04/10/23	Printed			18883	WAXIE SANITARY SUPPLY	WW SUPPLIES	89.26
59316	04/10/23	Printed			23301	WESTERN PLACER WASTE	SLUDGE REMOVAL MAR 2023	1,974.16
59317	04/10/23	Printed			23451	WOOD RODGERS	SSMP UPDATE FEB 2023	367.50
59318	04/10/23	Printed			23451	WOOD RODGERS	WWTP CONST GRANT FEB 2023	25,196.75
59319	04/21/23	Printed			011200	24 SEVEN FIRE PROTECTION	ANNUAL FIRE EXT SVCS	723.66
59320	04/21/23	Printed			01414	ALHAMBRA & SIERRA SPRINGS	WATER	143.38
59321	04/21/23	Printed			01448	AMERIGAS - COLFAX	CITY HALL PROPANE	3,035.89
59322	04/21/23	Printed			01448	AMERIGAS - COLFAX	FIRE STATION PROPANE	485.75
59323	04/21/23	Printed			01448	AMERIGAS - COLFAX	SHERIFF STATION PROPANE	1,600.88
59324	04/21/23	Printed			2819	BIG BRAND TIRE & SERVICE	CHAINS	2,418.16
59325	04/21/23	Printed			02901	BUREAU VERITAS NORTH AMERICA	PLAN REVIEW	70.00
59326	04/21/23	Printed			02901	BUREAU VERITAS NORTH AMERICA	BLDG OFFICIAL MAR 2023	6,570.00
59327	04/21/23	Printed			03121	CALIFORNIA BUILDING	GREEN FEES Q3 FY 22/23	36.90
59328	04/21/23	Printed			3207	CENTRAL VALLEY STEEL	CORP YARD METAL BLDG PLANS	3,805.00
59329	04/21/23	Printed			03401	CHOICE BUILDER	PREMIUMS	962.97
59330	04/21/23	Printed			3425	CINTAS	UNIFORM SVC MAR 2023	316.67
59331	04/21/23	Printed			3475	CLARK PEST CONTROL	PEST CONTROL	508.00
59332	04/21/23	Printed			03482	CLEAR PATH LAND EVOLVEMENT, DACOMM	WWTP INTERNET	103.45
59333	04/21/23	Printed			04592	DUSTY WEBS	CITY HALL/DEPOT CLEANING	225.00
59334	04/21/23	Printed			4591	DUSTY WEBS	CITY HALL/DEPOT CLEANING	225.00
59335	04/21/23	Printed			05120	EDWARDS HEATING & COOLING	HVAC SVC DEPOT	99.00
59336	04/21/23	Printed			14859	GHD INC.	ENG SVCS FEB 2023	8,783.00
59337	04/21/23	Printed			14859	GHD INC.	ENG SVCS MAR 2023	19,255.30
59338	04/21/23	Printed			07460	GOLD MOUNTAIN CALIFORNIA	PWWS JOB POSTING	187.20
59339	04/21/23	Printed			07460	GOLD MOUNTAIN CALIFORNIA	MWI JOB POSTING	354.00
59340	04/21/23	Printed			07570	GRAINGER	WWTP SUPPLIES	231.32
59341	04/21/23	Printed			08159	HILL BROTHERS CHEMICAL CO.	WWTP CHEMICALS	2,920.60
59342	04/21/23	Printed			08660	HUNT AND SONS, INC.	FUEL	720.74
59343	04/21/23	Printed			08503	JANA HOOK	EASTER EGG HUNT DEPOSIT REF	100.00
59344	04/21/23	Printed			23101	LARRY WALKER ASSOCIATES	NPDES PERMIT ASS MAR 2023	241.00
59345	04/21/23	Printed			16300	PCWA -PLACER COUNTY	WATER	997.43
59346	04/21/23	Printed			16035	PG&E	ELECTRICITY	19,043.15
59347	04/21/23	Printed			16165	PLACER COUNTY ENVIRONMENTAL	WWTP HAZMAT FY 23/24	1,270.00
59348	04/21/23	Printed			16052	PLACEWORKS	GEN PLAN/HOUSING ELEM MAR 23	5,747.70
59349	04/21/23	Printed			16821	PSOMAS	WWTP SOLAR CONST INSP MAR 2023	1,140.00
59350	04/21/23	Printed			16040	PURCHASE POWER	POSTAGE REFILL	503.50

Check Register Report

Checks Processed April 2023

Date: 05/03/2023

Time: 9:36 am

CITY OF COLFAX

BANK: US BANK

Page: 3

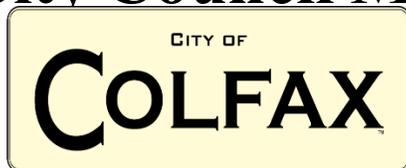
Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
US BANK Checks								
59351	04/21/23	Printed			01790	SIERRA OFFICE PRODUCTS	OFFICE SUPPLIES	216.92
59352	04/21/23	Printed			21452	EMMANUEL URSU	PLANNING SVCS MAR 2023	9,208.86
59353	04/21/23	Printed			22240	VULCAN MATERIALS COMPANY	ASPHALT	156.96
59354	04/21/23	Printed			22240	VULCAN MATERIALS COMPANY	ASPHALT	436.73
59355	04/21/23	Printed			23169	WAVE BUSINESS SOLUTIONS	CITY HALL PHONE	208.71
59356	04/21/23	Printed			23169	WAVE BUSINESS SOLUTIONS	FIRE DEPT PHONE	34.91
59357	04/21/23	Printed			23169	WAVE BUSINESS SOLUTIONS	CORP YARD INTERNET	64.67
59358	04/21/23	Printed			18883	WAXIE SANITARY SUPPLY	PW SUPPLIES	64.99
59359	04/21/23	Printed			18883	WAXIE SANITARY SUPPLY	PW SUPPLIES	294.59
59360	04/21/23	Printed			18883	WAXIE SANITARY SUPPLY	PW SUPPLIES	62.90
59361	04/21/23	Printed			23451	WOOD RODGERS	SSMP UPDATE MAR 2023	700.00
59362	04/21/23	Printed			23451	WOOD RODGERS	INSTRUMENTATION SURVEY MAR 202	1,840.00
59363	04/21/23	Printed			23451	WOOD RODGERS	WWTP CONST GRANT MAR 2023	9,856.50
59364	04/26/23	Printed			1161	49ER WATER SERVICES	WWTP LAB TESTING FEB 2023	2,059.00
59365	04/26/23	Printed			01448	AMERIGAS - COLFAX	DEPOT PROPANE	668.55
59366	04/26/23	Printed			01500	ANDERSON'S SIERRA	BALLPARK IRRIGATION	546.12
59367	04/26/23	Printed			30032	AUBURN ELECTRIC	ROY TOMS LIGHTING RETROFIT	2,870.00
59368	04/26/23	Printed			2851	BRENNTAG PACIFIC INC.	WWTP CHEMICALS	4,653.74
59369	04/26/23	Printed			3469	CIVIC PLUS	MUNICODE SUPPORT	225.00
59370	04/26/23	Printed			06278	FRONTIER COMMUNICATIONS	WWTP PHONE	258.06
59371	04/26/23	Printed			07570	GRAINGER	WWTP TOOLS	62.36
59372	04/26/23	Printed			08159	HILL BROTHERS CHEMICAL CO.	WWTP CHEMICALS	8,826.73
59373	04/26/23	Printed			12180	LAWRENCE & ASSOCIATES INC	LANDFILL MONITORING MAR 2023	1,742.00
59374	04/26/23	Printed			19743	WILLIAM STOCKWIN	COLFAX CONN EDITING MAY 2023	300.00
59375	04/26/23	Printed			20054	TARGET SPECIALTY PRODUCTS	GRASS SEED	2,132.13
59376	04/26/23	Printed			21500	USA BLUE BOOK, INC	LAB SUPPLIES	551.73
59377	04/26/23	Printed			22117	VER-MAC	MESSAGE BOARDS	35,168.95
59378	04/26/23	Printed			22240	VULCAN MATERIALS COMPANY	ASPHALT	138.14
59379	04/26/23	Printed			23169	WAVE BUSINESS SOLUTIONS	CITY HALL INTERNET	159.90
59380	04/26/23	Printed			18883	WAXIE SANITARY SUPPLY	PW SUPPLIES	556.30
59381	04/24/23	Printed			2087	BASIC PACIFIC	FSA BENEFIT PYMT	700.00

Total Checks: 124 **Checks Total (excluding void checks): 485,008.13**

Total Payments: 124 **Bank Total (excluding void checks): 485,008.13**

Total Payments: 124 **Grand Total (excluding void checks): 485,008.13**

City Council Minutes



Regular Meeting of Colfax City Council

Wednesday, May 10, 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 pm

1B. Pledge of Allegiance

1C. Roll Call

Present: Councilmember Ackerman, Mayor Pro Tem Douglass, Mayor Burruss

Absent: Councilmember Lomen

1D. Approval of the Agenda Order

By **MOTION**, accept the agenda as presented.

MOTION made by Councilmember Ackerman and seconded by Mayor Pro Tem Douglass and approved unanimously.

2 CONSENT CALENDAR

2A. Cash Summary – March 2023

Recommendation: Accept and File.

2B. Minutes

Recommendation: By Motion, approve the Colfax City Council minutes of 4/12/23.

2C. Professional Auditing Services – Richardson & Company, LLP

Recommendation: Adopt Resolution 13-2023 authorizing the City Manager to execute an agreement with Richardson & Company, LLP to provide annual audit services for the fiscal year ending June 30, 2023, with the option to extend the contract for each of four (4) subsequent years in an anticipated amount of \$152,110.

2D. Quarterly Investment Report – Quarter Ended March 31, 2023

Recommendation: Accept and File.

By **MOTION**, approve the consent calendar.

MOTION made by Mayor Pro Tem Douglass seconded by Councilmember Ackerman, and unanimously approved.

3 AGENCY REPORTS

3A. Placer County Sheriff's Office – Deputy John Tannarome stated that it was Law Enforcement Memorial week and provided Colfax responses.

3B. CHP – Public Information Officer Jason Lyman provided response statistics and reminded everyone to keep their tires in good condition to prevent traffic collisions.

3C. Placer County Fire/CALFIRE – Assistant Chief Bob Counts provided response statistics for April and spoke about escaped controlled burns as well as medical and water rescues. He explained there will be a water safety campaign starting soon.

3D. Non-Profits – Foxey McCleary spoke about a pancake breakfast at the VFW where mothers will be free and promoted a crafts fair at the Sierra Vista Community Center. She also announced a ceremony at the local cemeteries on Memorial Day, May 29th. Councilmember Douglass spoke as the Ambassador for the Colfax Area Chamber of Commerce and stated that there was a ribbon

cutting ceremony at La Paloma Yoga and that there was a well-attended Cinco De Mayo Event at the Sierra Vista Community Center.

4 **PRESENTATION (No Presentation)**

5 **PUBLIC HEARING (No Public Hearing)**

6 **PUBLIC COMMENT**

Roy Johansen a retired engineer and faculty member spoke about grant funding for clean energy. Tim Dion circulated some cannabis State statistics to Council and staff and an article published Elissa Eggen spoke about emergency exit usage on I80.

7 **COUNCIL AND STAFF**

- 7A. **Committee Reports and Colfax Informational Items – All Councilmembers** – Councilmember Douglass provided an update from the Placer County Economic Development Board and pursuing grants. Councilmember Ackerman spoke about a recent SACOG meeting and attended a Sierra Vista Center meeting where they spoke about security, wildfire safety, the building and relationship with the City. Mayor Burruss spoke about a productive Regional Delegacy Trip she attended in Washington DC where her team was focused on wildfire issues and streamlining topics, and she had the opportunity to discuss regional issues with other local officials.
- 7B. **City Operations Update – City Manager** City Manager Heathcock provided an update on the acceptance of a CDBG grant award worth 2.7 million dollars.

8 **COUNCIL BUSINESS**

8A. **Mayor Pro Tem Mendoza Resignation**

Recommendation: Discuss the process for filling the Council vacancy created by Mayor Pro Tem Mendoza’s resignation and provide direction to staff.

City Attorney Alfred “Mick” Cabral explained the options to Council for filling the vacancy. Council discussed and decided to create an application period to appoint an individual rather than holding a special election. They decided to create a 2-week application period and establish an Ad Hoc Committee consisting of Mayor Pro Tem Douglass and Mayor Burruss with resumes being circulated to all of Council.

8B. **Filling Vacant Committee Assignments**

Recommendation: Discuss as necessary and approve vacant committee assignments. Council approved the Mayor’s recommendations for committee assignments and discussed creating a vacancy announcement to appoint an individual to represent Colfax on the Pioneer Community Energy Board.

By **MOTION**, approve the vacant committee assignments.

MOTION made by Mayor Pro Tem Douglass seconded by Councilmember Ackerman, and unanimously approved.

8C. **Establishing a Private Development Service Fees Ad Hoc Committee**

Recommendation: Discuss and establish a Private Development Service Fees Ad Hoc Committee with the goal of adopting an ordinance that allows the City to charge and collect fees for services provided to private developments.

Public Comment received by Foxy McCleary and Elissa Eggen. Council decided to create an Ad Hoc Committee consisting of Mayor Burruss and Councilmember Ackerman.

By **MOTION**, approve item 8C.

MOTION made by Mayor Pro Tem Douglass, seconded by Councilmember Ackerman, and unanimously approved.

9 **GOOD OF THE ORDER**

Mayor Pro Tem Douglass stated that he thought it was a good idea to have a mix of Councilmembers who are retired and actively working.

10 **CLOSED SESSION**

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

Public Comment was received by the Council who expressed appreciation to City Manager, Wes Heathcock for serving the City of Colfax for so many dedicated years. Tom Parnham also thanked him and suggested recommendations for the next City Manager. Will Stockwin stated gratitude for City Manager Heathcock as well.

No reportable action during closed session.

11 **ADJOURNMENT**

As there was no further business on the agenda, Mayor Burruss adjourned the meeting, by motion and without objection at 7:35 pm. Respectfully submitted to City Council this 24th day of May, 2023.



Marguerite Bailey, City Clerk



Staff Report to City Council

FOR THE MAY 24, 2023 CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Wes Heathcock, City Manager
Subject: CDBG Grant Agreement – Road Improvement Project

Budget Impact Overview:

N/A: N/A	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Approve Resolution __-2023 authorizing the City Manager to approve an application for funding and the execution of a grant agreement and any amendment thereto from the 2021-2022 funding year of the State CDBG Program.

Summary/Background

The City of Colfax applied for Community Development Block Grant (CDBG) Over the Counter (OTC) Public Infrastructure grant in 2019. CDBG OTC funding was exhausted prior to funding the proposed City of Colfax Road Improvement Projects. Subsequently, the CDBG was able to identify funding in the 2021-2022 NOFA to fund the Road Improvement Project, therefore, the City is required to adopt the attached resolution authorizing and accepting the project funding up to \$3,500,000.

Staff is recommended council authorize the City Manager to approve an application for funding and the execution of a grant agreement and any amendment thereto from the 2021-2022 funding year of the State CDBG Program.

Fiscal Impacts

N/A

Attachments:

1. Resolution __-2023



APPENDIX D

Resolution of the Governing Body

Applicants are required to use this Resolution in content and form.

RESOLUTION NO. __

A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2021-2022 FUNDING YEAR OF THE STATE CDBG PROGRAM

BE IT RESOLVED by the _____ of the _____ as follows:

SECTION 1:

The _____ has reviewed and hereby approves the submission to the State of California of one or more application(s) in the aggregate amount, not to exceed, of \$ _____ for the following CDBG activities, pursuant to the January 2022 CDBG NOFA:

List activities and amounts (*activity totals should include Activity Delivery dollars and General Administration associated with the activity*)

Activity (i.e. Public Services, Housing Rehabilitation)	Dollar Amount Being Requested for the Activity
	\$
	\$
	\$
	\$

Note: Similar to the above, any Colonia or Native American Set-Aside activities must be included separately in the Resolution.

SECTION 2:

The _____ hereby approves the use of Program Income in an amount not to exceed \$ _____ for the CDBG activities described in Section 1.



APPENDIX D

SECTION 3:

The _____ acknowledges compliance with all state and federal public participation requirements in the development of its application(s).

SECTION 4:

The _____ hereby authorizes and directs the (title of designated official) _____, or designee*, to execute and deliver all applications and act on the _____ behalf in all matters pertaining to all such applications.

SECTION 5:

If an application is approved, the (title of designated official) _____, or designee*, is authorized to enter into, execute and deliver the grant agreement (*i.e.*, Standard Agreement) and any and all subsequent amendments thereto with the State of California for the purposes of the grant.

SECTION 6:

If an application is approved, the (title of designated official) _____, or designee, is authorized to sign and submit Funds Requests and all required reporting forms and other documentation as may be required by the State of California from time to time in connection with the grant.

** **Important Note:** If the designee is signing any application, agreement, or any other document on behalf of the designated official of the City/County, written proof of designee authority to sign on behalf of such designated official must be included with the Resolution, otherwise the Resolution will be deemed deficient and rejected. Additionally, do not add limitations or conditions on the ability of the signatory or signatories to sign documents, or the Resolution may not be accepted. If more than one party's approval is required, list them as a signatory. The only exception is for county counsel or city attorney to approve as to form or legality or both, IF such approval is already part of the standard city/county signature block as evidenced by the signed Resolution itself. Inclusions of additional limitations or conditions on the authority of the signer will result in the Resolution being rejected and will require your entity to issue a corrected Resolution prior to the Department issuing a Standard Agreement.*



APPENDIX D

PASSED AND ADOPTED at a regular meeting of the _____
of the _____ of _____ held on _____ by the following vote:

Instruction: Fill in all four vote-count fields below. If none, indicate "0" for that field.

AYES: _____
ABSENT: _____

NOES: _____
ABSTAIN: _____

Authorized Signature Date

Signer's Title

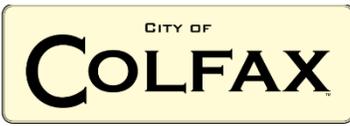
STATE OF CALIFORNIA

I, _____, _____ of the _____ of _____, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said _____ on this ____ day of _____, 20 ____.

_____ of the _____ of _____, State of California

By:

Note: The attesting officer cannot be the person identified in the Resolution as the authorized signer.



Staff Report to City Council

FOR THE MAY 24, 2023 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Wes Heathcock, City Manager
Subject: Lift Station #2 Pump Motor Rebuild – Flo-Line Technology Inc.

Budget Impact Overview:

N/A:	Funded: √	Un-funded:	Amount: \$11,376	Fund(s): 561
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RECOMMENDED ACTION: Approve Resolution __ - 2023 authorizing the City Manager to enter into agreement with Flo-Line Technology Inc. to rebuild Lift Station #2 pump in the amount not to exceed \$11,376.

Summary/Background

The City owns and maintains four sewer lift stations. Lift Station #2 has four pump motors with two motors in series that are designed to alternate usage to reduce the wear on just one pump. The pump redundancy is intended to create a back-up system should one of the pump motors fail. One of the two pumps in the series has failed, therefore, the lift station operation redundancy is not currently possible.

Staff believe it is prudent to rebuild the motor for the Lift Station. Flo-Line Technology Inc provided the attached proposal to rebuild the motor at \$11,376, which includes a 10% contingency. In addition, Commercial Pump will install the motor under a separate agreement within the City Manager’s signatory limit.

Fiscal Impacts

The motor rebuild is funded with Fund 561 in the amount not to exceed \$11,376.

Attachments:

1. Resolution __-2023
2. Proposals Flo-Line Technology Inc

City of Colfax City Council

Resolution No. __-2023

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH FLO-LINE TECHNOLOGY INC. TO REBUILD LIFT STATION #2 PUMP IN THE AMOUNT NOT TO EXCEED \$11,376

WHEREAS, Lift Station #2 has pump motors that are designed to alternate usage to reduce the wear on just one series of pumps; and,

WHEREAS, One of the two pumps in the series has failed, therefore, the lift station operation redundancy is not currently possible; and,

WHEREAS, Staff believe it is prudent to rebuild the motor for the Lift Station.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax, authorizing the City Manager to enter into agreement with Flo-Line Technology Inc. to rebuild Lift Station #2 pump in the amount not to exceed \$11,376.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 24th day of May 2023 by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Trinity Burruss, Mayor

Marguerite Bailey, City Clerk

City of Colfax City Council

Resolution No. __-2023

AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENT WITH FLO-LINE TECHNOLOGY INC. TO REBUILD LIFT STATION #2 PUMP IN THE AMOUNT NOT TO EXCEED \$11,376

WHEREAS, Lift Station #2 has pump motors that are designed to alternate usage to reduce the wear on just one series of pumps; and,

WHEREAS, One of the two pumps in the series has failed, therefore, the lift station operation redundancy is not currently possible; and,

WHEREAS, Staff believe it is prudent to rebuild the motor for the Lift Station.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax, authorizing the City Manager to enter into agreement with Flo-Line Technology Inc. to rebuild Lift Station #2 pump in the amount not to exceed \$11,376.

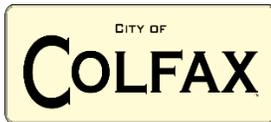
THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 24th day of May 2023 by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Trinity Burruss, Mayor

Marguerite Bailey, City Clerk



Staff Report to City Council

FOR THE MAY 24, 2023 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Emmanuel Ursu, City Planner
Subject: 2022 Annual Housing Element Progress Report

Budget Impact Overview:

N/A: √	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Adopt Resolution __-2023 accepting the 2022 Annual Housing Element Progress Report and authorizing staff to send the report to the State.

Summary/Background

State law requires local jurisdictions to report annually on their progress in implementing the Housing Element of their General Plan. Annual Progress Reports (APR) are to be filed with the California Department of Housing and Community Development (HCD) and the Office of Planning and Research (OPR) by April 1st (with a 60-day grace period) for the prior calendar year (2022). The APR must be considered at a City Council meeting prior to submission to the State.

2022 ANNUAL PROGRESS REPORT

Pursuant to Government Code Section 65400(a)(2) local jurisdictions must provide an Annual Progress Report (APR) to the State of California. State law requires local jurisdictions to present the report to the City Council at a meeting prior to submission to HCD and OPR (California Government Code Section 65400(a)(2)(B)). Attachment 1 is a draft City Council Resolution accepting the APR and authorizing submittal to HCD.

Staff prepared a draft APR which includes a list of land use entitlement approvals for residential development, building permits issued for new housing and final inspections for completed housing (Attachment 2). The following is a summary of the land use entitlements, building permits issued, and final inspections for new residential units in 2022.

Type of Approval	Location	Number	Affordability ¹
Land use entitlement (i.e. subdivision, design review)	Historic Colfax Hotel	8 apartments	Moderate-income
Building permit	n/a	0	n/a
Final building inspection	Sierra Oaks Shadow Wood	8 single-family 1 ADU	Above moderate Moderate-income

1. Affordability: Household income level at which the dwelling unit is affordable where Above moderate income is affordable for households that earn 120% or more of the area median income (AMI), Moderate-income is affordable for households that earn between 80% and less than 120% of the AMI, Low-income is affordable for households that earn between 50% and less than 80% of the AMI, and Very low-income households is affordable for households that earn less than 50% of the AMI.

Attachments

1. Resolution X X -2023
2. 2022 Housing Element Annual Progress Report

City of Colfax

City Council

Resolution №__-2023

ACCEPTING THE UPDATE ON THE 2022 ANNUAL HOUSING ELEMENT PROGRESS REPORT AND AUTHORIZING STAFF TO SEND THE REPORT TO THE STATE

WHEREAS, California Government Code Section 65400(a)(2) requires the planning agency to provide an annual report to the City Council, the Governor's Office of Planning and Research, and the State Department of Housing and Community Development (HCD) regarding progress toward implementation of the housing element of the general plan; and

WHEREAS, planning staff has prepared an annual progress report for the calendar year 2022, utilizing the prescribed forms and instructions provided by the California Department of Housing and Community Development; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax accepts the update on the 2022 Annual Housing Element Progress Report and authorizes staff to send the report to the State.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 24th of May 2023 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Trinity Burruss, Mayor

ATTEST:

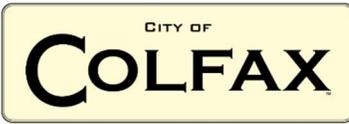
Marguerite Bailey, City Clerk

Attachment 2

Jurisdiction		Colfax		ANNUAL ELEMENT PROGRESS REPORT										
Reporting Year		2022 (Jan. 1 - Dec. 31)		Housing Element Implementation										
Planning Period		6th Cycle 05/15/2021 - 05/15/2029												
Table A2														
Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units														
Project Identifier					Unit Types		Affordability by Household Incomes - Completed Entitlement							
1					2	3	4						5	
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Entitlement Date Approved
Summary Row: Start Data Entry Below							0	0	0	0	0	0	0	
	101-210-028-000	1139 Sierra Oaks Dr	Sierra Oaks	20062	SFD	O								
	101-210-029-000	1135 Sierra Oaks Dr	Sierra Oaks	20063	SFD	O								
	101-210-030-000	1131 Sierra Oaks Dr	Sierra Oaks	20064	SFD	O								
	101-210-007-000	500 Chase Court	Sierra Oaks	21019	SFD	O								
	101-210-023-000	1124 Sierra Oaks Dr	Sierra Oaks	21025	SFD	O								
	101-210-025-000	1132 Sierra Oaks Dr	Sierra Oaks	21027	SFD	O								
	101-210-027-000	1140 Sierra Oaks Dr	Sierra Oaks	21028	SFD	O								
	101-210-026-000	1136 Sierra Oaks Dr	Sierra Oaks	21029	SFD	O								
	006-150-011-000	120 Shadow Wood Pl	Shadow Wood	21097	ADU	R								
	006-072-001	10 E. Grass Valley St	Colfax Historic Hotel and Residences	DR2022-001	5+	R						8		9/28/2022

Attachment 2

Colfax				Note: "+" indicates an optional field											
2022 (Jan. 1 - Dec. 31)				Cells in grey contain auto-calculation formulas											
6th Cycle 05/15/2021 - 05/15/2029															
Primary - New Construction, E															
Project Identifier				Unit Types		Affordability by Household Incomes - Building Permits									
1				2		3		7							8
Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Building Permits Date Issued		
Start Data Entry Below						0	0	0	0	0	0	0	0		
101-210-028-000	1139 Sierra Oaks Dr	Sierra Oaks	20062	SFD	O							1	8/11/2020		
101-210-029-000	1135 Sierra Oaks Dr	Sierra Oaks	20063	SFD	O							1	8/11/2020		
101-210-030-000	1131 Sierra Oaks Dr	Sierra Oaks	20064	SFD	O							1	8/11/2020		
101-210-007-000	500 Chase Court	Sierra Oaks	21019	SFD	O							1	4/6/2021		
101-210-023-000	1124 Sierra Oaks Dr	Sierra Oaks	21025	SFD	O							1	4/15/2021		
101-210-025-000	1132 Sierra Oaks Dr	Sierra Oaks	21027	SFD	O							1	4/15/2021		
101-210-027-000	1140 Sierra Oaks Dr	Sierra Oaks	21028	SFD	O							1	4/15/2021		
101-210-026-000	1136 Sierra Oaks Dr	Sierra Oaks	21029	SFD	O							1	4/15/2021		
006-150-011-000	120 Shadow Wood Pl	Shadow Wood	21097	ADU	R				1				11/23/2021		



Staff Report to City Council

FOR THE MAY 24, 2023 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Laurie Van Groningen, Finance Director
Subject: Annual Appropriation Limits

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Adopt Resolution XX-2023 certifying compliance with the Fiscal Year 2022-2023 Appropriation Limitation and establishing the Appropriation Limitation for the Fiscal Year 2023-2024

Summary/Background

In 1979, California voters approved Proposition 4, an initiative that added Article XIII B to the *California Constitution*. This constitutional amendment, known as the Gann Initiative, placed limits on the growth of expenditures for publicly funded programs. Division 9 of Title 1, beginning with Section 7900 of the *Government Code*, was then added to law to specify the process for calculating state and local government appropriation limits and appropriations subject to limitation under Article XII B of the *Constitution*. These constitutional and statutory sections explain and define the appropriations limit and appropriations subject to limitation as they apply to state and local government, and require that each entity of government formally "adopt" its appropriations limit for a given fiscal year and certify actual appropriations limit for the preceding year.

The data required to complete the calculation is provided by the State of California, Department of Finance.

The appropriation limit is calculated based on two factors: a percentage change in population in conjunction with a change in the cost of living or price. Under Proposition 111, there are options available for each of the calculation factors:

- Population Factor – The City can elect to utilize the percent growth in City population or the percent growth in County population.
- Price Factor – The City can elect to use the percent growth in State per capita personal income or the percent change in assessed valuation in new non-residential construction.

The population and price factors are multiplied together to calculate the Growth factor. The Growth factor is applied to the previous year calculated appropriated limit to determine the current fiscal year appropriation limit.

The Appropriations Limitation (Limit) imposed by the Propositions creates a restriction on the amount of revenue which can be appropriated in any fiscal year. Not all revenues are restricted by the Limit, only those which are referred to as “proceeds of taxes”. During any fiscal year, a city may not appropriate any proceeds of taxes they receive in excess of their Limit. In fact, any excess funds remaining after two years must be returned to the taxpayers.

For the 2023-2024 Appropriation Limit calculation, the growth in Placer County population of .21% is more favorable than the City of Colfax percent decline of -1.08 % and has therefore been utilized in the calculation. For the price factor, the percentage change in State per capita income of 4.44% is used to calculate the Limitation. The population and price factors are multiplied together for a combined factor of 1.047. The combined growth factor is applied to the fiscal year 2022-2023 Appropriation limit of \$7,015,627 to determine the fiscal year 2023-2024 limit of \$7,342,508.

Based on the estimated actuals for fiscal year 2022-2023 and the proposed fiscal year 2023-2024 budget the City will be well under its Appropriation Limit for both years.

Attachments

1. Public Notice – Notice of Determination of appropriations Limit for the Fiscal Year 2023-2024.
2. Resolution XX-2023
 - a. Attachment 1 – Estimated actual appropriation for the fiscal year 2022-2023
 - b. Attachment 2 – Appropriation Limit Calculation for fiscal year 2023-2024
3. Department of Finance Price and Population information for use in calculations for fiscal year 2023-2024 appropriations limit – May 2023.



City Of Colfax
33 SOUTH MAIN STREET, COLFAX, CA

PUBLIC NOTICE

**NOTICE OF DETERMINATION OF APPROPRIATIONS LIMIT
FOR THE FISCAL YEAR 2023-2024**

Section 7910 of the California Government Code requires each local government agency to determine during each fiscal year the appropriations limit pursuant to Article XIII B of the California Constitution applicable during the fiscal year. The limit must be adopted at a regularly scheduled meeting or at a noticed special meeting, and the documentation used in determining the limit must be made available for public review fifteen days prior to such meeting.

Set below is the methodology to be used to calculate the Fiscal Year 2023-2024 appropriations limit for the City. The limit is set forth below and will be considered and adopted at the regularly scheduled meeting of the Colfax City Council on May 24, 2023.

		<u>2023-2024</u>				
Appropriations Limit for FY 2022-2023	\$7,015,627					
Price Factor						
Change in California per capita	1.0444					<i>Department of Finance - May 2023</i>
Population Factor						
Placer County	1.0021					<i>Department of Finance - May 2023</i>
Combined Growth Factor	1.047					<i>Price Factor x Population Factor</i>
Appropriations Limit for FY 2023-2024	\$7,342,508					<i>Calculated Limit for fiscal year 2023-2024</i>
Note: *Fiscal year 2023-2024 elected to use population factor for Placer County versus City of Colfax						

Documentation may be requested from Colfax City Hall during regular work hours – Monday through Thursday, 8:00am to 5:00pm.

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

Marguerite Bailey, City Clerk

May 09, 2023

City of Colfax

City Council

Resolution No. __-2023

CERTIFYING COMPLIANCE WITH THE 2022-2023 FISCAL YEAR APPROPRIATION LIMITATION
AND ESTABLISHING THE APPROPRIATION LIMITATION FOR THE 2022-2023 FISCAL YEAR

WHEREAS, the City Council of the City of Colfax hereby certifies that the estimated actual appropriations for the Fiscal Year 2022-2023 will fall within the appropriation limitation for the 2022-2023 Fiscal Year as demonstrated in Attachment 1; and,

WHEREAS, the City Council of the City of Colfax must establish the appropriation limitation for the Fiscal Year 2023-2024, as calculated in Attachment 2; and,

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax that the 2022-2023 Fiscal year expenditures fall within the established limitations. The limitations are hereby established at \$7,342,508.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 24th day of May 2023 by the following vote of the Council:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

ATTEST:

Marguerite Bailey, City Clerk

Trinity Burruss, Mayor

City of Colfax

City Council

Resolution No. __-2023

CERTIFYING COMPLIANCE WITH THE 2022-2023 FISCAL YEAR APPROPRIATION LIMITATION AND ESTABLISHING THE APPROPRIATION LIMITATION FOR THE 2022-2023 FISCAL YEAR

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THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 24th day of May 2023 by the following vote of the Council:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

ATTEST:

Trinity Burruss, Mayor

Marguerite Bailey, City Clerk

**CITY OF COLFAX
APPROPRIATION LIMIT CALCULATION
Attachment 1**

<i>Tax Revenues to be included in calculation:</i>		2022-2023 Actuals*
100-000-4010	Property Taxes	\$ 430,000
100-000-4020	Sales and Use Taxes	\$ 1,297,800
100-000-4040	Transient Occupancy Taxes	\$ 130,000
100-000-4100	Franchises	\$ 100,000
100-000-4200	Business Licenses	\$ 38,000
100-000-4700	State Motor Vehicle License	\$ 2,500
100-000-4710	Motor Vehicle In Lieu	\$ 180,000
100-000-4030	Cannabis Business Tax	\$ 40,000
	Total Tax Revenue	\$ 2,218,300
Calculated Appropriation Limit Fiscal Year 2020-2021		\$ 7,015,627
<i>Remaining appropriation limit capacity</i>		\$ 4,797,327 68%

*Estimate as of Mid-Year Budget review February 2023

**City of Colfax
Appropriation Limit Calculation
Attachment 2**

Fiscal Year	Computed Limit Previous Year	Cost of Living Factor	Population Factor County	Population Factor City	Combined Growth Factor	Computed Limit	Population Factor Election*
2009-2010	\$ 3,519,759	1.0062	1.0174	1.0097	1.0237	\$ 3,603,205	County
2010-2011	\$ 3,603,205	0.9746	1.0170	1.0567	1.0299	\$ 3,710,796	City
2011-2012	\$ 3,710,796	1.0251	1.0151	1.0072	1.0406	\$ 3,861,377	County
2012-2013	\$ 3,861,377	1.0377	1.0110	1.0056	1.0491	\$ 4,051,027	County
2013-2014	\$ 4,051,027	1.0512	1.0056	0.9960	1.0571	\$ 4,282,287	County
2014-2015	\$ 4,282,287	0.9977	1.0147	1.0050	1.0124	\$ 4,335,243	County
2015-2016	\$ 4,335,243	1.0382	1.0076	0.9970	1.0461	\$ 4,535,055	County
2016-2017	\$ 4,535,055	1.0537	1.0096	1.0019	1.0638	\$ 4,824,462	County
2017-2018	\$ 4,824,462	1.0369	1.0176	1.0369	1.0551	\$ 5,090,529	County
2018-2019	\$ 5,090,529	1.0367	1.0166	1.0014	1.0539	\$ 5,364,955	County
2019-2020	\$ 5,364,955	1.0385	1.0185	1.0010	1.0577	\$ 5,674,579	County
2020-2021	\$ 5,674,579	1.0373	1.0195	1.0146	1.0575	\$ 6,001,022	County
2021-2022	\$ 6,001,022	1.0573	1.0150	1.0084	1.0732	\$ 6,440,054	County
2022-2023	\$ 6,440,054	1.0755	1.0037	1.0129	1.0894	\$ 7,015,627	City
2023-2024	\$ 7,015,627	1.0444	1.0021	0.9892	1.0466	\$ 7,342,508	County

**The City can elect to utilize the percent growth in City population or the percent growth in County population. Note: In June 2019, the City recalculated the historical Appropriations limit from original adoption in fiscal year 1981 to June 30, 2019. The total growth factor for each year is the City population factor multiplied by the per capita income factor for fiscal years 1980 to 1987 and the larger of the City or County population factor multiplied by the per capita income factor for fiscal years subsequent to 1987. Independent Accountants Report dated June 3, 2019.*



Gavin Newsom ■ Governor

1021 O Street, Suite 3110 ■ Sacramento CA 95814 ■ www.dof.ca.gov

Dear Fiscal Officer:

Subject: Price Factor and Population Information

Appropriations Limit

California Revenue and Taxation Code section 2227 requires the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2023, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2023-24. Attachment A provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2023-24 appropriations limit. Attachment B provides the city and unincorporated county population percentage change. Attachment C provides the population percentage change for counties and their summed incorporated areas. The population percentage change data excludes federal and state institutionalized populations and military populations.

Population Percent Change for Special Districts

Some special districts must establish an annual appropriations limit. California Revenue and Taxation Code section 2228 provides additional information regarding the appropriations limit. Article XIII B, section 9(C) of the California Constitution exempts certain special districts from the appropriations limit calculation mandate. The code section and the California Constitution can be accessed at the following website: <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this requirement should be directed to their county, district legal counsel, or the law itself. No state agency reviews the local appropriations limits.

Population Certification

The population certification program applies only to cities and counties. California Revenue and Taxation Code section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2023.**

Please Note: The prior year's city population estimates may be revised. The per capita personal income change is based on historical data.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

JOE SPEPHENSHAW
Director
By:

Erika Li
Chief Deputy Director

Attachment

May 2023

Attachment A

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2023-24 appropriation limit is:

Per Capita Personal Income

Fiscal Year (FY)	Percentage change over prior year
2023-24	4.44

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2023-24 appropriation limit.

2023-24:

Per Capita Cost of Living Change = 4.44 percent
 Population Change = -0.35 percent

Per Capita Cost of Living converted to a ratio: $\frac{4.44 + 100}{100} = 1.0444$

Population converted to a ratio: $\frac{-0.35 + 100}{100} = 0.9965$

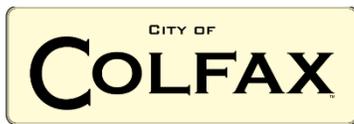
Calculation of factor for FY 2023-24: $1.0444 \times 0.9965 = 1.0407$

Fiscal Year 2023-24

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2022 to January 1, 2023 and Total Population, January 1, 2023

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2022-2023	1-1-22	1-1-23	1-1-2023
Placer				
Auburn	-1.70	13,596	13,365	13,365
Colfax	-1.08	2,038	2,016	2,016
Lincoln	2.18	51,199	52,313	52,313
Loomis	-1.61	6,715	6,607	6,607
Rocklin	-0.66	71,655	71,179	71,179
Roseville	0.98	151,450	152,928	152,928
Unincorporated	-0.79	112,788	111,897	111,897
County Total	0.21	409,441	410,305	410,305

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.



Staff Report to City Council

FOR THE MAY 24, 2023 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Shanna Stahl, Administrative Analyst
 Laurie Van Groningen, Finance Director
Subject: Fiscal Year 2023-2024 Rate Adjustments

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Information Only.

Summary/Background

Effective July 1, 2023, the City will be implementing annual rate adjustments for the following categories:

1. Sewer Impact Fees
2. CalPERS retirement Employer and Employee contribution rates
3. City employee salary adjustments

Sewer Impact Fees

New connections to the City of Colfax sewer system are assessed a sewer impact fee (connection fee) in accordance with Municipal Code Chapter 13.08. The Code stipulates that the sewer impact fee shall be adjusted on July 1st of each year by the City Engineer by a percentage equal to the annual percentage of increase or decrease in the San Francisco Bay Area construction cost index, as published in the May Engineering News-Record (ENR) or equivalent ENR data.

The City has received the May 2023 ENR data from GHD and the construction cost index is reported at a 1.75% increase. The City is applying the increase to calculate the fiscal year 2023-2024 sewer impact fee as reflected in the chart below. Effective July 1, 2023, the sewer impact fee will be adjusted to \$11,310 per Equivalent Dwelling Unit (EDU).

Fiscal Year	Previous	ENR%	New Rate*
2021-2022	\$9,300	4.70%	\$9,740
2022-2023	\$9,740	14.2%	\$11,120
2023-2024	\$11,120	1.75%	\$11,310

**Rounded to the nearest ten dollars for simplicity.*

California Public Employee's Retirement System (CalPERS) Retirement

The CalPERS Actuarial Office provides an annual valuation report each year which contains specific information for the City retirement plans including the development of the current and projected employer and employee contributions. The required normal payroll contributions for fiscal year 2023-2024 are reflected in the following chart.

Fiscal Year	Classic Employees		PEPRA Employees	
	Employer %	Employee %	Employer %	Employee %
2022-2023	9.120%	7.000%	7.470%	6.750%
2023-2024	10.680%	7.000%	7.680%	7.750%

Salary Schedules

In accordance with the Memorandum of Understanding between the City of Colfax and I.U.O.E Stationary Engineers, Local 39 (Union), a cost-of-living adjustment (COLA) is due effective July 1, 2023. The COLA is based on an average of the Consumer Price Index (CPI) for San Francisco- Oakland-San Jose Urban Wage Earners and Clerical Workers and United States City Average Urban Wage Earners and Clerical Workers. The average CPI for the fiscal year 2022-2023 COLA calculation is 4.70%. The contracted maximum increase of 4% will be applied. Consistent with previous years and the adopted operating budget, the City will apply this increase to both represented and non-represented employees' salary schedules. The salary schedules for fiscal year 2023-2024 are attached to this report.

Monthly Sewer Rates

In June of 2018, the City Council, after due notice, public hearing, and protests heard and received in an open and public meeting adopted and approved the City of Colfax Wastewater Rate Study prepared by Rural Community Assistance Corporation (RCAC) relating to the Sewer Service Charges for Fiscal Years 2018-2019 through 2022-2023. The Sewer Service Charges adopted by Resolution 42-2018 are reflected below.

The City has initiated a new five-year Rate Study that is not anticipated to be completed until later this calendar year. We anticipate reporting results and recommending any rate adjustments by January 2024. In the meantime, we recommend that the monthly sewer rate be held at the current rate of \$143.07 (\$286.14 bi-monthly billing) that was effective July 1, 2023.

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

Pay Scale as of 7/1/23 for non-represented employees

Step		1	2	3	4	5	6	7	8	9	10	11
City Clerk	Monthly	\$ 5,073.47	\$ 5,201.73	\$ 5,333.47	\$ 5,466.93	\$ 5,603.87	\$ 5,744.27	\$ 5,888.13	\$ 6,035.47	\$ 6,188.00	\$ 6,342.27	\$ 6,501.73
	Hourly	\$ 29.27	\$ 30.01	\$ 30.77	\$ 31.54	\$ 32.33	\$ 33.14	\$ 33.97	\$ 34.82	\$ 35.70	\$ 36.59	\$ 37.51
	Annual	\$ 60,881.60	\$ 62,420.80	\$ 64,001.60	\$ 65,603.20	\$ 67,246.40	\$ 68,931.20	\$ 70,657.60	\$ 72,425.60	\$ 74,256.00	\$ 76,107.20	\$ 78,020.80
Accounting Technician	Monthly	\$ 4,711.20	\$ 4,830.80	\$ 4,950.40	\$ 5,075.20	\$ 5,203.47	\$ 5,335.20	\$ 5,468.67	\$ 5,605.60	\$ 5,746.00	\$ 5,889.87	\$ 6,037.20
	Hourly	\$ 27.18	\$ 27.87	\$ 28.56	\$ 29.28	\$ 30.02	\$ 30.78	\$ 31.55	\$ 32.34	\$ 33.15	\$ 33.98	\$ 34.83
	Annual	\$ 56,534.40	\$ 57,969.60	\$ 59,404.80	\$ 60,902.40	\$ 62,441.60	\$ 64,022.40	\$ 65,624.00	\$ 67,267.20	\$ 68,952.00	\$ 70,678.40	\$ 72,446.40
Public Works Director	Monthly	\$ 8,377.20	\$ 8,588.67	\$ 8,805.33	\$ 9,027.20	\$ 9,254.27	\$ 9,486.53	\$ 9,724.00	\$ 9,968.40	\$ 10,218.00	\$ 10,474.53	\$ 10,738.00
	Hourly	\$ 48.33	\$ 49.55	\$ 50.80	\$ 52.08	\$ 53.39	\$ 54.73	\$ 56.10	\$ 57.51	\$ 58.95	\$ 60.43	\$ 61.95
	Annual	\$ 100,526.40	\$ 103,064.00	\$ 105,664.00	\$ 108,326.40	\$ 111,051.20	\$ 113,838.40	\$ 116,688.00	\$ 119,620.80	\$ 122,616.00	\$ 125,694.40	\$ 128,856.00
Customer Service Rep	Monthly	\$ 3,170.27	\$ 3,250.00	\$ 3,331.47	\$ 3,416.40	\$ 3,503.07	\$ 3,591.47	\$ 3,681.60	\$ 3,775.20	\$ 3,870.53	\$ 3,969.33	\$ 4,069.87
	Hourly	\$ 18.29	\$ 18.75	\$ 19.22	\$ 19.71	\$ 20.21	\$ 20.72	\$ 21.24	\$ 21.78	\$ 22.33	\$ 22.90	\$ 23.48
	Annual	\$ 38,043.20	\$ 39,000.00	\$ 39,977.60	\$ 40,996.80	\$ 42,036.80	\$ 43,097.60	\$ 44,179.20	\$ 45,302.40	\$ 46,446.40	\$ 47,632.00	\$ 48,838.40
Customer Service Rep GFE**	Monthly	\$ 3,170.27	\$ 3,328.00	\$ 3,496.13	\$ 3,671.20	\$ 3,854.93	\$ 3,952.00	\$ 4,050.80	\$ 4,154.80	\$ 4,258.80	N/A	N/A
	Hourly	\$ 18.29	\$ 19.20	\$ 20.17	\$ 21.18	\$ 22.24	\$ 22.80	\$ 23.37	\$ 23.97	\$ 24.57	N/A	N/A
	Annual	\$ 38,043.20	\$ 39,936.00	\$ 41,953.60	\$ 44,054.40	\$ 46,259.20	\$ 47,424.00	\$ 48,609.60	\$ 49,857.60	\$ 51,105.60	N/A	N/A
Administrative Analyst	Monthly	\$ 5,728.67	\$ 5,872.53	\$ 6,019.87	\$ 6,170.67	\$ 6,326.67	\$ 6,484.40	\$ 6,647.33	\$ 6,815.47	\$ 6,985.33	\$ 7,160.40	\$ 7,340.67
	Hourly	\$ 33.05	\$ 33.88	\$ 34.73	\$ 35.60	\$ 36.50	\$ 37.41	\$ 38.35	\$ 39.32	\$ 40.30	\$ 41.31	\$ 42.35
	Annual	\$ 68,744.00	\$ 70,470.40	\$ 72,238.40	\$ 74,048.00	\$ 75,920.00	\$ 77,812.80	\$ 79,768.00	\$ 81,785.60	\$ 83,824.00	\$ 85,924.80	\$ 88,088.00
Administrative Analyst GFE**	Monthly	\$ 5,728.67	\$ 6,014.67	\$ 6,316.27	\$ 6,633.47	\$ 6,964.53	\$ 7,139.60	\$ 7,318.13	\$ 7,501.87	\$ 7,690.80	N/A	N/A
	Hourly	\$ 33.05	\$ 34.70	\$ 36.44	\$ 38.27	\$ 40.18	\$ 41.19	\$ 42.22	\$ 43.28	\$ 44.37	N/A	N/A
	Annual	\$ 68,744.00	\$ 72,176.00	\$ 75,795.20	\$ 79,601.60	\$ 83,574.40	\$ 85,675.20	\$ 87,817.60	\$ 90,022.40	\$ 92,289.60	N/A	N/A

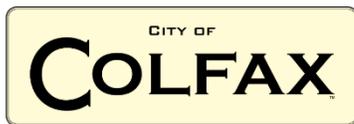
**GFE Employees started prior to 7/1/21

City of Colfax - Salary Range Schedule FY2023-2024
 Represented Employees
 Effective 7/1/23

CPI Increase 07/01/2023: 0.04

Step		1	2	3	4	5	6	7	8	9	10	11
Clerk Typist	Monthly	\$ 2,814.93	\$ 2,887.73	\$ 2,960.53	\$ 3,036.80	\$ 3,114.80	\$ 3,192.80	\$ 3,274.27	\$ 3,357.47	\$ 3,442.40	\$ 3,529.07	\$ 3,617.47
	Hourly	\$ 16.24	\$ 16.66	\$ 17.08	\$ 17.52	\$ 17.97	\$ 18.42	\$ 18.89	\$ 19.37	\$ 19.86	\$ 20.36	\$ 20.87
	Annual	\$ 33,779.20	\$ 34,652.80	\$ 35,526.40	\$ 36,441.60	\$ 37,377.60	\$ 38,313.60	\$ 39,291.20	\$ 40,289.60	\$ 41,308.80	\$ 42,348.80	\$ 43,409.60
Lead Mechanic	Monthly	\$ 4,773.60	\$ 4,894.93	\$ 5,018.00	\$ 5,144.53	\$ 5,272.80	\$ 5,406.27	\$ 5,541.47	\$ 5,681.87	\$ 5,824.00	\$ 5,969.60	\$ 6,118.67
	Hourly	\$ 27.54	\$ 28.24	\$ 28.95	\$ 29.68	\$ 30.42	\$ 31.19	\$ 31.97	\$ 32.78	\$ 33.60	\$ 34.44	\$ 35.30
	Annual	\$ 57,283.20	\$ 58,739.20	\$ 60,216.00	\$ 61,734.40	\$ 63,273.60	\$ 64,875.20	\$ 66,497.60	\$ 68,182.40	\$ 69,888.00	\$ 71,635.20	\$ 73,424.00
Maintenance Worker I	Monthly	\$ 3,296.80	\$ 3,378.27	\$ 3,463.20	\$ 3,551.60	\$ 3,641.73	\$ 3,733.60	\$ 3,827.20	\$ 3,926.00	\$ 4,024.80	\$ 4,125.33	\$ 4,229.33
	Hourly	\$ 19.02	\$ 19.49	\$ 19.98	\$ 20.49	\$ 21.01	\$ 21.54	\$ 22.08	\$ 22.65	\$ 23.22	\$ 23.80	\$ 24.40
	Annual	\$ 39,561.60	\$ 40,539.20	\$ 41,558.40	\$ 42,619.20	\$ 43,700.80	\$ 44,803.20	\$ 45,926.40	\$ 47,112.00	\$ 48,297.60	\$ 49,504.00	\$ 50,752.00
Maintenance Worker II	Monthly	\$ 4,061.20	\$ 4,163.47	\$ 4,267.47	\$ 4,376.67	\$ 4,485.87	\$ 4,600.27	\$ 4,714.67	\$ 4,834.27	\$ 4,955.60	\$ 5,080.40	\$ 5,208.67
	Hourly	\$ 23.43	\$ 24.02	\$ 24.62	\$ 25.25	\$ 25.88	\$ 26.54	\$ 27.20	\$ 27.89	\$ 28.59	\$ 29.31	\$ 30.05
	Annual	\$ 48,734.40	\$ 49,961.60	\$ 51,209.60	\$ 52,520.00	\$ 53,830.40	\$ 55,203.20	\$ 56,576.00	\$ 58,011.20	\$ 59,467.20	\$ 60,964.80	\$ 62,504.00
PW - Working Supervisor	Monthly	\$ 5,215.60	\$ 5,347.33	\$ 5,482.53	\$ 5,621.20	\$ 5,761.60	\$ 5,907.20	\$ 6,054.53	\$ 6,205.33	\$ 6,363.07	\$ 6,522.53	\$ 6,687.20
	Hourly	\$ 30.09	\$ 30.85	\$ 31.63	\$ 32.43	\$ 33.24	\$ 34.08	\$ 34.93	\$ 35.80	\$ 36.71	\$ 37.63	\$ 38.58
	Annual	\$ 62,587.20	\$ 64,168.00	\$ 65,790.40	\$ 67,454.40	\$ 69,139.20	\$ 70,886.40	\$ 72,654.40	\$ 74,464.00	\$ 76,356.80	\$ 78,270.40	\$ 80,246.40
Operator in Training	Monthly	\$ 3,726.67	\$ 3,820.27	\$ 3,915.60	\$ 4,016.13	\$ 4,116.67	\$ 4,220.67	\$ 4,326.40	\$ 4,435.60	\$ 4,546.53	\$ 4,662.67	\$ 4,780.53
	Hourly	\$ 21.50	\$ 22.04	\$ 22.59	\$ 23.17	\$ 23.75	\$ 24.35	\$ 24.96	\$ 25.59	\$ 26.23	\$ 26.90	\$ 27.58
	Annual	\$ 44,720.00	\$ 45,843.20	\$ 46,987.20	\$ 48,193.60	\$ 49,400.00	\$ 50,648.00	\$ 51,916.80	\$ 53,227.20	\$ 54,558.40	\$ 55,952.00	\$ 57,366.40
Operator II	Monthly	\$ 4,986.80	\$ 5,113.33	\$ 5,241.60	\$ 5,373.33	\$ 5,508.53	\$ 5,647.20	\$ 5,789.33	\$ 5,934.93	\$ 6,084.00	\$ 6,238.27	\$ 6,394.27
	Hourly	\$ 28.77	\$ 29.50	\$ 30.24	\$ 31.00	\$ 31.78	\$ 32.58	\$ 33.40	\$ 34.24	\$ 35.10	\$ 35.99	\$ 36.89
	Annual	\$ 59,841.60	\$ 61,360.00	\$ 62,899.20	\$ 64,480.00	\$ 66,102.40	\$ 67,766.40	\$ 69,472.00	\$ 71,219.20	\$ 73,008.00	\$ 74,859.20	\$ 76,731.20
Operator III	Monthly	\$ 5,629.87	\$ 5,773.73	\$ 5,919.33	\$ 6,068.40	\$ 6,222.67	\$ 6,378.67	\$ 6,539.87	\$ 6,702.80	\$ 6,870.93	\$ 7,044.27	\$ 7,221.07
	Hourly	\$ 32.48	\$ 33.31	\$ 34.15	\$ 35.01	\$ 35.90	\$ 36.80	\$ 37.73	\$ 38.67	\$ 39.64	\$ 40.64	\$ 41.66
	Annual	\$ 67,558.40	\$ 69,284.80	\$ 71,032.00	\$ 72,820.80	\$ 74,672.00	\$ 76,544.00	\$ 78,478.40	\$ 80,433.60	\$ 82,451.20	\$ 84,531.20	\$ 86,652.80
Chief Plant Operator	Monthly	\$ 7,092.80	\$ 7,271.33	\$ 7,453.33	\$ 7,640.53	\$ 7,831.20	\$ 8,028.80	\$ 8,229.87	\$ 8,437.87	\$ 8,647.60	\$ 8,864.27	\$ 9,086.13
	Hourly	\$ 40.92	\$ 41.95	\$ 43.00	\$ 44.08	\$ 45.18	\$ 46.32	\$ 47.48	\$ 48.68	\$ 49.89	\$ 51.14	\$ 52.42
	Annual	\$ 85,113.60	\$ 87,256.00	\$ 89,440.00	\$ 91,686.40	\$ 93,974.40	\$ 96,345.60	\$ 98,758.40	\$ 101,254.40	\$ 103,771.20	\$ 106,371.20	\$ 109,033.60
Chief Plant Operator*	Monthly	\$ 7,092.80	\$ 7,448.13	\$ 7,820.80	\$ 8,212.53	\$ 8,623.33	\$ 8,840.00	\$ 9,061.87	\$ 9,288.93	\$ 9,521.20	N/A	N/A
	Hourly	\$ 40.92	\$ 42.97	\$ 45.12	\$ 47.38	\$ 49.75	\$ 51.00	\$ 52.28	\$ 53.59	\$ 54.93	N/A	N/A
	Annual	\$ 85,113.60	\$ 89,377.60	\$ 93,849.60	\$ 98,550.40	\$ 103,480.00	\$ 106,080.00	\$ 108,742.40	\$ 111,467.20	\$ 114,254.40	N/A	N/A
Administrative Assistant/ Community Development	Monthly	\$ 4,711.20	\$ 4,830.80	\$ 4,950.40	\$ 5,075.20	\$ 5,203.47	\$ 5,335.20	\$ 5,468.67	\$ 5,605.60	\$ 5,746.00	\$ 5,889.87	\$ 6,037.20
	Hourly	\$ 27.18	\$ 27.87	\$ 28.56	\$ 29.28	\$ 30.02	\$ 30.78	\$ 31.55	\$ 32.34	\$ 33.15	\$ 33.98	\$ 34.83
	Annual	\$ 56,534.40	\$ 57,969.60	\$ 59,404.80	\$ 60,902.40	\$ 62,441.60	\$ 64,022.40	\$ 65,624.00	\$ 67,267.20	\$ 68,952.00	\$ 70,678.40	\$ 72,446.40

**GFE Employees started prior to 7/1/21



Staff Report to City Council

FOR THE MAY 24, 2023 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Wes Heathcock, City Manager
Subject: Construction Support Contract Amendment – Wood Rodgers

Budget Impact Overview:

N/A:	Funded: √	Un-funded:	Amount: \$35,600	Fund(s): 575
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RECOMMENDED ACTION: Adopt Resolution __-2023 authorizing the City Manager to amend the existing contractor value with Wood Rodgers for Construction Management and Support for the SWRCB Construction Grant projects in the amount of \$35,600.

Summary/Background

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 manage construction for the Solar, Algae Reduction and I&I Mitigation projects funded with State Water Resource Control Board (SWRCB) Clean Water State Revolving Funds (CWSRF). The agreement was subsequently amended by Resolution on October 29, 2022 raising the agreement amount to \$662,520 to enhance design components of the Algae Reduction and I&I Mitigation projects.

Algae Reduction Project – Solicitation for SCADA Professional

The Algae Reduction Project requires a professional firm to develop programming to control the new Supervisory Control and Data Acquisition system that will be provided to the City by the contractor constructing the Algae Reduction Project. Wood Rodgers provided the attached proposal for \$23,600 to manage the solicitation and proposal selection process. City staff believes that Wood Rodgers is uniquely suited to manage this process since they are intimately familiar with these Projects, and they have managed similar professional solicitation in the past.

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 \$35,600 to \$698,120. As explained in the proposal, the amendment includes \$12,000 to augment the time and material budget out-of-scope work performed over the past year.

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

Fiscal Impacts

The additional \$35,600 cost will be reimbursed by the State through the existing CWSRF funding Agreement No. D2101007 executed between the City and SWRCB on January 6, 2022.

Attachments:

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

City of Colfax

City Council

Resolution № __-2023

AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACTOR VALUE WITH WOOD RODGERS FOR CONSTRUCTION MANAGEMENT AND SUPPORT FOR THE SWRCB CONSTRUCTION GRANT PROJECTS IN THE AMOUNT OF \$35,600

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

WHEREAS, To complete the project, the City must contract with a control programming firm to implement the new Supervisory Control and Data Acquisition (SCADA) System at the City’s wastewater treatment plant; and,

WHEREAS, Wood Rodgers provided a proposal to manage the request for proposals process from qualified control systems professionals for \$23,600 and augment the budget by an additional \$12,000 due to depleting budget from out-of-scope services.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax authorizing the City Manager to amend the existing contractor value with Wood Rodgers for Construction Management and Support for the SWRCB Construction Grant projects in the amount of \$35,600.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 24th day of May 2023 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Trinity Burruss, Mayor

ATTEST:

Marguerite Bailey, City Clerk



March 26, 2023

Mr. Wes Heathcock
 City of Colfax
 Via Email: wes.heathcock@colfax-ca.gov

**RE: Sewer Collection System and WWTP Improvement Project
 Contract Amendment #2, Professional Services Proposal**

Dear Wes:

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 City has requested Wood Rodgers solicit Statements of Qualifications (SOQ) and Requests for Proposals from qualified control system firms with the intent of contracting mapping and programming the new wastewater treatment plant Supervisory Control and Data Acquisition (SCADA) system. This work is not within the scope of work for the agreement or subsequent amendment for the subject project.

Furthermore, Wood Rodgers has provided and continues to provide various minor support services at the request of the City related to the project that were out of scope. These services include 1) Prepare and coordinate right-of-entry agreement and easement documents, 2) Coordinate reimbursement agreement with PCWA, 3) Coordinate and support the City's purchase of an asset management system from Nexgen Utility Management.

Scope of Work

Task 1.1B - Various Out-of-Scope Work Items

Wood Rodgers has supported and continues to support the City to ensure forward progress of the subject project. Some of this work was neither budgeted in the contract between the City and Wood Rodgers, nor in the Construction Grant Agreement between the City and the State Water Resource Control Board. These various items of work are cited above. Wood Rodgers will continue to support the City in these areas and endeavor to amend the City's Grant Agreement for these additional costs.

TASK 1.3 – WWTP Control Mapping and SCADA Programming SOQ/RFP

Wood Rodgers will solicit SOQs from local (mostly Northern California) firms that provide control system and SCADA programming services. Select firms will then be invited to submit RFPs for these services. Wood Rodgers' scope of work will further include:

- Preparation of SOQ invitation document.
- Preparation of RFP invitation document.
- One site walk during the SOQ process.
- Coordination of SOQ ranking and RFP firm selection.
- One day for RFP interview and proposal ranking.
- Preparation of staff reports and resolution for City Council award of professional services contract for the work.
- Amend the City's Grant Agreement with the State Water Resource Control Board for these additional costs.

Deliverables

- *SOQ & RFP Documents*
- *Staff Reports and Resolution*

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 ADMTs	THIS ADMT	NEW BUDGET
TASK 1 – Facilities Planning				
1.1B – Design Management (I&I Mitigation & Algae System)	\$ 20,000	\$ 20,000	\$ 12,000	\$ 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	\$ 0	\$ 23,600	\$ 23,600
TASK 2 – Facilities Design				
2.1A – I&I Mitigation Project & LS3 Force Main Replacement	\$ 31,000	\$ 20,000	\$ 0	\$ 51,000
2.2A –Algae Reduction System	\$ 273,695	\$ 55,700	\$ 0	\$ 329,395
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	\$ 0	\$ 46,000
3.2A – Algae Reduction System	\$ 93,985	\$ 7,260	\$ 0	\$ 101,245
3.3A – Solar System	\$ 16,000	\$ 4,000	\$ 0	\$ 20,000
3.4 – Staking	\$ 13,000	\$ 0	\$ 0	\$ 13,000
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	\$106,960	\$ 35,600	\$698,120

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,

WOOD RODGERS, INC

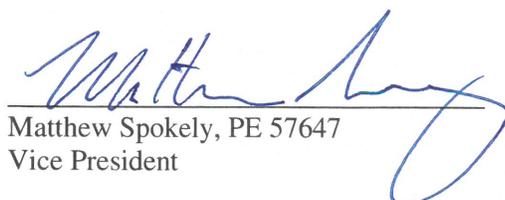


Jim Fletter, PE 73457
Senior Engineer

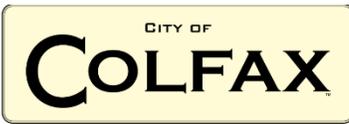
IN AGREEMENT WITH THE ABOVE ITEMS

CITY OF COLFAX

Wes Heathcock
City Manager



Matthew Spokely, PE 57647
Vice President



Staff Report to City Council

FOR THE MAY 24, 2023 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Carl Moore, City Engineer
Subject: Community Development Block Grant – Road Rehabilitation Projects
 Engineering Design with GHD Inc.

Budget Impact Overview:

N/A:	Funded: √	Un-funded:	Amount: \$333,838	Fund(s): 358
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RECOMMENDED ACTION: Adopt Resolution __-2023 authorizing the City Manager to amend the GHD budget for Engineering Design Services for the Community Development Block Grant (CDBG) Road Rehabilitation in an amount not to exceed \$65,550.00.

Summary/Background

Council approved Resolution 25-2021 authorizing the City Manager to enter into agreement with GHD for Engineering Design Services for the Community Development Block Grant (CDBG) Road Rehabilitation in an amount not to exceed \$333,838. The roadway segments included portions of Church Street, Culver Street, School Street, Pleasant Street, and Forest Hill Street, and the total grant request was \$2,954,035. Since the City was authorized to request up to \$3,500,000, a second application was submitted on July 10, 2020 for portions of Pine Street and the intersection of Culver Street with W. Oak Avenue.

CDBG funding has not been released and is expected to be released by June 2023. Due to the 2-year delay in CDBG funding, GHD has requested a budget amendment to address cost escalation and inflation.

The \$65,550 budget amendment is for GHD's potholing and plans, specifications, and estimate (PS&E) preparation (\$59,590) and includes a 10% contingency (\$5,960).

Staff recommends that the City Council authorize the City Manager to execute a budget amendment with GHD for final design and bid documents for both CDBG Road Rehabilitation projects in the amount of \$65,550.

If the City Council approves this Resolution, staff will not authorize GHD to begin their work until such time as complete authorization from HCD to proceed is received.

Fiscal Impacts

The CDBG Road Rehabilitation Project design costs are assigned to Fund 358 and reimbursable from the CDBG Over the Counter (OTC) grant funding in the amount of \$65,550.00

Attachments:

1. Resolution __ - 2023

City of Colfax

City Council

Resolution No. __-2023

AUTHORIZING THE CITY MANAGER TO AMEND THE GHD BUDGET FOR ENGINEERING DESIGN SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ROAD REHABILITATION IN AN AMOUNT NOT TO EXCEED \$65,550.00.

WHEREAS, On April 22, 2020, the City Council directed staff to prepare a CDBG application for a Road Rehabilitation Project, which first grant application was submitted to the State Housing and Community Development Department (HCCD) on May 21, 2020; and,

WHEREAS, the first grant application roadway segments included portions of Church Street, Culver Street, School Street, Pleasant Street, and Forest Hill Street, with a total grant request of \$2,954,035; and,

WHEREAS, a second grant request was submitted on July 10, 2020, for portions of Pine Street and the intersection of Culver Street with Oak Ave. in the amount of \$494,109; and,

WHEREAS, since the submittals staff has been coordinating on a date for funding of at least the first grant application and the city has been informed that there are only a few remaining applications ahead of the city's first grant application; and,

WHEREAS, once funding is authorized the city has only ninety (90) days to complete the engineering design documents and have the project ready for bidding.

WHEREAS, the City Council approved Resolution 25-2021 authorizing the City Manager to enter into agreement with GHD for Engineering Design Services for the Community Development Block Grant (CDBG) Road Rehabilitation in an amount not to exceed \$333,838.

WHEREAS, the City Council finds and determines that it is in the City's best interests to approve a budget amendment with GHD for final design and bid documents for the projects included in the City's grant applications, anticipating that final HCD approval will soon be received and recognizing the need to timely submit final design and bid documents once final HCD approval is received.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax authorizes the City Manager to amend the GHD budget for Engineering Design Services for the Community Development Block Grant (CDBG) Road Rehabilitation in an amount not to exceed \$65,550.00.

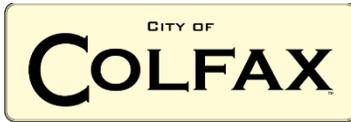
THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 24th day of May 2023 by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

Trinity Burruss, Mayor

ATTEST:

Marguerite Bailey, City Clerk



Staff Report to City Council

FOR THE MAY 24, 2023 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Emmanuel Ursu, Planning Director
Subject: 143 Whitcomb Ave. (APN 006-072-001) – Design Review

Budget Impact Overview:

N/A:	Funded:	Un-funded:	Amount:	Fund(s):
√				

RECOMMENDED ACTION: Approve a Design Review application to allow the construction of a 332-unit self-storage facility, subject to conditions.

Summary/Background

A design review application to develop a self-storage facility on the subject site was submitted by Walter White and Jim Marconi. In response to staff comments, the design of the proposal was revised and resubmitted. The revised plans include a modicum of architectural interest with variation in building roof forms of the street facing buildings, a mix of exterior materials, sidewalks on the project frontage along both Whitcomb Ave. and Railroad St., and additional landscaping, among other revisions.

During the review process, an adjoining property owner reviewed the plans and informed staff that grading of the site by a prior property owner rendered his access easement over the project site and an existing public utilities easement unusable, and the proposed project included buildings over public and private utility and drainage easements.

In cooperation with the adjoining property owner and City staff, the applicant made further modifications to the project to address the conflicts with the easements on the site. A detailed description of the existing and proposed modifications to the private and public easements is provided in the Discussion section below.

Scope of Review

Land development is subject to the goals, policies, and objectives of the Colfax General Plan and to the quantitative and qualitative standards of the Colfax Municipal Code (CMC). Per CMC section 17.32.010(C) design review is required for new construction. If the City Council approves the design review application for the subject project, before building permits may be issued, City Council approval of changes to the public easements on the site will be required.

Discussion

Project Site and Context

The project site is on the north side of Whitcomb Ave. approximately 1,000 feet west of S. Auburn St. at the northwest corner of the “T” intersection of Railroad St. and Whitcomb Ave., as delineated with red lines in Figure 1. Along the project frontage, Railroad St. is unimproved with no curb, gutter, or sidewalk and is unpaved, except for approximately the first 40 feet at the Whitcomb Ave. intersection. Whitcomb Ave. has curbs and gutters on both sides and is paved. There are no sidewalks along the project frontage. Water and sewer service are available from a 12-inch water line and an 8-inch sewer line that run under Whitcomb Ave. along the full length of

the project frontage and beyond.

An intermittent stream drains south from the northeast corner of the property along the long segment of the east property line before it is piped in a 48-inch storm drainpipe at the jog in the east side property line approximately 150 north of Whitcomb Ave. The storm drainpipe extends under Whitcomb Ave. and onto properties to the south.

The site is 2.56 acres and has an irregular shape with almost 450 feet of frontage along Whitcomb Ave. and 150 feet of frontage along Railroad St. Previous grading of the site created two pads separated by an approximately 2:1 slope that runs perpendicular to Whitcomb Ave. The westerly pad is approximately five feet to eight feet higher in elevation than the easterly pad. The site drains to the south toward Whitcomb Ave. and is devoid of trees.

Properties to the east are zoned RM-2 and properties on all other sides of the project site are in the Light Industrial zoning district. Properties adjacent to the project site on the north side of Whitcomb Ave. are vacant and there are two one-story commercial/light industrial buildings across the street on the south side of Whitcomb Ave. The vacant site in the RM-2 zone to the east of the rear portion of the property is currently on the market for sale.



Figure 1: Project Site and Context Map

Project Description

The applicant proposes the construction of 332 self-service storage units in 11 buildings ranging in size from 1,570 square feet to 17,625 square feet as shown in Table 1.

Table 1: Building and Unit Sizes

Building	Unit Type	Number of Units	Size (SF)
A	Office	1	240
	10x18	2	360
	10x20	5	1,000
Subtotal A		8	1,600
B	10x20	9	1,800
Subtotal B		9	1,800
C (Upper)	5x5	6	150
	10x5	24	1,200
	10x10	61	6,100
	10x15	11	1,650
	10x20	13	2,600
C (Lower)	5x5	1	25
	10x5	7	350
	10x10	18	1,800
	10x15	23	3,450
	10x30	2	300
Subtotal C		166	17,625
D	5x5	1	25
	10x5	7	350
	10x10	36	3,600
	10x15	1	150
	10x20	3	600
	10x25	7	1,750
Subtotal D		55	6,475
E	12x30	24	8,640
	12x15	1	180
Subtotal E		25	8,820
F	10x10	1	100
	10x20	12	2,400
	10x25	10	2,500
Subtotal F		23	5,000
G	10x20	9	1,800
Subtotal G		9	1,800
H	10x18	4	720
	10x20	7	1,400
Subtotal H		11	2,121
I	10x10	3	300
	10x15	4	600
	10x25	3	750
Subtotal I		10	1,650
J	10x15	1	150
	10x23	4	920
	10x25	2	500
Subtotal J		7	1,570
K	10x18	6	1,080

	10x20	4	800
Subtotal K		10	1880
Total			

Primary access to the facility is from Whitcomb Ave. through a gate near the westerly side of the site. Four parking spaces, including one handicapped accessible space, are located on the street side of the gate and a bicycle rack is provided just inside the gate near the entrance to the office. Long rectangular buildings that are one unit deep are located around the perimeter of the site and three buildings are in the interior of the site. Buildings A, K, and J are along the Whitcomb Ave. frontage and Building H is along the Railroad St. frontage. Gated emergency vehicle access (EVA) is located between Buildings J and K. The project site plan is shown in Figure 2.

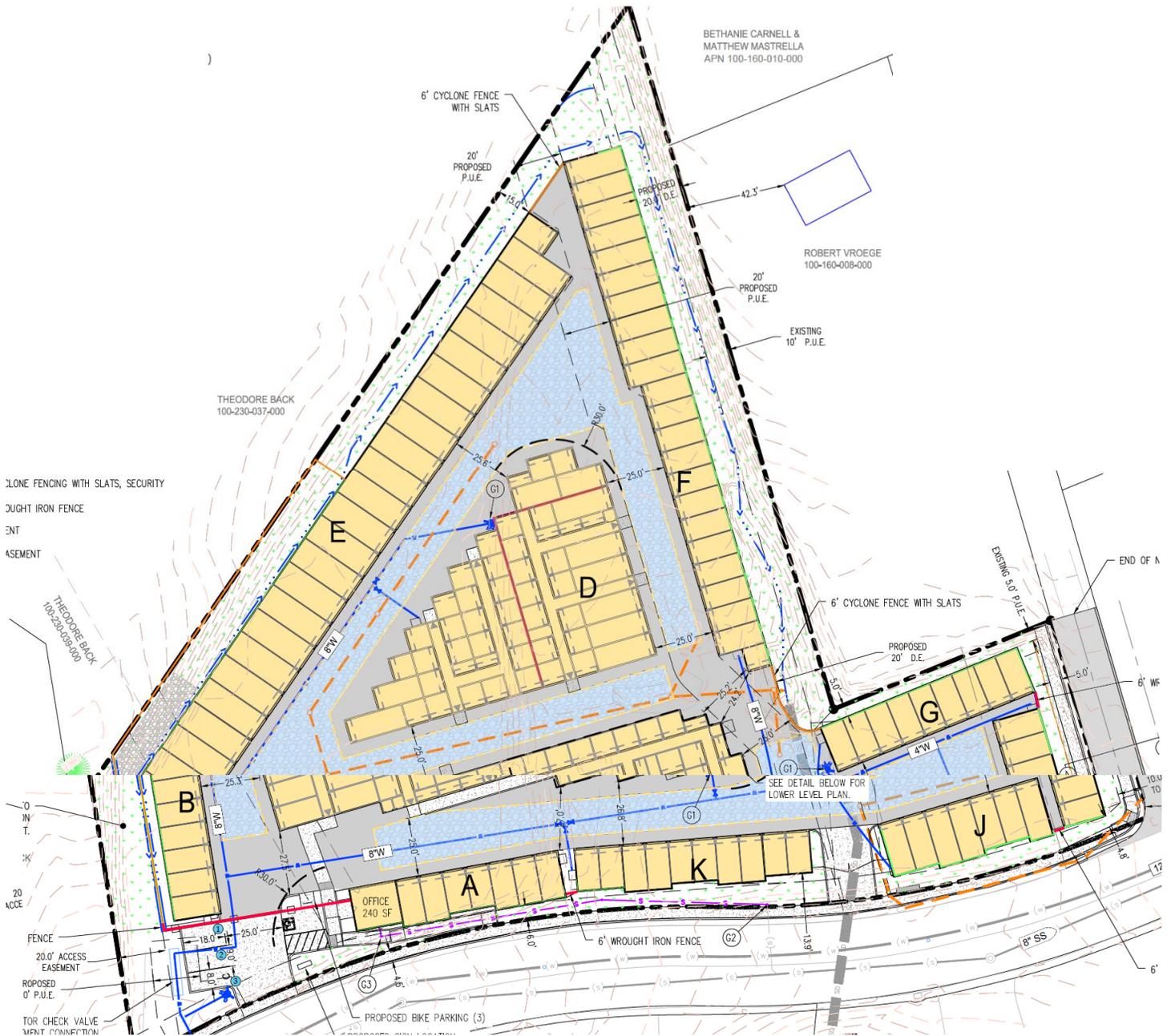
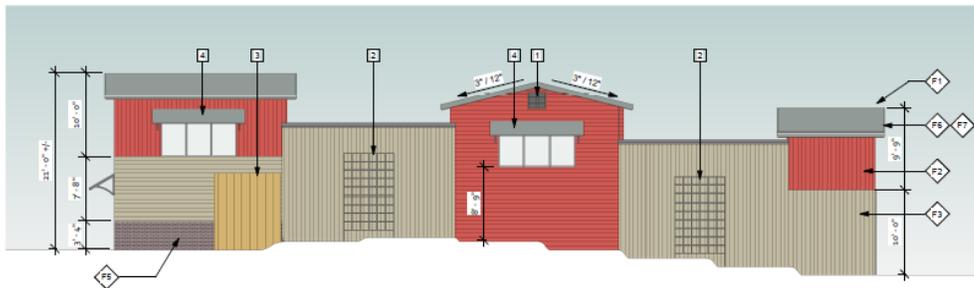


Figure 2: Site Plan

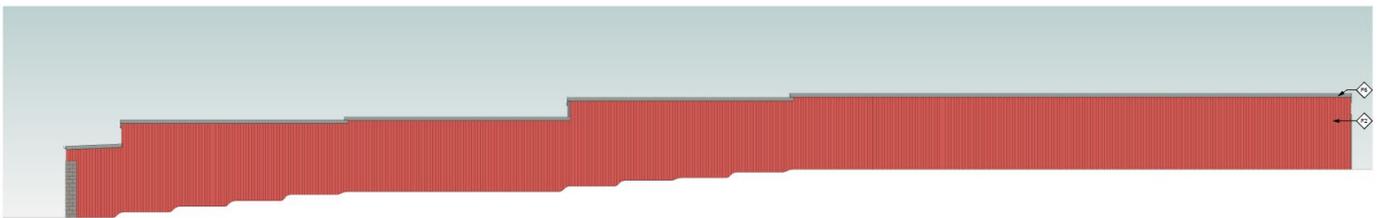
Except for Building C, all the buildings are one-story. Building C traverses the transition slope on the site and has a two-story element on the lower level where the grade steps down. Architectural interest is provided on the street-facing elevation of buildings with street frontage (Buildings A, K, J, and H) through varied roof forms, windows, metal awnings over windows, vegetation screen grates, and varied exterior finish materials. The remaining buildings have shallow shed roofs and little architectural detail. Building heights vary from approximately 13 feet to 22 feet and galvanized metal roofing is proposed. As a condition of approval, the roofing material shall be non-reflective. Six-foot wrought iron fencing and gates are proposed between the buildings along Whitcomb Ave and Railroad St. Elsewhere, 6-foot cyclone security fencing with slats is proposed between the buildings around the perimeter of the site.

Figures 3, 4, and 5 illustrate the typical building elevations for a street-facing building (Figure 3), the typical perimeter building without a street-facing façade (Figure 4), and the two-story building (Figure 5). Exterior materials and colors are shown in Figure 6.



3 BUILDING A - REAR ELEVATION
1/8" = 1'-0"

Figure 3: Street elevation (Building A)



BUILDING E - REAR ELEVATION
1/8" = 1'-0"

Figure 4: Property line facing elevation (Building E)



3 BUILDING C - SOUTH ELEVATION
1/8" = 1'-0"

Figure 5: South Elevation of the two-story building on the interior of the site (Building C)



Figure 6: Exterior materials and colors

Landscaping consists of trees, shrubs, and ground cover vegetation. As a condition of project approval, a riparian vegetation plan shall be required, and the plant palette shall be revised to consist of locally native vegetation. Furthermore, the tree spacing around the perimeter of the project site shall not be greater than the mature canopy spread of the selected tree species, and in no case greater than 20 feet.

Easements

Public utility easements (P.U.E.), multi-purpose easements (M.P.E.), access easements, and drainage easements (D.E.) traverse the site as shown on Sheet C2 of the project plans. The purpose of the easements is to provide public utilities, drainage, and access to private property located behind (north) of the project site, and along much of the perimeter of the property. Easement #3 (in Table 2) straddles a property line that has been moved and is replaced with other easements that serve the same purposes.

The applicant proposes to modify and abandon several of the easements as described and illustrated in Table 2. Staff recommends accepting the applicant’s proposed modifications, except the reduction in the width of easement #4.c, as identified in Table 2. Easement 4.c is a 10-foot drainage and public utility easement along the side property line of a vacant residential property. The applicant proposes reducing the width of the easement to 5 feet. As a condition of approval, Building G is to be setback 10 feet to allow adequate vegetative screening between the project and the adjacent vacant residential property, to allow compliance with the screening requirements of CMC section 17.176.040(E). Furthermore, this area may be necessary for future drainage purposes as vacant property uphill of the project site is developed. Therefore, staff recommends Easement #4.c remain unchanged.

The owner of adjacent properties to the west and north, Mr. Theodore Back, contacted the City to express concern with the proposed easement changes included in a prior iteration of the project. In

response to the neighbor’s concerns, the applicant agreed to restore the grade on the access easement along the west property line. A steep cross-slope was cut into the access easement by a prior property owner and the applicant has agreed to restore the grade to enable vehicular access over the easement, as shown in Figure 7 and in Site Section 2 on Sheet 4 of 4. Building B was also shifted a few feet farther from the edge of the access easement as a part of this change.

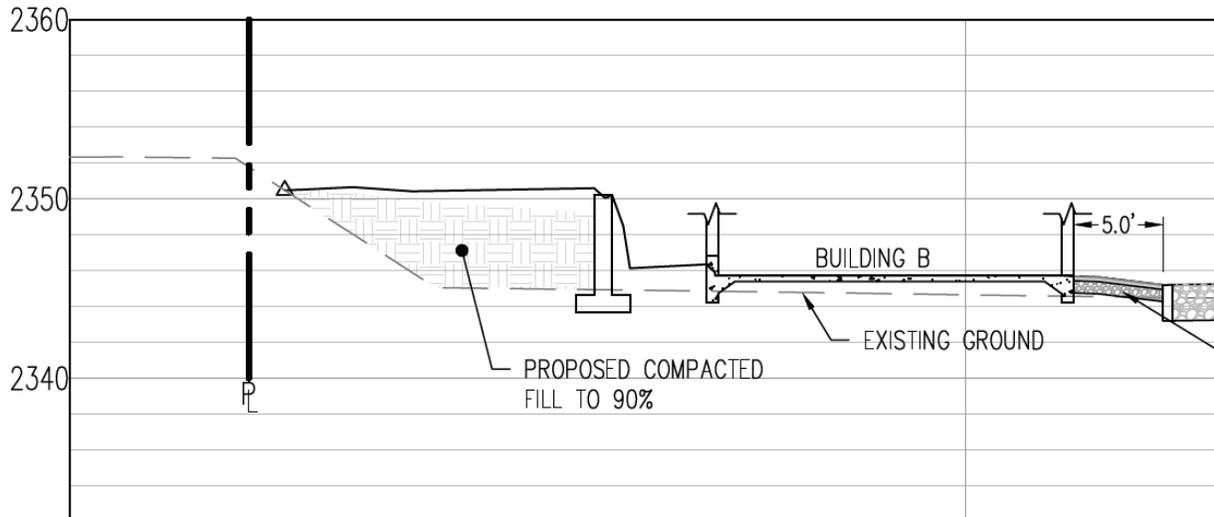


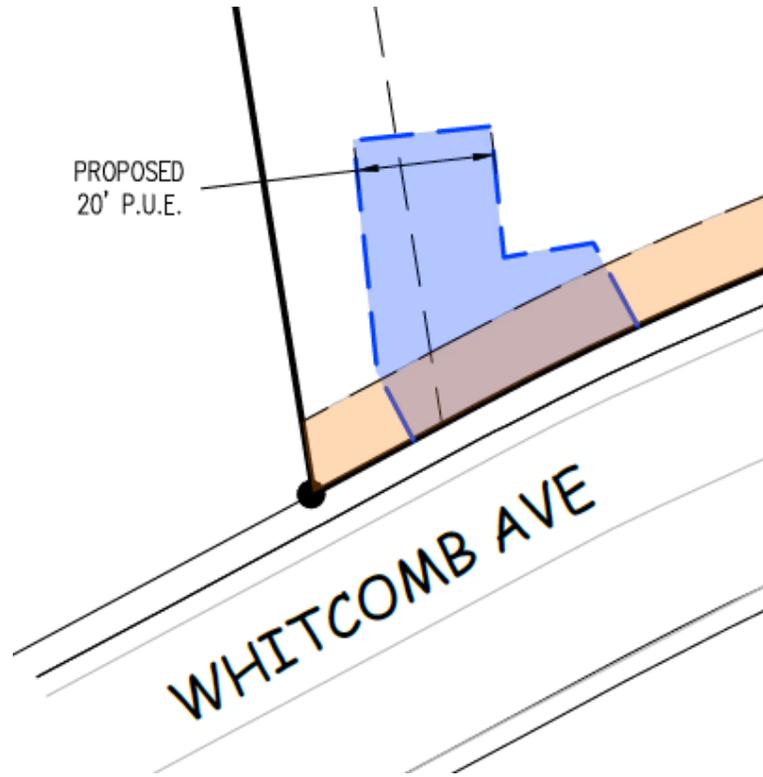
Figure 7: Grade restoration at Access Easement along west Property Line

The applicant also agreed to provide a P.U.E. to allow utilities to connect from the lowest portions of Mr. Back’s property located north of the project site to Whitcomb Ave. and thereby allow gravity flow for sanitary sewer service to the main located under Whitcomb Ave. The new P.U.E. is 20 feet wide, except for a small segment between Buildings E and F where it narrows to 10 feet (see Easement #6 in Table 2)

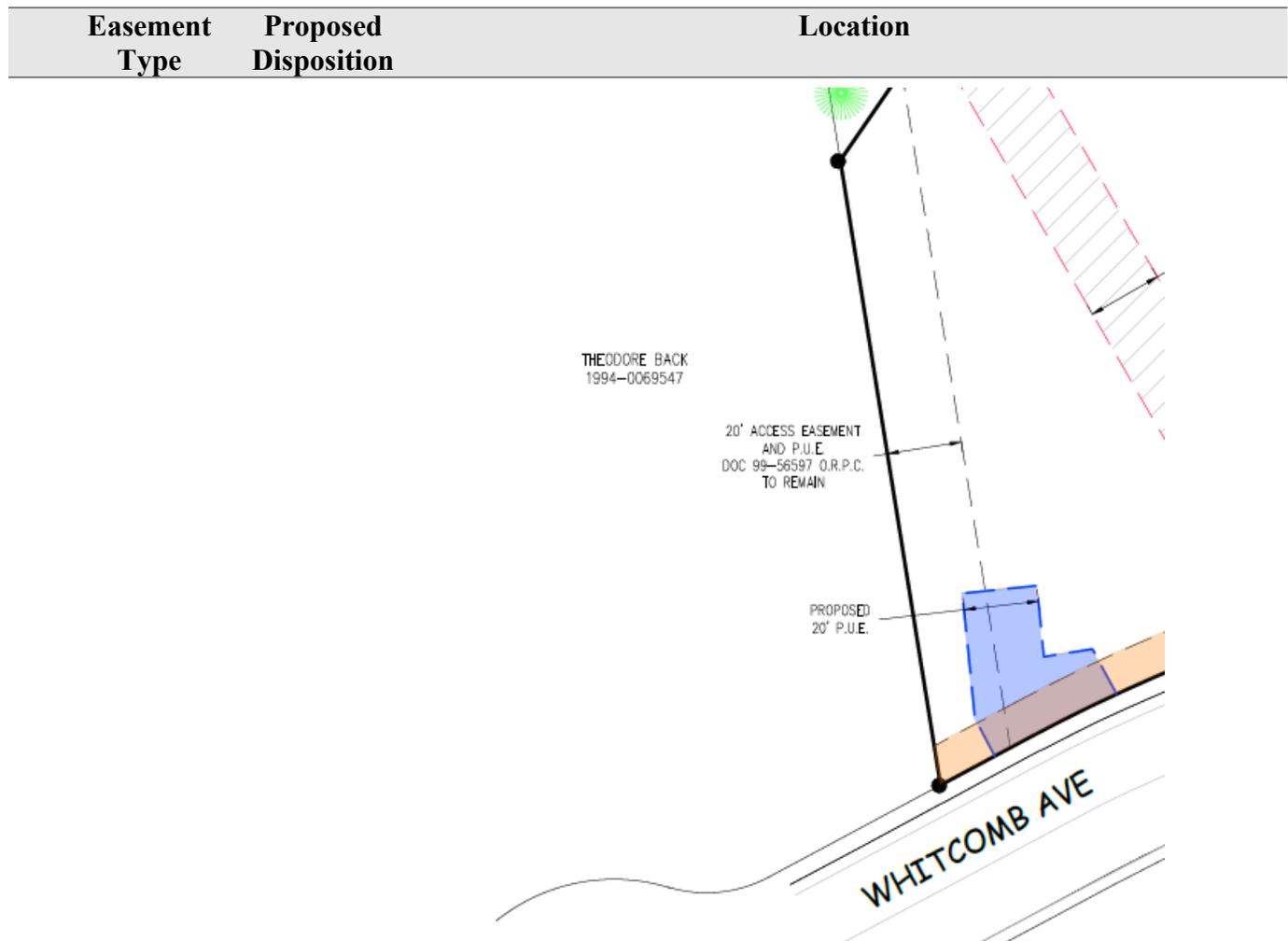
Table 2: Easement disposition

	Easement Type	Proposed Disposition	Location
1.	20-foot P.U.E.	Newly proposed easement	At project entrance

Easement Type	Proposed Disposition	Location
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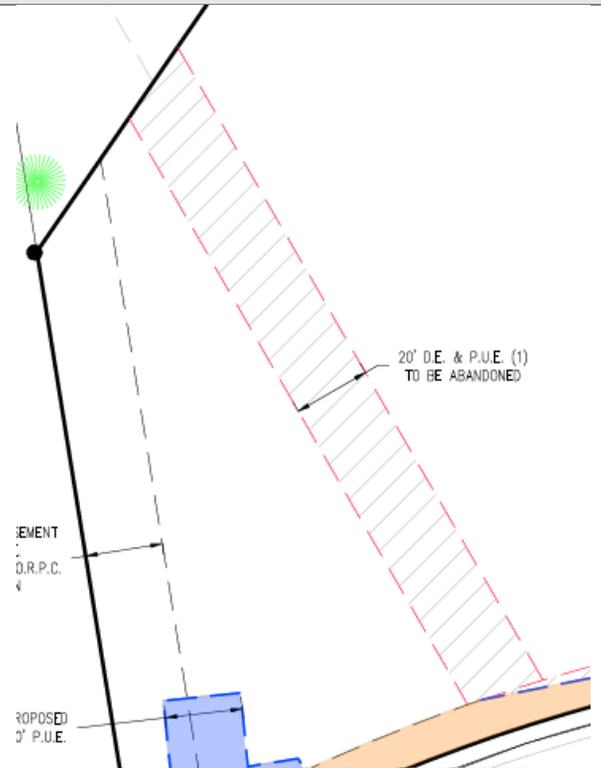


2.	20-foot access easement and P.U.E.	Existing easement to remain. Grade will be restored to allow vehicular access, as described above.	Along west property line
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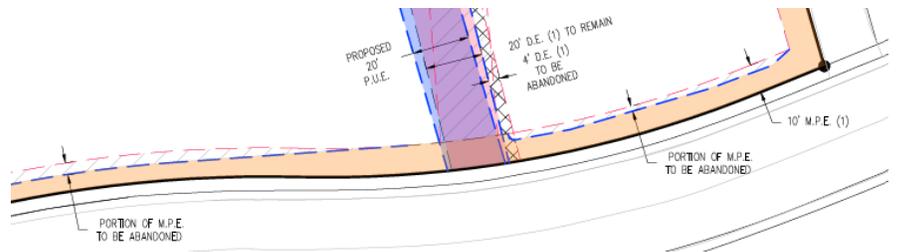
	Easement Type	Proposed Disposition	Location
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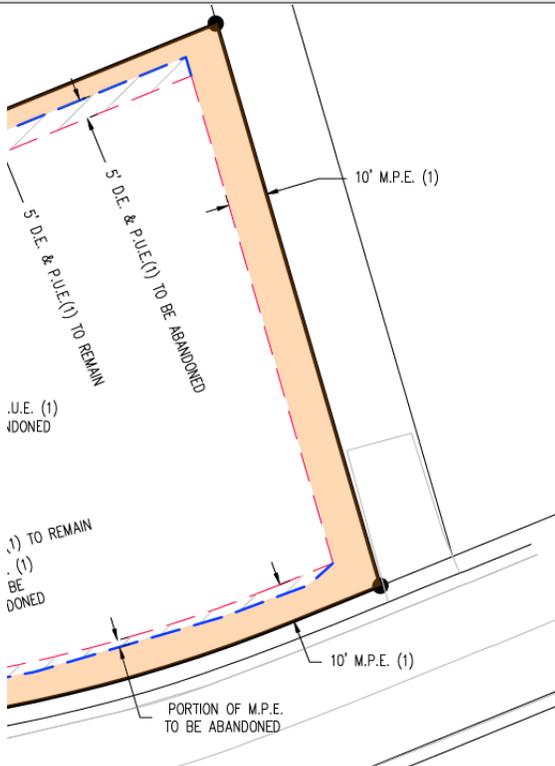
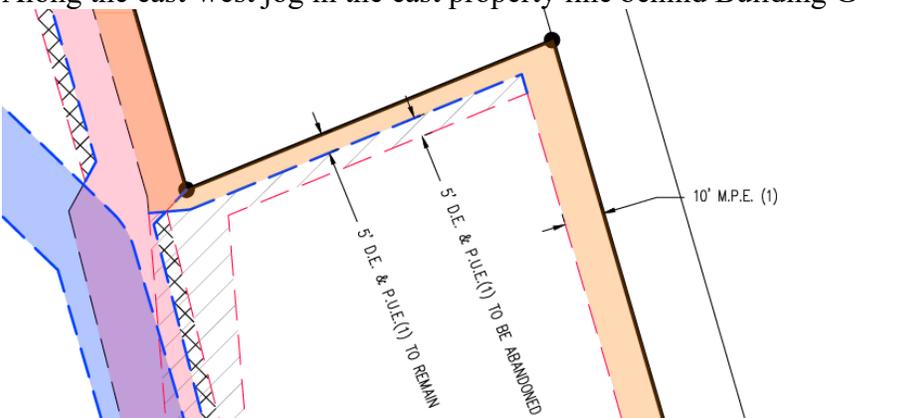
3. 20-foot D.E. and P.U.E. Existing easement proposed to be abandoned Through Buildings A, C, and E near westerly property line

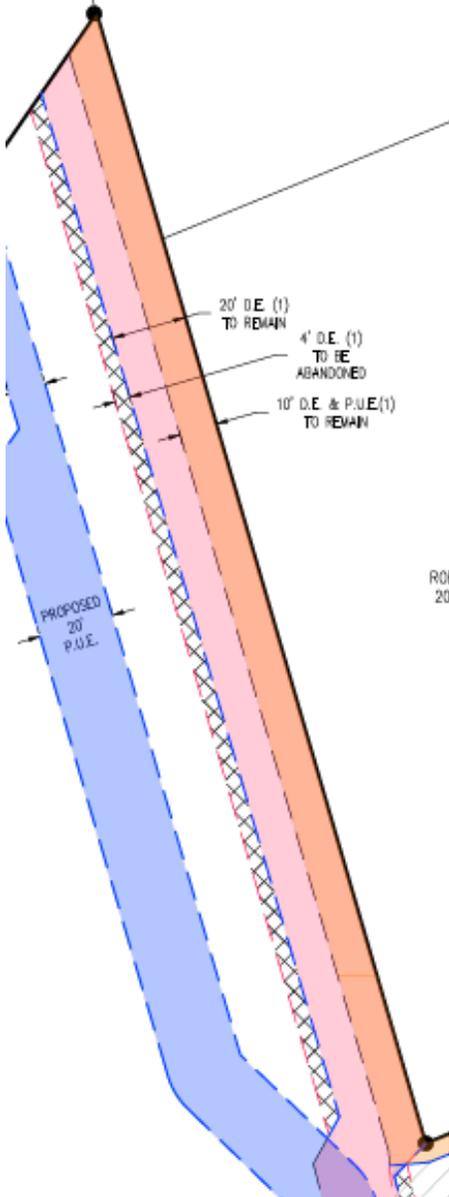


Along the front property line

4.a 10-foot M.P.E. Existing easement to be retained except in small areas (indicated between the blue and red lines) that are proposed to be abandoned.



	Easement Type	Proposed Disposition	Location
4.b	10-foot M.P.E.	Existing easement to be retained.	<p>Along the east property line segment that has Railroad St. frontage.</p> 
4.c	10-foot M.P.E. and D.E.	Existing easement to be reduced to 5 feet in width. Staff recommends this easement not be reduced for the reasons described above.	<p>Along the east-west jog in the east property line behind Building G</p> 

Easement Type	Proposed Disposition	Location
<p>5. 24-foot D.E. and 10-foot D.E. and P.U.E.</p>	<p>There is an existing 24-foot D.E. that does not have a defined location on the property but generally runs in a meandering path from the rear property line to the front property line. However, grading done by the previous property owner created a defined drainage channel along the east property line and diminished the feasibility of using the existing P.U.E along the same property line and piped the southerly most 150 feet of the watercourse. The applicant proposes setting a defined location to the 24-foot drainage easement and reducing its width by 4-feet. The 10-foot D.E. and P.U.E. would remain unchanged.</p> <p>Easement #6 provides an alternative to the 10-foot P.U.E. next to the drainage channel.</p>	<p>Along the northerly segment of the east property line adjacent to the drainage channel.</p> 

Easement Type	Proposed Disposition	Location	Location
6. 20-foot P.U.E. with 10-foot segment	New P.U.E. proposed to provide utility connection from the low point of the adjacent property to the north to Whitcomb Ave.	From the rear property line to the front property line parallel to the front of Building F and between Buildings C and I and J and K. (Shown in Blue)	

Analysis

Project consistency with the Colfax General Plan and the Zoning Title of the Colfax Municipal Code is provided in this section. Staff analysis of the project, as it relates to the applicable criteria, is provided in italics following each applicable criterion.

General Plan.

- 2.6.2.1 Encourage the location and development of businesses which generate high property and sales taxes, local employment and are environmentally compatible.

The proposed project will not generate sales tax or provide a meaningful amount of local employment; however, it will generate additional property tax for the City.

- 5.5.2 Design of the building incorporates articulation and details to create architectural interest.

Buildings with street frontage are articulated with varied roof forms, windows, metal awnings over windows, vegetation screen grates, and varied exterior finish materials that add architectural interest. Buildings without street frontage have little

articulation or architectural interest. As a condition of project approval, all buildings around the perimeter of the project shall be revised to incorporate architectural details like Buildings A, K, J, and H, subject to review and approval by the Planning Director.

- 5.5.4 Materials or textures must wrap around the side of the building and not end abruptly.

The building textures wrap around the building sides with the use of split-face CMU. As a condition of project approval, the architectural treatment of the street-facing ends of all buildings shall be similar that that of Buildings A, K, J, and H.

- 5.5.6 Buildings should be oriented as to provide for landscaping and aesthetic value for passing traffic.

Landscaping and enhanced architectural treatments are provided along the project's street frontages. Subject to conditions of approval, additional native vegetation shall be provided around the perimeter of the project.

- 5.5.8 Site plan, elevations, textures, and colors shall take into consideration the character of surrounding buildings and development.

Properties abutting the project site are vacant, however, the proposed development has a low single-story profile and will therefore not loom over adjacent sites. Subject to the conditions of approval, landscape screening will be incorporated around the perimeter of the project to soften its impact on adjacent properties, and architectural details will be added to the buildings.

- 5.5.13 Site plans shall indicate pedestrian and bicycle linkage to adjacent properties.

Sidewalks are included along the project's street frontage.

- 5.6.4 Continuous and consistent tree planting will be used to form a canopy enclosure.

As a condition of approval, the landscape plan shall be augmented with locally native evergreen trees around the perimeter of the project site spaced no farther than the mature canopy spread of the selected tree species, and in no case more than 20 feet.

- 5.8.1 Maintain the community's character and appearance using traditional materials and building styles (Figure 5-3). Commercial development characteristics should reflect architectural features and building materials and building colors common during 1875 to 1920.

While not in the Historic Overlay District, the project incorporates materials and design elements that connect it to the City's architectural past including the use of galvanized metal roofing, brick, and red siding.

- 5.8.4 Articulate the different parts of the building's facade by use of color arrangement of facade elements or change in materials.

As described in the analysis of policy 5.5.2, building facades with street frontage include articulation. As a condition of project approval, all perimeter buildings will include additional articulation, subject to review and approval by the Planning Director.

- 5.5.5 Avoid blank walls. Utilize windows, wall articulation, or other such features.

See responses to 5.5.2 and 5.5.4.

- 5.8.1 Maintain the community's character and appearance through the use of traditional materials and building styles. Commercial development characteristics should reflect architectural features and building materials and building colors common during 1875 to 1920.

See response to 5.8.1.

- 5.11.1 All new or remodeled structures shall reflect the early railroad and/or a mountain/western style of architecture. Roofs shall be pitched rather than flat. Porches or covered entries shall be used. Brick, rock, or wood facades are preferred rather than block or stucco.

See responses to 5.5.2 and 5.8.1.

Pitched roof elements are incorporated into buildings with street frontage. As a condition of approval, all buildings around the building perimeter shall be revised to include additional architectural interest and articulation, subject to the Planning Director's approval.

- 5.11.2 Traditional materials such as wood and brick, are encouraged.

Brick accents are incorporated into the building.

- 5.9.1 Boxy building designs with no visual interest should be avoided.

See responses to 5.5.2 and 5.5.4 along with the conditions of approval.

- 5.21.2 New development shall conform to design guidelines as adopted by the City.

Consistency with the adopted design guidelines is provided below.

- 5.21.3 Ensure that street design is pedestrian in scale and incorporates landscaping.

The project includes landscaping and sidewalks along the street frontages and the building facades are articulated to include architectural interest.

- 5.21.6 New development shall be compatible with existing urban areas.

See responses to 5.5.8 and 5.8.1.

- 6.11.4 Encourage planting, preservation and replacement of native trees.

As a condition of project approval, additional native trees and riparian vegetation shall be added to the project.

- 6.11.4.11 Maintain, improve and where possible increase habitat areas in the Colfax Planning Area.

Habitat area will be added with the planting of riparian vegetation along the drainage channel that is currently devoid of trees or shrubs.

- 6.11.1.b Conserve and protect the water resources of the City of Colfax.

The project includes stormwater quality features to control the flow and quality of water runoff from the project site. Furthermore, planting riparian vegetation along the water channel will enhance the quality of the City's water resources.

- 6.11.3.A Enforce and implement code and development requirements that will protect water quality.

See response to 6.11.1b

Zoning Ordinance

Self-service storage facilities are allowed by-right in the Light Industrial zoning district subject to the quantitative standards of the code (setbacks, height, lot coverage, parking, etc.) and qualitative design guidelines (CMC Chapter 17.116), supplemental standards for self-service storage facilities (CMC Chapter 17.176) and design review (CMC section 17.32.010(C)).

Staff reviewed and found the project to be in compliance with the quantitative standards for

setbacks, height, lot coverage, and parking, and an analysis of the project's compliance with the supplemental standards, design guidelines and design review criteria are provided below in italics.

Supplemental Standards for Self-service Storage Facilities – CMC section 17.176.040

In approving the design review permit for a self-service storage facility, the following criteria may be applied at the discretion of the City Council to protect public health, safety, and welfare and to ensure design compatibility, and are in addition to the general development standards set forth in Articles III and IV of the Zoning Code.

- A. Architecture. The facility, including the caretakers/managers residence, the storage units and the office shall be designed using roof and building materials and colors compatible with adjacent developments.

Properties abutting the project site are vacant, however, the proposed development has a low single-story profile and will therefore not loom over adjacent sites. Subject to the conditions of approval, landscape screening will be incorporated around the perimeter of the project to soften its impact on adjacent properties, and architectural details will be added to the buildings.

- B. Site Design. To minimize visual impact on the adjacent residences, self-service storage facilities shall be designed to:

- i. Locate the project entry/exit as far as possible from the residential land use.

The project entry/exit is near the west side property line which is opposite the residentially zoned property abutting the easterly side of the project site.

- ii. Locate the caretakers/managers residence and office as close as possible to the project entrance.

A manager's residence is not provided, and the manager's office is next to the project entrance.

- iii. Setback the outdoor storage of materials a minimum of twenty (20) feet from the property lines adjacent to residential land uses.

No outdoor storage areas are included in the project.

- iv. Setback all self-service storage buildings over one story in height a minimum of thirty (30) feet from the property lines adjacent to residential land uses.

Except for the easterly side of Building C, all buildings proposed are one-story. The two-story portion of Building C is approximately 35 feet from the property line adjacent to the residentially zoned site to the east.

- C. Security. In addition to the requirements of the building security ordinance, to ensure security when self-service storage facilities are adjacent to residential land uses the police department may require security measures, such as controlled access, alarms or video cameras.

Access to the site is controlled with a security gate and fencing. Furthermore, as a condition of project approval, during the Building permit plan check process, the project will be routed to the County Sheriff for review and any additional reasonable security measures required by the Sheriff's office will be added.

- D. Lighting. To minimize visual impacts to adjacent properties, self-service storage facilities shall provide the following:

- i. No off-site glare through the use of cut-off lenses.

As a condition of project approval, the manufacturer's detailed specifications shall be provided for all outdoor lighting to ensure compliance with this criterion.

- ii. Wall-mounted lights shall be located on the building below the roofline of the storage facility and shall be directed downward.

Wall-mounted lights are below the roofline.

- iii. Parking lot lighting, in conjunction with vehicle storage, shall not exceed sixteen (16) feet in height, and shall be setback a minimum of fifty (50) feet from the property line adjacent to the residential land use and directed toward the parking lot.

No vehicle storage is included in the project.

- E. Screening. To protect the views from adjacent residential land uses, the self-service storage facility shall provide adequate screening which may include:

- i. A minimum six-foot high masonry screen wall shall be provided along the property line adjacent to any residential land use. The height of the wall shall be measured from the highest grade (either on site or the adjacent site); and/or
- ii. Within the storage facility, a minimum ten-foot wide landscape planter with shrubs (minimum five gallon size) and evergreen trees (minimum fifteen-gallon size placed a minimum twenty (20) feet on center) shall be provided along the property line adjacent to any residential land use.

As a condition of approval, additional landscaping shall be provided around the perimeter of the site consisting of locally native shrubs and evergreen trees consistent with the size and spacing requirements of this standard.

- F. Caretakers/Managers Residence. A caretakers/managers residence will only be approved as part of the storage facility where the owner provides assurances to the city that on-site management will acknowledge in writing that the facility is located within a commercial or industrial zone and therefore subject to the levels of noise and night-time lights which are ordinary and expected in those zones.

The project does not include a manager's residence.

Design Guidelines – CMC Chapter 17.116

- A. All new or remodeled structures should reflect the early railroad and/or a mountain/western style of architecture.

The project includes some design elements reminiscent of early railroad architecture with the use of corrugated metal roofing, brick, and red exterior siding.

- B. Traditional building materials such as simulated wood shingles, lap siding, board and batten, brick, and indigenous rock should be used.

The project makes extensive use of metal siding oriented both vertically and horizontally with brick accents and metal roofing.

- C. Utilize varied materials, textures, or colors to create horizontal and vertical articulation.

Buildings with street frontage are articulated with varied roof forms, windows, metal awnings over windows, vegetation screen grates, and varied exterior finish materials that add architectural interest. Buildings without street frontage have little articulation or architectural interest. As a condition of project approval, all buildings around the perimeter of the project shall be revised to incorporate architectural details like Buildings A, K, J, and H, subject to review and approval by the Planning Director.

- D. Commercial/business design characteristics should reflect architectural features common during 1875 to the early 1930s.

Building materials such as the brick accents and metal roofing and the varied roof forms reflect architectural design features common to industrial development of the early 20th century.

- E. Utilize established historic design features i.e. cornices, window types and sizes, recessed double doorways, etc.

Gabled accent roof features, with shallow main roofs without eaves are common historic features of industrial buildings.

- F. Maintain the existing building/pedestrian scale.

The proposed project enhances the pedestrian experience by adding sidewalks and landscaping along the project's street frontages. While the use itself does not lend to an

interactive pedestrian experience, visual architectural interest is included in the buildings with street-facing facades.

- G. Differentiate building facades through the use of color, facade elements, or a change in materials.

Street-facing facades employ a variety of materials, roof forms, and window awnings. As a condition of project approval, similar architectural features will be added to all the buildings around the perimeter of the site.

- H. Use appropriate window and awning styles, sizes, and spacing.

Windows and metal awnings are used on the street-facing facades.

- I. Height and building mass should be in proportion to the surrounding buildings, trees, and terrain.

Buildings are low-lying with minimal massing.

- J. Two stories or stepped hillside/split level construction is preferred, rather than long warehouse buildings with no articulation.

Buildings along the street are split to break up the long warehouse effect and articulated with varied roof forms, brick and CMU accents, windows, and window awnings. As a condition of approval, similar treatments shall be added to all the buildings around the perimeter of the site.

- K. Avoid a lack of architectural detail, which creates a plain appearance.

Street-facing buildings have adequate architectural detail as described above and as a condition of project approval, architectural detail shall be added to all the buildings around the site's perimeter.

- L. Stucco, concrete slab, and metal exteriors generally detract from the community character and are discouraged.

No stucco is used in the project. The project makes extensive use of metal siding and roofing which is appropriate for the industrial location and its function.

- M. Landscaping should enhance the aesthetic appearance of the project. Innovative techniques or uses of alternative plants and planting schemes will be considered; a minimum of five percent of the gross area of the total parcel or lot should be landscaped; a minimum of two percent in conjunction with parking lot landscaping.

As a condition of project approval, additional trees and shrubs shall be planted. Over 10% of the site is available for landscaping and landscaping is included around the front and one side of the parking area.

- N. Landscaping should consider conservation of water resources through the efficient use of irrigation, appropriate plant materials (i.e. appropriate plant zones), and regular maintenance of landscaped areas.

As a condition of project approval, locally native landscape material shall be used. Furthermore, compliance with state law mandates water-efficient landscape plantings.

- O. A recommended list of trees, shrubs, and groundcovers is in Appendix 3 of this title. A mix of trees, shrubs, groundcovers, and surfacing materials is preferred, rather than planting the same species throughout the project in public areas.

As a condition of project approval, a variety of locally native plantings shall be installed.

- P. Recommended surfacing materials: rocks, gravel, ornamental mulch materials, chips, or any other materials acceptable to the planning director. Not more than thirty (30) percent of the landscape area should be covered by surface materials.

- Q. Minimum tree size should be fifteen (15) gallons.

- R. Minimum shrub size one gallon, five gallon is preferred.

- S. Planted areas shall be separated from vehicular areas and street rights-of-way by a concrete curb at least six inches high.

- T. Perimeter landscaping is required for screening purposes:

- Adjacent to residential uses;
- Street frontage buffers;
- Along property lines, berms, hedges, or other features may be requested to differentiate boundaries of land uses.

As a condition of approval, the landscape plan shall comply with the standards described in paragraphs P through T.

Design Review (CMC section 17.40.070(B)(1))

- a. The project as approved allows beneficial use to be made of the site for development, preserves and accentuates the natural features of the property, such as open space, topography, trees, wetlands and water courses, and provides adequate drainage for the project.

The project allows the use of the site for a self-service storage facility, which is a use permitted by right in the Light Industrial zoning district. Currently, there are no trees on the site and the project includes landscaping with trees, shrubs, and ground cover plantings. The existing drainage course on the property will be retained and a condition of approval, riparian vegetation will be planted along the drainage course. Storm water will be treated on-site prior to being discharged into the drainage course.

- b. The project site design as approved provides access, vehicle parking, vehicle, pedestrian and bicycle circulation, loading areas, landscaping and irrigation and lighting which results in a safe, efficient, and harmonious development and which is consistent with the applicable goals, policies and objectives set forth in the general plan and the design guidelines established for that zone district.

As designed and subject to conditions of approval, the project provides vehicular, pedestrian, and bicycle access; pedestrian and bicycle circulation; loading areas; and landscaping, irrigation, and lighting in compliance with the requirements of the municipal code and is consistent with goals, policies and objectives of the general plan and design guidelines, as described above.

- c. The building design, including the materials, colors, height, bulk, size and relief, and the arrangement of the structures on the site, as approved is harmonious with other development and buildings in the vicinity and which is consistent with the applicable goals, policies and objectives set forth in the general plan and the design guidelines established for that zone district.

Subject to conditions of approval, the building design and arrangement of the structures on the site are harmonious with other development in the vicinity and is consistent with goals, policies, and objectives of the general plan and design guidelines, as described above.

- d. The design of the public services, as approved, including, but not limited to trash enclosures and service equipment are located so as not to detract from the appearance of the site, and are screened appropriately and effectively using construction materials, colors and landscaping that are harmonious with the site and the building designs.

Any public services proposed will be required to comply with screening requirements of the code, including trash enclosures and mechanical equipment.

Environmental Review

The proposed project qualifies for categorical exemption from the provisions of CEQA as it falls within the following exempt classes of projects:

Environmental Review

We have initiated preliminary review of the project per the California Environmental Quality Act (CEQA) and to inform our decision of whether the project qualifies for an exemption from CEQA review, a biological assessment and preliminary cultural resources assessment are required. There appear to be wetland plant species with areas of elevated moisture in the soil on portions of the site near the base of the slope between the upper and lower pads, especially near the front of the site. Cultural resources have been discovered on several sites in the vicinity and therefore a preliminary cultural assessment is required. After the application is deemed complete, the CEQA review process can proceed in earnest. An early step in the environmental review process is to determine if the project is exempt from CEQA (CEQA Guidelines Section 15061(a).

The project qualifies for the following exemption from CEQA:

- Class 32 – In-fill Development Project exemption (CEQA Guidelines Section 15332) in that:
 - (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

As described in detail in this staff report, the project is consistent with the general plan land use designation, and subject to conditions of approval, it is consistent with the applicable zoning and regulations of the CMC.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project is within the city limits of Colfax on a 2.56-acre site surrounded by urban uses.

- (c) The project site has no value as habitat for endangered, rare or threatened species.

As documented in the August 2022 Biological Assessment prepared by Greg Matuzak Environmental Consulting, LLC the project site has low potential for special-status wildlife species to occur. Furthermore, the project is subject to standard pre-construction surveys that are broadly applied.

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Self-service storage facilities have very low traffic generation rates, are not a source of noise, and are not known to be a significant source of air pollutants, therefore the project will have no significant effects related to traffic, noise, or air quality. Storm water will be treated prior to being discharged from the site and therefore the project will not have a significant effect on water quality.

- (e) The site can be adequately served by all required utilities and public services.

The site has access to all required utilities and public services which can be provided without expansion.

Attachments

1. Draft Resolution
2. Biological Assessment
3. Project plans

City of Colfax

City Council

Resolution No. __-2023

APPROVING DESIGN REVIEW FOR THE DEVELOPMENT OF A NEW 332-UNIT SELF-SERVICE STORAGE FACILITY AT 143 WHITCOMB AVENUE (APN 101-230-061)

WHEREAS, on May 25, 2022, the applicant, Walter White and Jim Marconi submitted a Design Review application to develop a new 332-unit self-service storage facility consisting of 56,340 square feet in 10 single-story buildings and one split-level building with a two-story section on a vacant 2.56-acre site in the Light Industrial zone (IL); and,

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

WHEREAS, on May 24, 2023, the City Council held a duly noticed public hearing to consider the Project, at which time all interested parties had the opportunity to be heard, the City Council reviewed and considered the staff report, all written comments received during the public review process and all oral and written comments submitted at the public hearing.

NOW THEREFORE, BE IT RESOLVED, THAT the City Council finds as follows:

1. Finds that the foregoing recitals are true and correct and incorporated herein by reference.
2. Based on its review of the entire record herein, the City Council finds that the Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) in that the project qualifies for a Class 32 exemption (In-fill Development Projects) under CEQA Guidelines section 15302 for the reasons described in the City Council Staff Report.
3. The City Council finds that the project is consistent with the goals, policies, and objectives of the Colfax General Plan; with the Design Guidelines of Chapter 17.116 of the Zoning Code; and with the supplemental development standards for self-service storage facilities of Chapter 17.176 of the Zoning Code, as described in detail in the City Council Staff Report.
4. Design Review - CMC section 17.40.070(B)(1)
The City Council finds that the project meets the criteria for design review as follows:
 - a. The project as approved allows beneficial use to be made of the site for development, preserves and accentuates the natural features of the property, such as open space, topography, trees, wetlands and water courses, and provides adequate drainage for the project.

The project allows the use of the site for a self-service storage facility, which is a use permitted by right in the Light Industrial zoning district. Currently, there are no trees on the site and the project includes landscaping with trees, shrubs, and ground cover plantings. The existing drainage course on the property will be retained and a condition of approval, riparian vegetation will be planted along the drainage course. Storm water will be treated on-site prior to being discharged into the drainage course.

- b. The project site design as approved provides access, vehicle parking, vehicle, pedestrian and bicycle circulation, loading areas, landscaping and irrigation and lighting which results in a safe, efficient, and harmonious development and which is consistent with the applicable goals, policies and objectives set forth in the general plan and the design guidelines established for that zone district.

As designed and subject to conditions of approval, the project provides vehicular, pedestrian, and bicycle access; pedestrian and bicycle circulation; loading areas; and landscaping, irrigation, and lighting in compliance with the requirements of the municipal code and is consistent with goals, policies and objectives of the general plan and design guidelines, as described above.

- c. The building design, including the materials, colors, height, bulk, size and relief, and the arrangement of the structures on the site, as approved is harmonious with other development and buildings in the vicinity and which is consistent with the applicable goals, policies and objectives set forth in the general plan and the design guidelines established for that zone district.

Subject to conditions of approval, the building design and arrangement of the structures on the site are harmonious with other development in the vicinity and is consistent with goals, policies, and objectives of the general plan and design guidelines, as described above.

- d. The design of the public services, as approved, including, but not limited to trash enclosures and service equipment are located so as not to detract from the appearance of the site, and are screened appropriately and effectively using construction materials, colors and landscaping that are harmonious with the site and the building designs.

Any public services proposed will be required to comply with screening requirements of the code, including trash enclosures and mechanical equipment.

5. Based on its review of the entire record herein, including the May 24, 2023 City Council Staff Report, all supporting referenced, and incorporated documents and all comments received and foregoing findings, the City Council hereby approves the Design Review application for the Project, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

Standard Conditions of Approval

1. This approval shall expire twenty-four months from the date of approval, May 24, 2023, unless an extension is granted by the approving authority. (CMC section 17.36.140).
2. Plans submitted to the City of Colfax for purposes of construction shall be in substantial conformance with the plans and color/material board on file with the Planning Department dated March 23, 2023 except as modified by these conditions of approval. Any modifications to the approved plans or project description shall be subject to the approval of the Planning Department and may require a separate land use entitlement review process
3. At building permit issuance, the applicant shall provide the City with an electronic copy of final/approved construction documents in portable document (PDF) format.

4. Prior to the issuance of any construction permits, these conditions of approval shall be included with the plan set. A copy of the approved plans shall be maintained on-site when construction activities are occurring.
5. Prior to issuance of building permits, all applicable development impact fees shall be paid, and the total fees and exactions shall be provided to the City.
6. At all times the site shall be kept cleared of garbage and debris.
7. The project shall comply with all performance standards of Zoning Chapter 17.120 of the Municipal Code.
8. All plantings shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to insure continued regular watering of landscape areas, and health and vitality of landscape materials.
9. All tree stakes and ties shall be removed within one year following installation or as soon as trees are able to stand erect without support.
10. No signage is approved by this permit. Separate sign permits in compliance with the Colfax Municipal Code shall be obtained prior to the installation of signage.
11. Prior to commencing construction activities, a sign shall be posted on the site regarding the allowable hours of construction and contact information for complaints. Proof of sign installation shall be provided to the Planning Director prior to construction commencing.
12. All standpipes, check valves, and other utilities shall be placed underground or fully screened from view by decorative screening structures or landscaping to be reviewed and approved by the Planning Director.
13. The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul any of the approvals of the project, when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the applicants/developers of any such claim, action, or proceeding. The City shall coordinate in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding and if the City chooses to do so appellant shall reimburse City for attorneys' fees by the City.

Planning Department Conditions of Approval

14. Prior to the issuance of building permits, the applicant shall provide a physical sample of the proposed roofing material for review and approval by the Planning Department. The roof shall be non-reflective.
15. Prior to issuance of building permits, the applicant shall obtain Planning Department approval of a landscape plan that is revised as follows:
 - a. Riparian vegetation consisting of locally native trees, shrubs, and ground cover shall be included along the drainage channel near the east property line.

- b. Locally native trees shall be planted around the entire project perimeter and spacing shall not be greater than the mature canopy spread of the selected tree species, and in no case shall trees be more than 20 feet apart.
 - c. Locally native shrubs shall be added to the planting plan.
 - d. A mix of roughly the same number of 15-gallon and 24-box tree container sizes shall be used. At the applicant's discretion, trees in larger container sizes may be planted.
16. Building G shall be setback no less than 10 feet from the east-west segment of the east property line to avoid the existing drainage and public utility easement and to provide adequate space for landscape screening.
 17. Prior to issuance of building permits, all buildings around the perimeter of the project shall be revised to incorporate architectural details such as varied roof forms, brick and CMU accents, windows, window awnings, and landscape grates like Buildings A, K, J, and H, subject to review and approval by the Planning Director. The treatments shall be added to the facades facing the property lines and shall also be added to the ends of buildings with street frontage, including Buildings B, H, and G.
 18. Prior to issuance of building permits, the applicant shall obtain Sheriff approval of the plans and shall add additional reasonable security measures recommended by the Sheriff.
 19. Alternate outdoor light fixtures that are shielded to prevent glare shall be used. Final light selection shall be subject to review and approval by the Planning Department.
 20. Prior to any site work, the applicant shall implement the recommendations of the August 2022 Biological Assessment prepared for the project by Greg Matuzak Environmental Consulting, LLC.

Engineering Department Conditions of Approval

21. The applicant shall be responsible for all plan check and inspection costs. The Applicant shall establish a Developer Deposit Account with the City upon the initiation of plan check services.
22. Applicant shall submit a current Title Report.
23. Applicant shall submit site Improvement Plans, prepared by a registered Civil Engineer, for review and approval of the City. No grading or other construction shall be performed until the Improvement Plans have been approved and grading permit issued.
24. All improvements shall be designed in accordance with the City of Colfax Municipal Code, and applicable City, County and Placer County Water Agency (PCWA) public works standards (Public Works Standards).
25. The applicant shall obtain an Encroachment Permit for all improvements within the public right-of-way. Applicant shall post a performance and labor bond and materials payment bond (or other equivalent financial security) in the amount of 100% of the cost of the improvements to be constructed in the public right-of-way as improvement security to ensure the faithful performance of all duties and obligations required of applicant in the construction of the improvements. Such improvement security shall be in a form acceptable to the City Attorney. Such security shall be either a corporate surety bond, a letter of credit, or other instrument of credit issued by a banking institution subject to regulation by the State or Federal government and pledging that the funds necessary to carry out this Agreement are on deposit and guaranteed

for payment, or a cash deposit made either directly with the City or deposited with a recognized escrow agent for the benefit of the City.

26. A drainage report prepared by a California Registered Civil Engineer shall be submitted for review with the initial submittal of the Improvement Plans for the entire site. The report shall include hydrologic and hydraulic calculations to support the design and sizing of all public and private drainage facilities including storm drain structures and piping, detention facilities and weirs.
27. Provide a report, including calculations, demonstrating sufficient water pressure and flow for operation of fire hydrants and individual fire sprinklers systems to each building can be provided.
28. A detailed Soils Investigation/Geotechnical Report shall be prepared and submitted for review with the first Improvement Plan submittal. The report shall address, at a minimum, potential geologic hazards in the area, potential historic mine shafts and vents, possible presence of asbestos-bearing rock, R-values, expansive soils, infiltration rates, and seismic risk. The Improvement Plans and Reports shall incorporate all design and construction criteria recommended in the Geotechnical Report.
29. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. Additionally, if field conditions warrant installation of any subdrains, the location, size and construction details must be provided to the City for review and approval prior to construction and documented on as-built plans.
30. The Applicant shall secure all necessary rights-of-way and public and private easements for both onsite and offsite improvements to the satisfaction of the City Engineer. Rights-of-way and easements shall be dedicated on the map or granted by separate instrument. The Applicant shall prepare all necessary legal descriptions and deeds.
31. All existing property lines, easements, and other encumbrances included in the Title Report shall be shown and labeled in the Improvement Plans with the topographic survey as an existing conditions plan.
32. The following shall be included in the project notes on the improvement plans.
 - a. If an inadvertent discovery of cultural materials (i.e.. unusual amounts of shell, charcoal, animal bone, bottle glass, ceramics, burned soil, structure/building remains) is made during project-related construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist, the City Planning Director and the Native American Heritage Commission shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per CEQA (i.e. whether it is an historical resource, a unique archaeological resource, or a unique paleontological resource) and shall develop specific measures to ensure preservation of the resource or to mitigate impacts to the resource if it cannot feasibly be preserved in light of costs, logistics, technological considerations, the location of the find, and the extent to which avoidance and/or preservation of the find, is consistent or inconsistent with the design and objectives of the project. Specific measures for significant or potentially significant resources would include, but are not necessarily limited to, preservation in place, in-field documentation, archival research, subsurface testing, and excavation. The specific type of measure necessary would be determined according to evidence indicating degrees of resource integrity, spatial and temporal extent, and

cultural associations; and would be developed in a manner consistent with CEQA guidelines for preserving or otherwise mitigating impacts to archaeological and cultural artifacts.

- b. In the event of the accidental discovery or recognition of any human remains, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, until compliance with the provisions of Sections 15064.5(e)(1) and (2) of the CEQA Guidelines, as well as Public Resources Code Section 5097.98, has occurred. If any human remains are discovered, all work shall stop in the immediate vicinity of the find and the County Coroner shall be notified, according to Section 7050.5 of the California Health and Safety Code. The City's Planning Director shall also be notified. If the remains are Native American, the Coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods, and the landowner shall comply with the requirements of AB2641 (2006).

33. The following shall be included in the project notes on the improvement plans:

- c. The discharge of fuels, oils, or other petroleum products, chemicals, detergents, cleaners, or similar chemicals to the surface of the ground or to drainage ways on, adjacent to, the site is prohibited.
- d. If Best Management Practices are required for control of urban runoff pollutants, then any hazardous materials collected shall be disposed of in accordance with all applicable hazardous materials laws and regulations.

34. The applicant shall attempt to time the removal of potential nesting habitat for raptors and migratory birds to avoid the nesting season (February 1 through September 15).

If vegetation removal and/or project grading or construction activities occur during the nesting season for raptors and migratory birds, the applicant shall hire a qualified biologist approved by the City to conduct pre-construction surveys no more than 14 days prior to initiation of development activities. The survey shall cover all areas of suitable nesting habitat within 500 feet of project activity and shall be valid for one construction season. Prior to the start of grading or construction activities, documentation of the survey shall be provided to the City of Colfax. If the survey results are negative, no further mitigation is required and necessary removal may proceed. If there is a break in construction activities of more than 14 days, then subsequent surveys shall be conducted.

If the survey results are positive (active nests are found), impacts shall be avoided by the establishment of appropriate buffers. The biologist shall consult with the California Department of Fish and Wildlife (CDFW) and the City to determine the size of an appropriate buffer area (CDFW guidelines recommend implementation of 500-foot buffers). Monitoring of the nest by a qualified biologist shall be required if the CDFW determines that the activity has the potential to adversely affect an active nest.

If construction activities are scheduled to occur during the non-breeding season (September 16 – January), a survey is not required and no further studies are necessary.

35. Access shall be maintained to APN 100-230-039 as included in the 20' Access Easement along the west side of the parcel.

36. Storm water treatment and detention shall be provided per the requirements of the final on-site project drainage analysis and meet local and State drainage requirements. Design of storm water treatment and detention facilities shall be subject to City standards and the review and approval of the City Engineer. The

perimeter of the development shall be protected against surface runoff onto adjacent properties in a manner acceptable to the City Engineer.

37. Applicant shall submit a video inspection report of the existing private 48-inch storm drain line to the outlet on the south side of Whitcomb Ave. and include any repairs with the Improvement Plans. If replacement is required below Whitcomb, reinforced concrete pipe (RCP) shall be installed from the outlet to a new manhole at the project property line.
38. Building structures shall not be allowed within the angle of repose to building foundations or above existing or proposed utilities including the existing 48-inch storm drain. The 48-inch storm drain line can be realigned to be placed within the proposed paved areas.
39. Any retaining walls necessary as a part of the site grading shall be included on the grading plan for review and approval of the City Engineer. Any retaining walls in excess of 3-ft in exposed height shall include design calculations prepared by a registered civil or structural engineer and submitted to the City Engineer and Building Department for review.
40. Building rooftops shall be protected from unauthorized access where adjacent to higher terrain/retaining walls. Improvement Plans to include typical sections along project perimeter to review security and grading issues.
41. Perimeter fencing or walls shall be designed to avoid pockets or areas difficult for law enforcement to visually inspect from Whitcomb Ave.
42. Dust control specifications shall be included on the Improvement Plans to minimize dust nuisance during construction. Dust control measures shall be developed to take into account the possible presence of asbestos bearing rock formations and the measures necessary to deal with this type of dust.
43. For the construction phase, the applicant shall comply with Placer County Air Pollution Control District regulations.
44. The applicant shall re-vegetate disturbed areas as soon as possible using native seed mixes and compatible plantings as specified by the Soil Conservation Service.
45. All public water service laterals or services (domestic and fire water supply) shall include approved backflow prevention devices as approved by PCWA.
46. Improvement Plans to include planting and irrigation plans. Planting plan to include native perennial shrubs along project frontage and native oaks along project perimeter subject to City review and approval. The applicant shall be responsible for permanent maintenance and irrigation of landscaping.
47. The applicant shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as is found necessary by City staff.
48. The applicant, at his/her sole expense, shall repair existing public and private facilities damaged during the course of construction to the satisfaction of the City staff.

49. If any hazardous material is encountered during the construction of this project, all work shall be immediately stopped and the Cal Fire, Placer County Department of Environmental Health or other designated agency, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
50. All new fire hydrants shall be securely covered with burlaps sacks or heavy-duty plastic until the hydrants have been tested and found to be in conformance with PCWA flow requirements. No storage of combustible materials or construction of buildings shall be permitted until all hydrants meet PCWA flow requirements.
51. The Improvement Plans shall include an erosion control plan for City review and approval. The plan shall identify protective measures to be taken during excavation, temporary stockpiling, any reuse or disposal, and revegetation. These measures shall conform to geotechnical reports, the City of Colfax requirements and the County of Placer Erosion and Sedimentation Control Standards and Specifications and the project Storm Water Pollution Prevention Plan (SWPPP).
52. All construction stormwater pollution prevention best management practices (BMP's) shall be installed as the first order of work and in accordance with the *State Water Resources Control Board's General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities* and the Applicant's SWPPP. All stormwater BMP's shall be maintained to the satisfaction of the Qualified SWPPP Developer (QSD), Qualified SWPPP Practitioner (QSP), and City staff.
53. All construction and grading activities on the site shall be governed by the City's noise ordinance and be limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. to 7:00 a.m. on Saturday. No work shall be performed on Sunday or state and federal recognized holidays, unless approved by City Engineer.
54. Prior to APPROVAL OF THE IMPROVEMENT PLANS, the applicant shall:
- a. Submit a copy of the Notice of Intent and WDID# for coverage under the State Water Resources Control Board' General Construction Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ) and add the WDID# on the cover sheet of the Improvement Plans.
 - b. Provide the following:
 - 1) Construction Storm Water Pollution Prevention Plan (SWPPP)
 - 2) Final Drainage Report
55. Provide written acknowledgment by the Geotechnical Engineer of Record that the Plans incorporate all design and construction criteria specified in the Geotechnical Report and include a signature block on the cover sheet of the Improvement Plans.
56. Prior to APPROVAL OF A BUILDING PERMIT, the Applicant shall:
- a. Pay all cash deposit account balances and current City, PCWA, School and Fire fees (Mitigation & Capacity) based on the rate in effect at the time of permit issuance.
 - b. Complete the required PCWA water system improvements including the pressure reducing station and all necessary piping up to, and including the points of connection to the private water

system. Said improvements shall be tested to the satisfaction of the PCWA, City Engineer and Fire.

57. Prior to COMMENCEMENT OF CONSTRUCTION ACTIVITIES, the Applicant shall:

- a. Pay off all current cash deposit account balances with the City.
- b. Pay an inspection fee in an amount to be determined at the time of commencement for the City's inspection services.
- c. Conduct a pre-construction meeting with representatives of the City whereby the Applicant, the Legally Responsible Person (LRP), Qualified SWPPP Practitioner (QSP), Qualified SWPPP Developer (QSD), and/or the Contractor provides the following:
 - (1) One (1) full-size bond and digital copies of the approved Improvement Plans for the City's use.
 - (2) One (1) digital copy of the SWPPP for the City's use.
 - (3) One (1) job-site copy of the SWPPP for use by the LRP, QSP, QSD, and Contractor.
 - (4) A list of inspections and special inspections required by the City Inspector, PCWA, and the site Geotechnical Engineer of Record per California Building Code Chapter 1, Section 110, and Chapter 17A.

58. Prior to OCCUPANCY OF ANY BUILDING, the Applicant shall:

- a. Submit an inspector's punch list indicating that all of the improvements for each phase have been inspected and are constructed to his/her satisfaction.
- b. Restore all adjacent off-site road surfaces to pre-project conditions.
- c. Submit a certification by the Geotechnical Engineer of Record that all the work has been completed in substantial conformance with the recommendations in Soils Investigation/Geotechnical Report.
- d. Submit testing certification for all backflow devices installed.
- e. Provide a bond and digital (pdf) copy of the Improvement Plans that include all record drawing or field changes.
- f. Provide a letter stating that all of the Developer's Conditions of Approval have been met.
- g. Provide a letter from the Civil Engineer of Record certifying that all the site improvements were constructed and inspected in substantial conformance with the approved plans and City Standards.
- h. Provide letter(s) from the Architect of Record, Structural Engineer of Record and all other design professionals who signed the building permit plan submittal indicating that all the building improvements have been constructed in substantial conformance with their plans.

- i. Enter into and record a Post-Construction Stormwater Operations and Maintenance Agreement with the City.

END OF CONDITIONS

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 24th day of May 2023 by the following vote of the Council:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Trinity Burruss, Mayor

Marguerite Bailey, City Clerk

Whitcomb Avenue Commercial Project

Biological Resources Assessment

Prepared for:

Walter White and Jim Menconi (Project Applicants)

9856 Spyglass Circle
Auburn, CA 95602

Prepared by:

Greg Matuzak, Principal Biologist

Greg Matuzak Environmental Consulting LLC

P.O. Box 2016

Nevada City, CA 95959

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August 2022

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- Appendix G CNDDDB and USFWS Species List for the Project Area

Report Summary

The Biological Resources Assessment Report includes the biological results of the background research, biological resources field surveys, data analysis, and impact assessment for the Project area. The key findings of this report include the following:

- Seasonal drainage within the eastern section of the Project area includes an intermittent stream and riparian vegetation. The stream does not contain suitable habitat for the foothill yellow-legged frog (*Rana boylei*), a species listed as Endangered under CESA. This species has never been observed within the Project area or adjacent to it given the lack of suitable habitat for the species.
- No California Native Plant Society (CNPS) List 1, 2, 3, or 4 species have been documented and mapped within the Project area based on background research and the results of the special-status plant surveys conducted within the entirety of the Project area during the blooming period for each of the special-status plant species previously identified within 3 miles of the Project area.
- The disturbed central areas within the Project area contain marginal suitable habitat for the coast horned lizard (*Phrynosoma blainvillii*), a California Species of Concern. The coast horned lizard has not been observed within the Project area; however, a pre-construction survey to avoid impacting the species is recommended.
- No fill or dredge material will be placed in a “waters of the U.S.”, including wetlands, or “waters of the State of California” from the implementation of the proposed Project. Therefore, a Clean Water Act permit and compensatory mitigation for wetland or drainage impacts will not be required.
- The central section of the Project area along Whitcomb Avenue contains some wetland associated plants; however, on closer inspection (including two shovel pits to evaluate the presence of hydric soils) indicators of hydric soils and wetland hydrology were not present. Therefore, the small area was not mapped as a jurisdictional federal or state wetland and no permitting is required to fill the area.

1 INTRODUCTION

At the request of SCO Planning & Engineering, Inc. ("SCO"), Mr. Greg Matuzak was retained to prepare a Biological Resources Assessment Report ("Biological Report") for the Whitcomb Avenue Commercial Project ("Project") located in the City of Colfax, Placer County, California (see Appendix A). The Biological Report includes an evaluation of sensitive biological resources within the Project area, including sensitive biological resources under the jurisdiction of the California Department of Fish and Wildlife ("CDFW"), United States Fish and Wildlife Service ("USFWS"), United States Army Corps of Engineers ("Corps"), and the City of Colfax Planning Department. Preparation of the Biological Report included background research, field biological resources surveys, and reporting as detailed herein.

Mr. Greg Matuzak, Principal and owner of Greg Matuzak Environmental Consulting LLC is a wetlands ecologist and wildlife biologist with 20 years of experience conducting aquatic resources delineations and biological resources assessments in Northern California. Mr. Matuzak is 40-hour Wetland Delineation Certified (Wetland Training Institute) and has conducted aquatic resources delineations for 100's of linear miles of projects and 1000s of acres of site development projects. Additionally, Mr. Matuzak has conducted special-status biological resources surveys and developed biological resources assessments for dozens of projects in Nevada and Placer Counties, including within the City of Colfax. Mr. Matuzak was responsible for the field data collection and assessment developed as part of the development of this Biological Report. Mr. Matuzak is on the Nevada County Planning Department's list of Qualified Biological Resources Consultants and is a Qualified Biologist per the CDFW's definition.

1.1 Project Location

The proposed Project is located in the City of Colfax and the proposed Project would be located along the northern side of Whitcomb Avenue in the City of Colfax, California (APN 100-230-061). The subject parcel fronts Whitcomb Avenue, which is located along the southern border of the subject parcel. The subject parcel is 2.56 acres in size and is bordered to the west by a vacant parcel and commercial development to the west and south of the subject parcel.

Access to the Project area is located to the west of Interstate Highway 80 (I-80) and Whitcomb Avenue can be accessed off of South Auburn Street, Railroad Street, or Glendale Road. Whitcomb Avenue ends just west of the Project area in a cul-de-sac. See the attached appendices for a Site Plan.

1.2 Project Understanding

The Project involves construction of approximately 318 mini storage units (ranging between 5'x5' and up to 12'x30'). Additionally, the Project will include a total of six (6) parking spots. The Project would access directly off of Whitcomb Avenue. See attached appendices for a Site Plan identifying the location of the proposed Project components within the subject parcel.

The proposed Project would involve the development of a vacant, vegetated, and partially graded and sloped parcel. The subject parcel hosts non-native vegetation, including annual grassland species and invasive shrub species. An intermittent drainage runs north-south along the eastern border of the subject parcel before entering into an underground, buried pipe that crosses Whitcomb Avenue and daylights again on the southern side of Whitcomb Avenue before continuing south. Due to previous site grading and topography, the western section of the subject parcel is approximately 2,345 feet above mean sea level (MSL) and the eastern section of the subject parcel is approximately 2,335 feet above MSL. The subject parcel is cut in half from north to south with a grade cut of approximately 8 to 10 feet between the western and eastern sections of the subject parcel. Grading would be required on the site and would be equalized so no fill would need to be imported or exported.

1.3 Biological Resources Assessment Purpose

The purpose of the Biological Report is to identify the location and extent of sensitive biological resources within the Project Area, including special-status plant and wildlife species. Additionally, this Biological Report includes an impact assessment to such sensitive biological resources based on the Project Understanding outlined in Section 1.2 above. Section 6 includes avoidance, minimization, and mitigation measures to ensure that the Project Area disturbance, based on the Project Understanding, would not have a significant impact on such sensitive biological resources. This Biological Report also satisfies the City of Colfax Code of Ordinances requirements for the protection of trees (Ordinance Code 12.16), the City of Colfax General Plan related to the protection of sensitive biological resources, and for the development of such biological resource assessments as they pertain to projects undertaken within the City of Colfax and subject to the California Environmental Quality Act (CEQA).

2 REGULATORY OVERVIEW

2.1 Federal Regulations

2.1.1 Section 404 of the Clean Water Act

The U.S. Army Corps of Engineers ("Corps") and the Environmental Protection Agency ("EPA") regulate the discharge of dredge or fill material into "waters of the U.S." under Section 404 of the Clean Water Act. "Waters of the U.S." include wetlands and lakes, rivers, streams, and their tributaries. Wetlands are defined for regulatory purposes as areas "...inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated solid conditions" as specified in 33 Code of Federal Regulations [CFR] 328.3, 40 CFR 230.3.

Generally, wetlands include swamps, marshes, bogs, and similar areas. Lakes, rivers, and streams are defined as "other waters of the U.S." Jurisdictional limits of these features are typically noted by the Ordinary High Water Mark ("OHWM"). The OHWM is the line on the shore established by the fluctuations of water and indicated by physical characteristics such as mark a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas (33 CFR 328 and 33 CFR 329).

Isolated ponds or seasonal depressions had been previously regulated as waters of the U.S. However, in *Solid Waste Agency of Northwestern Cook County (SWANCC) v. USACE et al.* (January 8, 2001), the U.S. Supreme Court ruled that certain "isolated" wetlands (e.g., non-navigable, isolated, and intrastate) do not fall under the jurisdiction of the CWA and are no longer under the jurisdiction of the Corps. Some circuit courts (e.g., *U.S. v. Deaton*, 2003; *U.S. Rapanos*, 2003; *Northern California River Watch v. City of Healdsburg*, 2006), though, have ruled that SWANCC does not prevent CWA jurisdiction if a "significant nexus" such as a hydrologic connection exists, whether it be man-made (e.g., roadside ditch) or natural tributary to navigable waters, or direct seepage from the wetland to the navigable water, a surface or underground hydraulic connection, an ecological connection (e.g., the same bird, mammal, and fish populations are supported by both the wetland and the navigable water), and changes to chemical concentrations in the navigable water is present due to water from the wetland.

Areas considered to be non-jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially-irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and water-filled depressions with no outlet for drainage (33 CFR, Part 328).

The *Clean Water Rule* is a 2015 regulation published by the EPA and Corps to clarify water resources management in the United States under a provision of the CWA. The regulation defined the scope of federal water protection in a more consistent manner, particularly over streams and wetlands, which have a significant hydrological and ecological connection to traditional navigable waters, interstate waters, and territorial seas. It is also referred to as the *Waters of the United States* rule, which defines all bodies of water that fall under U.S. federal jurisdiction. The rule has been contested in litigation and in 2017 the Trump administration announced its intent to review and rescind or revise the rule. Following a Supreme Court ruling on January 22, 2018 that lifted a nationwide stay on the rule, the Trump administration formally suspended the rule until February 6, 2020, thereby giving the EPA time to issue a draft proposal of replacement water regulatory requirements.

On October 22, 2019, the EPA and the Corps published a final rule to repeal the 2015 Clean Water Rule: Definition of "Waters of the United States" ("2015 Rule"), which amended portions of the Code of Federal Regulations (CFR), and to restore the regulatory text that existed prior to the 2015 Rule. The final rule will become effective on December 23, 2019. The EPA and the Corps will implement the pre-2015 Rule regulations informed by applicable agency guidance documents and consistent with Supreme Court decisions and longstanding agency practice.

2.1.2 Section 401 of the Clean Water Act

Section 401 of the CWA requires an applicant, for any federal permit which may result in a discharge into waters of the U.S., to obtain a certification from the state that the discharge will comply with provisions of the CWA. The nine regions of the State Water Quality Control Board administer this program. Any condition of water quality certification would be incorporated into the Corps permit. California has a policy of no-net-loss of wetlands and typically requires mitigation for impacts to wetlands before it will issue a water quality certification. This Project is located under the jurisdiction of Region 5, the Central Valley Regional Water Quality Control Board ("RWQCB").

2.1.3 Endangered Species Act of 1973

For the Project area, consultation with the USFWS would be necessary if a proposed action may affect a federally listed species or occupied habitat. This consultation would proceed under Section 7 of the Endangered Species Act (ESA) if a federal action is part of the proposed action or through Section 10 of the ESA if no such nexus were available (USFWS, 1973). There is a single federally protected plant species listed under the ESA that has previously been documented within the Colfax USFS Topographic Quadrangle (CDFW 2022), which is the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), an ESA listed species as Threatened. The species is

not known to occur within the Project area and has a very low likelihood of occurring within the Project area given the lack of the species host plant, the elderberry shrub (*Sambucus cerulea*) within the Project area that the species requires.

2.1.4 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act (BAGEPA) (16 USC Section 668) protects bald and golden eagles and their nests from direct “take” (i.e. harm or harassment as described above). BAGEPA prohibits the take or commerce of any part of the bald or golden eagles (USFWS, 1940). The USFWS administers the Act and reviews actions that may affect species protected under the Act.

2.2 State Regulations

2.2.1 California Endangered Species Act

The California Department of Fish and Wildlife (CDFW) has jurisdiction over plant and wildlife species listed as threatened or endangered under section 2080 of the CDFW Code. The California Endangered Species Act (CESA) prohibits take of state-listed threatened and endangered species. The state Act differs from the federal Act in that it does not include habitat destruction in its definition of *take*. The CDFW defines *take* as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” The CDFW may authorize *take* under the CESA through Section 2081 agreements. If the results of a biological survey indicate that a state-listed species would be affected by the project, the CDFW would issue an Agreement under Section 2081 of the CDFW Code and would establish a Memorandum of Understanding for the protection of state-listed species.

CDFW maintains lists for Candidate-Endangered Species and Candidate-Threatened Species. The foothill yellow-legged frog (*Rana boylei*) is listed as an Endangered species under the State ESA and is discussed in this Biological Report given the species is known to occur within the Colfax USGS Topographic Quadrangle (CDFW 2022). The foothill yellow-legged frog would not occur within the subject parcel given the lack of suitable habitat such as the required shade and rocky substrate that are lacking within the intermittent drainage located along the eastern border of the subject parcel.

2.2.2 Streambed Alteration Agreements: CDFG Code Section 1600 et seq.

CDFW has jurisdictional authority over substantial alterations to the bed or bank of rivers, streams, and lakes under Sections 1600–1616. CDFW has the authority to regulate all work under the jurisdiction of the State of California that would substantially divert,

obstruct, or change the natural flow of a river, stream, or lake; substantially change the bed, channel, or bank of a river, stream, or lake; or use material from a streambed.

An apparent intermittent drainage is located within the eastern border of the Project area would most likely be regulated by CDFW. Therefore, a CDFW Streambed Alteration Agreement may be required for encroachment into the bed and bank of the intermittent stream located within the eastern section of the Project area. However, no encroachment into the intermittent stream is proposed as part of the Project.

2.2.3 Porter-Cologne Water Quality Control Act & Section 1601 and Section 1607 of CDFG Code

These acts and codes pertain to projects with potential impacts to water quality or waterways. The Project area does contain an intermittent drainage along the eastern border of the subject parcel, which is a waters of the State as defined by the State Water Resources Board (State Board 2014).

2.2.4 State Water Resources Control Board Wetland Policy (April 2019)

On April 2, 2019, the State Water Resources Control Board (State Water Board) adopted rules to protect wetlands and other environmentally sensitive waterways throughout the state. More than 90 percent of California's historic wetlands have been lost to development and other human activity. Wetlands are a critical natural resource that protect and improve water quality, provide habitat for fish and wildlife, and buffer developed areas from flooding and sea-level rise. The newly adopted rules provide a common, statewide definition of what constitutes a wetland. They also provide consistency in the way the State Water Board and nine regional water boards regulate activities to protect wetlands and other waterways, such as rivers and streams, and bays and estuaries. The State of California waters of the state are, by definition, broader than "waters of the United States" covered by federal regulation. The newly adopted rules do not change that and will ensure that waters of the state will continue to be protected even if protections for federal waters are narrowed by administrative actions or the courts.

The new definition clarifies what is considered a wetland – and what is not – for the entire state, provides a common framework for monitoring and reporting the quality of California's remaining wetlands, helps ensure no overall net loss, and promote an increase, in the quantity, quality, and sustainability of waters of the state, including wetlands, improves transparency and consistency across the State Water Board and the nine Regional Water Quality Control Boards in how discharges of dredged or fill material in sensitive waterways are monitored and regulated, and avoids duplicative work and streamline requirements to cover all waters of the state, so both state and federal

environmental concerns are addressed at once.

2.2.5 California Department of Fish and Game Code Sections 3503, 3503.5, and 3800: Nesting Migratory Bird and Raptors

Sections 3503, 3503.5, and 3800 of the CDFG Code prohibit the take, possession, or destruction of birds, their nests or eggs. Implementation of the take provisions requires that project-related disturbance within active nesting territories be reduced or eliminated during critical phases of the nesting cycle (approximately March 1 – August 31). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g. killing or abandonment of eggs or young), or the loss of habitat upon which birds are dependent, is considered "taking", and is potentially punishable by fines and/or imprisonment (LCC 2013).

2.2.6 California Special Species of Concern, Fully Protected, and Special Status Species

California designates Species of Special Concern (SSC) as species of limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational or educational values. These species do not have the same legal protection as listed species but may be added to official lists in the future (CDFW 2014). For example, the coast horned lizard (*Phrynosoma blainvillii*) is designated as SSC and the species is evaluated as part of this Biological Report since it has been identified within the Colfax USGS Topographic Quadrangle where the proposed Project is located.

In the 1960's California created a designation to provide additional protection to rare species. This designation remains today and is referred to as "Fully Protected" species, and those listed "may not be taken or possessed at any time" (CDFW 2014). There are no species designated as a Fully Protected species known to occur within or adjacent to the Project area.

California special status species are identified by the California Natural Diversity Database (CNDDDB) and includes those species considered to be of greatest conservation need by the CDFW.

2.2.7 California Environmental Quality Act Guidelines Section 15380

California Environmental Quality Act (CEQA) Guidelines section 15380(b) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specific criteria. This section was included in the guidelines to deal primarily with situations in which a public agency is reviewing a project that may have a significant effect on, for example a "candidate species" that has not yet been listed by the USFWS or CDFW. CEQA,

therefore, enables an agency to protect a species from significant project impacts until the respective government agencies have had an opportunity to list the species as protected, if warranted (CNRA 2012).

Plants appearing on the California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) are considered to meet CEQA's Section 15380 criteria. Ranks include: 1A) plants presumed extirpated in California and either rare or extinct elsewhere, 1B) plant rare, threatened, or endangered in California and elsewhere, 2A) plants presumed extirpated in California, but more common elsewhere, and 2B) plants rare, threatened, or endangered in California, but more common elsewhere. Impacts to these species would therefore be considered "significant" requiring mitigation.

2.2.8 State Oak Woodland Regulations

State laws that regulate protection of oak woodlands include Professional Forester's Law (PFL) and CEQA according to Public Resources Code Section 21083.4. Oak woodlands are defined as areas having 10% oak canopy cover or greater. "Oaks" are defined in Public Resources Code Section 21083.4 as a native tree species in the genus *Quercus*, that is 5 inches diameter at breast height (DBH) or greater. The Oak Woodlands Conservation Act (SB 1334) provides funding for the conservation and protection of oak woodlands in California. Oak trees and oak woodland habitats are protected under both the State and the Nevada County landmark groves and landmark oak tree regulations as discussed below.

2.3 Local Regulations

2.3.1 City of Colfax Tree Removal Regulations (Code of Ordinances 12.16)

Article II - Tree Preservation Guidelines

12.16.080 - Purpose and intent.

The purpose of establishing tree preservation guidelines is to maintain natural scenic beauty, improve air quality, water quality, reduce soil erosion, preserve significant natural heritage values, preserve wildlife habitat and help to reduce energy consumption for air cooling by providing shade. As development of vacant land occurs, loss of some tree cover may be unavoidable. The city's intent is to reduce the loss of tree to reasonably acceptable levels while encouraging cooperation between the development community, citizens and the city in attempting to retain tree cover within the city to the maximum extent possible. In the spirit of reasonableness these guidelines shall not categorically prohibit tree removal. It is

recognized that development of foothill topography and project-specific terrain may dictate tree removal. It shall be the policy of the city 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. (Ord. 472 § 1, 2000)

12.16.090 - Authority.

The city has an established planning application review process. The planning commission shall oversee enforcement of the tree preservation guidelines through project conditions of approval in conjunction with granting planning application approval. In the event planning commission approval is not required of the application the city manager or his or her designee shall oversee enforcement of the tree preservation guidelines. (Ord. 472 § 2, 2000)

12.16.100 – Tree identification.

Planning applications submitted to the city shall identify all trees on the property in excess of six inches in diameter, measured four and one-half feet from ground level. Trees to be saved and removed shall be clearly designated on the plan. Clearing of trees over six inches in diameter measured four and one-half feet from the ground is prohibited prior to issuance of a grading permit. (Ord. 472 § 3, 2000)

12.16.110 – Tree preservation requirements.

Innovative techniques or alternative project design shall be considered to preserve trees to the maximum extent feasible to retain conifers, oaks, maples and cedars. Preserving trees shall require installing bright colored mesh fencing, flagged stakes or some visible means of physical demarcation around the drip line of the tree(s) in the field prior to issuance of a grading permit. The drip line of a tree is the outermost edge of a tree's canopy. No movement of soil or earth material shall take place within the drip line of trees designated for preservation. (Ord. 472 § 4, 2000)

12.16.120 – Tree replacement requirements.

Trees enhance the aesthetic appearance of any project. When tree removal is unavoidable:

- A. The applicant/developer shall replace and replant removed trees with an equal number of trees.
- B. Minimum/maximum replacement trees shall range from one gallon to forty-eight (48) inch box container sizes mixed to create a natural horizon line.

C. A mix of tree species is preferred (rather than planting the same species throughout the project) to achieve a more natural, native appearance.

D. Hillside development shall preserve trees when feasible or be replanted immediately to prevent erosion. "Immediate" means prior to the issuance of a certificate of occupancy or final inspection.

E. Trees shall be irrigated and maintained by any and all subsequent owners for a minimum period of five years after installation in accordance with the Colfax design guidelines maintenance requirements:

1. Deposit with the city a maintenance bond, cash, letter of credit or its equivalent, in an amount equal to one-half the market value of landscaping and irrigation guaranteeing the proper care, treatment and maintenance of landscaping for a period of three years; or

2. Execute an agreement and equitable lien in an amount equal to the full market value of the landscaping and irrigation with the city, guaranteeing the lien shall cause a written letter of notification by the city to the owner of the real property within ten (10) days that the city will perform or have performed by a reputable landscaper any and all maintenance work it deems necessary and bring legal action against the owner for the full cost of such maintenance work or foreclose such equitable lien as provided by law.

3 METHODOLOGY

In order to evaluate the Project area for the presence of any sensitive biological resources, baseline information from databases and reporting for similar projects in the City of Colfax and Placer County was collected and reviewed prior to conducting reconnaissance-level field biological surveys. The database searches, background research, and habitat level field surveys characterized the baseline conditions of the Project area. Based on the baseline conditions of the Project area, an assessment was implemented to determine if any special-status plant or wildlife species use the Project area at any time during their life cycle. The baseline conditions also identified the presence of any sensitive habitat or communities, including “waters of the U.S.,” including wetlands, that have been identified and mapped within the Project area.

3.1 Sensitive Biological Resources Background Review

The following information was used to identify potential sensitive biological resources, including the presence of special-status plant and wildlife species, within the Project area region that could be found to use the Project area:

- California Department of Fish and Wildlife’s California Natural Diversity Database records search of the Colfax USGS Topographic Quadrangle where the Project area is located (CDFW, 2022);
- The California Native Plant Society’s online Inventory of Rare and Endangered Plants of California for the Project area and Placer County (CNPS, 2022);
- The U.S. Fish and Wildlife Service Information, Planning, and Consultation System (IPaC) for endangered, threatened, and proposed listed species for the Project area (USFWS, 2022);
- National Wetland Inventory map of the Project area (NWI, 2022);
- United States Department of Agriculture (USDA) Soils Mapper of the Project area (USDA, 2022);
- Natural Resources Conservation Service (NRCS) Hydric Soils List for Placer County (NRCS, 2022); and
- City of Colfax Municipal Code, Ordinances, and General Plan.

3.2 Reconnaissance Level Biological Resources Field Surveys

Reconnaissance-level biological resources field surveys were conducted on foot for the entirety of the Project area (2.56 acres) by Greg Matuzak, Principal Biologist and owner of Greg Matuzak Environmental Consulting LLC. An initial field meeting with the owner of the subject parcel and the Project applicant was conducted on July 9th, 2022.

Habitat level and biological resources surveys were not conducted on July 9th, 2022. However, a reconnaissance-level biological resources survey was conducted by Mr. Matuzak of the entirety of the subject parcel on August 6th, 2022. The purpose of the surveys completed in August 2022 was to identify habitat and vegetation types and to determine the potential for any special-status plant and wildlife species identified in the desktop analysis and background research to occur within the Project area. Additionally, the presence of an intermittent drainage and associated riparian habitat was evaluated as part of the site survey in August 2022.

Further evaluation of the Project area conducted on August 6th, 2022 included a focal evaluation of an area along the toe of slope of the graded slope that divides the western and eastern sections of the Project area. The focal survey conducted along the toe of slope was to determine the presence of hydrophytic vegetation and indicators of hydric soils and wetland hydrology, if they were present. Some wetland associated plants, including rushes (*Juncus sp.*) and sedges (*Carex sp.*), were identified within a small, narrow area within the toe of slope of the graded slope and continued to the curb associated with the subject parcel at Whitcomb Avenue. Upon closer evaluation, the toe of slope and area along the frontage with Whitcomb Avenue do not contain indicators of hydric soils or wetland hydrology and therefore, would not be mapped as wetlands regulated by state or federal agencies/regulators.

3.3 Project Area Characterization

The Project area has been disturbed by historic cut and fill practices, public access, and ongoing management for many years which is the baseline condition for the Project area. Within the Project area, the dumping of soils, landscape materials, and other miscellaneous items has also occurred for many years and the current circumstances are the baseline conditions. Areas not subject to this regular type of previous disturbance are dominated by mostly native habitat and, therefore, are also the baseline condition within and mostly adjacent to the Project area.

All vascular plant species identified at the time of the surveys were recorded using keys and descriptions in *The Jepson Manual* (Baldwin et al., 2012). Additionally, vegetation types have been classified by wildlife habitats/vegetation types using the California Department of Fish and Game's (CDFG) *A Guide to Wildlife Habitats* (Mayer and Laudenslayer, 1988). A list of plant and wildlife species identified within the Project area as part of the development of this Biological Report is located in the attached appendices.

4 ENVIRONMENTAL SETTING

4.1 Environmental Setting

The Project area is located in Placer County, CA in the northern-central Sierra Nevada foothills. The Sierra Nevada foothills lie between the western edge of the Sierra Nevada and the eastern border of the Central Valley. The foothills form a belt 10 to 30 miles wide that ranges from 500 to 5,000 feet in elevation in a series of northwest to north-northwest aligned ridges that decline in elevation from northeast to southwest. Many rapidly flowing rivers and streams run westerly in deeply incised canyons with bedrock channels to the Central Valley and eventually to the Pacific Ocean. Alluvial fans, floodplains, and terraces are not extensive; and all but the largest streams are generally dry during the summer. Dominant vegetation communities include non-native annual grasslands and riparian vegetation associated with the intermittent drainage along the eastern parcel boundary.

Vegetation communities within the Project area are typical of the lower Sierra Nevada foothills. However, the terrain within the central section of the Project area is not typical of the lower Sierra Nevada foothills that normally vary between flat ridges and valleys to gently and moderately sloping hillsides given the high level of disturbance within the central section of the Project area where cut and fill, and potentially grading impacts have occurred historically. The Project area elevation ranges from approximately 2,350 to 2,335 feet above mean sea level (MSL). The general topography slopes north to south and west to east within the subject parcel.

Natural hydrological sources for the Project area include precipitation and surface run-off from adjacent lands. Mean annual rainfall in the area is 47.06 inches (NRCS, 2022). There were no documented rain events over the previous month prior to the field surveys and as such, no surface water was documented within the intermittent drainage. The intermittent drainage runs along the eastern parcel boundary from north to south within the eastern section of the Project area. The intermittent drainage is not shown as a blue line feature or stream on any USGS or NWI maps that include the Project area. However, there is a line feature within the NWI mapping of the Project area that may represent a previous/historical drainage cutting north to south within the central portion of the subject parcel or it may represent an offset from the existing intermittent drainage along the eastern parcel boundary and may not accurately reflect the geographic position of the drainage within the subject parcel.

4.2 Project Area Soil Types

The USDA Soil Survey Mapper (USDA, 2022) identifies two soil types within the Project area. USDA soil mapping for the Project area is included in Appendix C and indicates that

the Project area contains the following soil types: Josephine loam, 2 to 9 percent slopes and Josephine loam, 9 to 15 percent slopes. These soil types are described in detail below and are shown in Appendix C and neither of these soils types are listed under the NRDC List of Hydric Soils for western Placer County where the Project is located:

- **Josephine Loam, 2 to 9 percent slopes (157).** The Josephine series consists of deep, well drained soils that formed in colluvium and residuum weathered from altered sedimentary and extrusive igneous rocks. Josephine soils are on broad ridgetops, toeslopes, footslopes, and side slopes of mountains. Slopes are 2 to 75 percent. The mean annual precipitation is about 45 inches and the mean annual temperature is about 50 degrees F.
- **Josephine Loam, 9 to 15 percent slopes (158).** mountains. Slopes are 2 to 75 percent. The mean annual precipitation is about 45 inches and the mean annual temperature is about 50 degrees F.

4.3 Project Area Vegetation Communities

Vegetation community types within the Project area are described below.

Disturbed

The Project area is considered a disturbed habitat type. The Project area contains a mix of fill material, asphalt, and gravel that have created a mix of non-native ruderal grassland vegetation and areas of barren ground. The disturbed area encroaches towards the eastern edge of the subject parcel. The riparian within the intermittent drainage is all invasive and non-native species and the vegetation ends at the top of the bank where a dense area dominated mostly by invasive Himalayan blackberry shrubs (*Rubus armenicus*) is located at the top of the drainage's bank. Himalayan blackberry and scotch broom (*Cytisus scoparius*) dominate the central cut and sloped area that runs north to south within the central portion of the subject parcel. There is additional scotch broom located along the frontage with Whitcomb Avenue and to the west and north of the Project area along the borders of the subject parcel. Common to the environmental setting of this habitat type are yellow star thistle (*Centaurea solstitialis*), garden burnett (*Poterium sanguisorba*), soft chess (*Bromus hordeaceus*), bisnaga (*Ammi visnaga*), and patches of Himalayan blackberry occur within the entirety of the subject parcel.

Wetland Associated Plants

Further evaluation of the Project area conducted on August 6th, 2022 included a focal evaluation of an area along the toe of slope of the graded slope that divides the western and eastern sections of the Project area and runs north to south within the subject parcel. The focal survey conducted along the toe of slope was to determine the

presence of hydrophytic vegetation and indicators of hydric soils and wetland hydrology, if they were present. Based on the initial site visit in July 2022, some wetland associated plants were identified along the toe of slope of the graded slope and runs all the way to Whitcomb Avenue where the vegetation spreads out a little wider due to the curb along Whitcomb Avenue being a barrier to any water flowing further south.

Some wetland associated plants, including rushes (*Juncus sp.*) and sedges (*Carex sp.*), were identified within a small, narrow area within the toe of slope of the graded slope and continued to the curb associated with the subject parcel at Whitcomb Avenue. Upon closer evaluation, the toe of slope and area along the frontage with Whitcomb Avenue do not contain indicators of hydric soils or wetland hydrology and therefore, would not be mapped as wetlands regulated by state or federal agencies/regulators. Two (2) shovel pits were taken, one in the central location of the subject parcel at the toe of slope of the cut slope, and the other at the southern end near Whitcomb Avenue where the vegetation becomes wider. The soils were identified as the following per the Munsell Soil Color Chart:

- 7.5YR 3/2 within the central section of the subject parcel at the toe of slope with no indicators of wetland hydrology present except for the drainage pattern artificially created by the cut slope. This soil color is not indicative of a hydric soil and indicators of wetland hydrology are not present at this location, which is representative of the toe of slope from approximately 50 feet north of Whitcomb Avenue to the northern end of the cut slope.
- 5YR 3/2 within the southern section of the subject parcel at the toe of slope where the area widens. This soil pit also showed no indicators of wetland hydrology present except for the drainage pattern artificially created by the cut slope and the curb along the frontage with Whitcomb Avenue that cuts off drainage within the subject parcel. This soil color is not indicative of a hydric soil and indicators of wetland hydrology are not present at this location, which is representative of the toe of slope from the southern edge of the subject parcel where the curb is located along Whitcomb Avenue to approximately 50 feet north along the cut slope.

The USDA Soil Survey shows the entirety of the subject parcel to be mapped as the Josephine Soil Series being mapped as Josephine loam, 9 to 15 percent slopes. The Josephine Soil Series is not identified within the NRCS Hydric Soils List for western Placer County where the subject parcel is located (see attached appendices for a USDA soils map of the subject parcel and the NRCS Hydric Soils List). Given the soil series is not included in the NRCS Hydric Soils List covering the subject parcel and given the clear lack of indicators for hydric soils and wetland hydrology to be present within the area surveyed, the toe of slope along the eastern edge of the cut slope does not represent

the required parameters to meet the definition of a wetland and regulated under the Clean Water Act. Therefore, this area within the subject parcel was not mapped as a regulated wetland and this area can be filled without notification to state and federal agencies given the lack of required wetland characteristics to be mapped as a regulated wetland.

5 RESULTS

Special-status species were considered for the Project area based on a current review of the CNDDDB and database information provided by the United States Fish and Wildlife Service and California Native Plant Society as well as the reconnaissance-level biological resources surveys.

5.1 Special-Status Plant Species

Based on the results of the database searches, two (2) special-status plant species were identified as previously occurring within 3 miles of the Project area. Several other additional special-status plant species have been previously documented within the Colfax USGS Topographic Quadrangle that are not mapped within 3 miles of the Project area. A description of the special-status plant species previously known to occur within 3 miles of the Project area (CNDDDB, 2022) are discussed below as well as a list of additional species previously identified within the Colfax USGS Topographic Quadrangle (see below and attached in the appendices). No special-status plant species were identified within the Project area during reconnaissance-level surveys and given the disturbed nature of the site and lack of suitable habitat for such species, special-status plant species have a very low potential to occur within the Project area. In addition, no USFWS Designated Critical Habitat (DCH) has been mapped by USFWS for any federally listed species within the vicinity of the Project area.

The following are the previously identified special-status plant species identified in the CNDDDB within 3 miles of the Project area:

Scadden Flat checkerbloom (*Sidalcea stipularis*) – Federally and CA State Endangered and California Native Plant Society List 1B.1

Scadden Flat checkerbloom inhabits marshes and swamps between July and August. It is found in wet montane marshes fed by springs, normally between 2,295 and 2,395 feet above MSL. The species has been documented within 3 miles to the north of the Project area. Suitable habitat for this species does not occur within the Project area. Additionally, this species was not documented during the August 2022 surveys that included the Project area. Therefore, the potential for this species to occur within the Project area is considered nil to very low.

Brandegee's Clarkia (*Clarkia biloba ssp. brandegeae*) – California Native Plant Society List 4.2

Brandegee's clarkia inhabits chaparral, cismontane woodland, and lower montane coniferous/mixed conifer forest habitats. It is most often found in road cuts between 75 and 915 meters above MSL. The species has been documented in several

locations within 3 miles of the Project area. During field surveys this species was not identified within the Project area and suitable habitat for this species is considered to be lacking within the Project area for this species. Given that this species is most likely found on or near road cuts on north facing slopes, the likelihood of this species occurring within the Project area is considered very low given the Project area does not include any road cuts on north facing slopes.

The following are the previously identified special-status plant species identified within Colfax Quad and not mapped within the CNDDDB within 3 miles of the Project area:

Sierra blue grass (*Poa sierra*) – California Native Plant Society List 1B.3

Sierra blue grass is found in openings in lower montane coniferous forest, between 1,195 and 4,920 feet above MSL and blooms between April and July. There is no suitable habitat for this species in the Project area given the lack of montane hardwood-conifer forests within the Project area. The species has not been documented within 3 miles of the Project area (CNDDDB 2022) and the species was not observed during the August 2022 field surveys. Therefore, the potential for the species to occur within the Project area is considered very low to nil given the lack of suitable habitat for this species within the Project area.

Red Hills soaproot (*Chlorogalum grandiflorum*) – California Native Plant Society List 1B.2

Red Hills soaproot is found in chaparral, cismontane woodland, lower montane coniferous forests on serpentinite and gabbroic substrates, between 800 and 5,545 feet above MSL and blooms between May and June. The species has not been documented previously within 3 miles of the Project area (CNDDDB 2022). The species was not observed during the August 2022 field surveys. Potential for occurrence of this species is considered very low and not expected to occur within the Project area given the lack of mixed chaparral vegetation in gabbroic soils within the Project area.

Additional special-status plant species with no potential to occur within the Project area that have been previously documented within the Colfax Quadrangle, but have not previously been mapped within the CNDDDB within 3 miles of the Project area:

- Humboldt lily (CNPS List 4.2)
 - Congdon's onion (CNPS List 4.3)
 - Sanborn's onion (CNPS List 4.2)
 - Serpentine bluecup (CNPS List 4.3)
 - Giant checkerbloom (CNPS List 4.3)
 - Streambank spring beauty (CNPS List 4.2)
 - Tripod buckwheat (CNPS List 4.2)
-

5.2 Special-Status Wildlife Species

Based on the results of the database searches, three (3) special-status wildlife species were identified as previously occurring within 3 miles of the Project area. Additionally, several other special-status wildlife species have been previously identified within the Colfax USGS Topographic Quadrangle and are listed below and in the attached appendices. A description of the special-status wildlife species previously identified within 3 miles of the Project area (CNDDDB, 2022) are discussed below with a list of the other special-status species also documented within the Colfax USGS Topographic Quadrangle. No special-status wildlife species were identified within the Project area during reconnaissance-level surveys and given the disturbed nature of the site and lack of suitable habitat for such species, special-status wildlife species have a very low potential to occur within the Project area. In addition, no USFWS Designated Critical Habitat (DCH) has been mapped by USFWS for any federally listed species within the vicinity of the Project area.

The following are the previously identified special-status wildlife species identified in the CNDDDB within 3 miles of the Project area:

Coast horned lizard (*Phrynosoma blainvillii*) – CA State Species of Concern

The coast horned lizard occurs in open sandy areas, scattered low bushes, chaparral, manzanita, and oak woodland habitats. It is found in the Sierra Nevada foothills from Butte County to Kern County and throughout the central and southern California coast. Coast horned lizards forage on the ground in open areas, usually between shrubs and often near ant nests. The species relies on camouflage for protection. Predators and extreme heat are avoided by burrowing into loose soil. Periods of inactivity and winter hibernation are spent burrowed in the soil under surface objects such as logs or rocks, in mammal burrows, or in crevices (Zeiner et al., 2000). They inhabit mostly open country, especially sandy areas, washes, flood plains and wind-blown deposits in a wide variety of habitats and can be found at elevations up to 8,000 feet (2,438 meters) (CaliforniaHerps, 2014).

This species has been documented within 3 miles of the Project area. There is marginal suitable habitat within the open disturbed areas within the Project area. As the central portion of the Project area contains the required open areas of exposed, sandy soils for this species, this species would be considered to have at least a very low potential to occur within the Project area. However, given the disturbed and developed nature of the Project area and surrounding parcels and given that no coast horned lizards were observed during the August 2022 reconnaissance-level biological surveys conducted within the Project area, it is very unlikely that this species would occur within the Project area.

Foothill yellow-legged frog (*Rana boylei*) – Candidate as Threatened under CESA

Foothill yellow-legged frogs inhabit partly shaded, shallow streams and riffles with a rocky substrate in a variety of habitats. The species requires at least some cobble-sized substrate for egg laying. The species requires at least 15 weeks to attain metamorphosis. These frogs are ectothermic, so ambient temperature affects the likelihood of detection of this species. Whether the life form is larval or subadult, both stages will shelter in place under substrate and emerge and become active with warmth (i.e., detection probability increases with temperature).

This species has been identified in several locations within 3 miles of the Project area. However, the species was not identified during reconnaissance-level biological surveys conducted within the Project area. Additionally, given the lack of a perennial stream with rocky substrate within the Project area, this species is considered absent from the Project area.

Obscure bumble bee (*Bombus caliginosus*) – CDFW S1

Obscure bumble bee was last documented within the vicinity of the City of Colfax in 1949, over half a century ago. It is only known from a collection of five individuals on June 1st of that year. Given the species has only been documented a single time within 3 miles of the Project area in 1949, there is an extremely low potential of the species occurring within the Project area.

Additional special-status wildlife species with no potential to occur within the Project area that have been previously documented within the Colfax Quadrangle, but have not previously been mapped within the CNDDDB within 3 miles of the Project area:

- Fisher (State Species of Special Concern)
- Valley elderberry longhorn beetle (Federally threatened)
- Western pond turtle (State Species of Special Concern)
- Loggerhead shrike (State Species of Special Concern)
- Western pearshell (None)
- Western bumble bee (None)

Nesting raptors and other migratory bird species - Protected under CA State DFG Code Sections 3503, 3503.5, and 3800

There is a low potential for nesting raptors and other nesting migratory bird species to occur within and directly adjacent to the Project area. The Project area contains suitable nesting habitat for bird species, such as tree nesting species (in trees directly

adjacent to the subject parcel) and ground nesting species like the spotted towhee (*Pipilo maculatus*) and dark-eyed junco (*Junco hyemalis*). Additional species that are known to nest in shrub and tree habitat have the potential to nest within the Project area though the likelihood is considered low given the level of disturbance within and adjacent to the Project area. The nesting season for raptors and other protected nesting birds within the Project area occurs between March 1st and August 31st.

6 CONCLUSIONS AND RECOMMENDATIONS:

These conclusions and recommendations are based on the findings of this Biological Report and the impact assessment based on the Project Understanding outlined in Section 1.2 above. The impact assessment and recommendations below are based on the proposed Project components that would require disturbance within the Project area. These project components are included in the Site Plan attached in Appendix B and are outlined in Section 1 above. A total of 318 storage units are planned within an area of approximately 56,640 square feet within the subject parcel. Additionally, six (6) individual parking spaces are proposed. A new access drive into the Project area off of Whitcomb Avenue is also proposed. There will be a minimum buffer from the eastern parcel boundary where the intermittent drainage is located and therefore, the proposed Project would be set off of the drainage and outside of any riparian vegetation associated with the intermittent drainage.

For sensitive biological resources that have the potential to be impacted by such disturbance, avoidance, minimization, and mitigation measures are proposed to ensure that such disturbance does not cause a significant impact on any sensitive biological resources within the Project area.

Proposed Avoidance, Minimization, and Mitigation Measures

6.1 Potential Impacts to Special-Status Plant Species

Special-status plant surveys were conducted within the Project area during August 2022, which coincides with the blooming period of several of the special-status plant species that have been previously identified within 3 miles of the Project area and within the Colfax USGS Topographic Quadrangle. No special-status plants were documented within the Project area during the site visits and surveys conducted as part of the development of this Biological Report. Therefore, there is a very low likelihood that the Project area would contain a protected special-status plant species listed by CNPS and per CEQA requirements based on the results of the August 2022 surveys of the Project area.

Disturbance related impacts to CNPS list 3 and list 4 species **would not** be considered a "significant" impact requiring additional mitigation under CEQA Guidelines Section 15380. Therefore, the proposed Project would have a **less than significant** impact on special-status plant species, if present during such disturbance given the CNPS 1B.1, 1B.2, and 1B.3 species previously documented within 3 miles of the Project area and within the Colfax USGS Topographic Quadrangle have a very low likelihood to occur within the Project area and would not be impacted by the proposed Project.

6.2 Potential Impacts to Special-Status Wildlife Species

The coast horned lizard is the terrestrial special-status wildlife species with at least some potential to occur within the Project area, even though the species has not been observed within the Project area. Therefore, this species is in addition to potential nesting raptors that have some potential to occur within the Project area as discussed in detail below.

Coast horned lizard

Occurrence: There is potential suitable habitat within the open disturbed and disturbed sections of the Project area. In addition, the Project area includes the required open areas of exposed, sandy soils for this species within those habitat types. Therefore, this species has a low potential to occur within the Project area.

Mitigation: Prior to disturbance within the areas of the Project area that contain suitable habitat for the species, a pre-construction survey for the species shall be conducted prior to any disturbance within those disturbed and developed areas of the Project area in order to avoid direct impacts to the species. If the species is documented during pre-construction surveys, a qualified wildlife biologist would have the authority to move individual coast horned lizards outside of the proposed disturbance area(s) in order to avoid an impact to this species. Once the coast horned lizard(s) have been removed from the disturbance area(s) and out of harms way, the proposed work would no longer pose a risk to individuals of the species.

Therefore, the proposed Project would have a **less than significant** impact on the coast horned lizard with the implementation of the mitigation measures outlined above.

6.3 Potential Impacts to Nesting Raptors and other Protected Bird Species

Given the Project area is located adjacent to many larger trees and the Project area is dominated by non-native annual grassland and shrub species that may contain suitable habitat for nesting raptors and other protected bird species, removal of such trees and shrubs should be done outside the breeding season, if possible, to avoid potential impacts to such protected nesting bird species. The breeding season for raptors and MBTA protected bird species in the vicinity of the Project area is generally from March 1 to August 31. Vegetation clearing or tree removal outside of the breeding season for such bird species would not require the implementation of any avoidance, minimization, or mitigation measures. However, construction or development activities during the breeding season could disturb or remove occupied nests of raptors and would require the implementation of a pre-construction survey within 250 feet of the any

disturbance area within the Project area for nesting raptors and other protected bird species within 14 days prior to disturbance.

Avoidance: Vegetation clearing or tree removal outside of the breeding season for such bird species and/or avoidance of such potential nesting habitat would not require the implementation of any avoidance, minimization, or mitigation measures.

Mitigation: Construction or disturbance activities during the breeding season could disturb or remove occupied nests of raptors and/or protected bird species and would require the implementation of a pre-construction survey within and adjacent to any proposed disturbance area within the Project area for nesting raptors and other protected bird species within 14 days prior to disturbance. The nesting survey radius around the proposed disturbance would be identified prior to the implementation of the protected bird nesting surveys by a CDFW qualified biologist and would be based on the habitat type, habitat quality, and type of disturbance proposed within or adjacent to nesting habitat.

If any nesting raptors or protected birds are identified during such pre-construction surveys, trees or shrubs or grasslands with active nests should not be removed or disturbed and a no-disturbance buffer should be established around the nesting site to avoid disturbance or destruction of the nest site until after the breeding season or after a qualified wildlife biologist determines that the young have fledged. The extent of these buffers would be determined by a CDFW qualified wildlife biologist and would depend on the special-status species present, the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors should be analyzed by a qualified wildlife biologist to make an appropriate decision on buffer distances based on the species and level of disturbance proposed in the vicinity of an active nest.

Therefore, the proposed Project would have a **less than significant** impact on nesting raptors and other protected bird species with the implementation of the mitigation measures outlined above.

6.4 Potential Impacts to Clean Water Act Regulated “Waters of the U.S.,” Including Wetlands

A single intermittent drainage is the only wetland or stream feature identified within the Project area and it is assumed to fall under Corps jurisdiction pursuant to Section 404 of the CWA. The RWQCB pursuant to Section 401 of the CWA also has jurisdiction over areas subject to regulation by the Corps under Section 404 of the CWA. As detailed in the CWA, any proposed action that would place fill or dredge material within areas identified as Corps jurisdictional wetlands or waters would require a Department of the

Army Section 404 permit and a RWQCB Section 401 Water Quality Certification, or waiver thereof, prior to the placement of fill or dredge material within such features. Fill or dredge impacts to any features regulated under Sections 404 and 401 of the CWA would be required to be mitigated at a minimum of a 1:1 ratio. Compensatory mitigation would be included as a Section 404 and Section 401 permit condition to be implemented prior to the placement of such dredge and fill material within a “waters of the U.S.,” including wetlands, and would ensure the no net loss of such features within the Project area.

Given that no fill or dredge material is proposed to be placed within the intermittent drainage as part of the proposed Project, the proposed Project would have a **less than significant** impact on CWA regulated “waters of the U.S.” including wetlands.

6.5 Potential Impacts to Stream and Riparian Zones Under CDFW Jurisdiction

Any substantial alteration to the intermittent drainage within the Project area would likely fall under CDFW jurisdiction as the drainage contains a bed and bank and riparian vegetation along its banks. Any proposed alteration of any stream would most likely require a Streambed Alteration Agreement from the CDFW pursuant to Section 1600 *et. seq.* of the California Fish and Wildlife Code prior to construction, including any disturbance within the intermittent drainage within the Project area.

Given that there will be a minimum proposed 20-foot setback from the eastern parcel boundary where the intermittent drainage flows north to south, no impacts to the bed and bank of the intermittent drainage will occur, nor will any impact to associated riparian vegetation within the intermitted drainage occur. Therefore, the proposed Project would have a **less than significant** impact on CDFW regulated streams and any associated riparian habitat. A Streambed Alteration Agreement with CDFW for such impacts would not be required as the Project is presently proposed.

6.6 City of Colfax Tree Removal Regulations (Code of Ordinances 12.16)

The Project applicant will comply with the City of Colfax tree removal regulations (Code of Ordinances 12.16). Trees that will be preserved within the Project area that are located directly adjacent to proposed disturbance shall require the installation of bright colored mesh fencing, flagged stakes or some visible means of physical demarcation around the drip line of the tree(s) in the field prior to issuance of a grading permit. No movement of soil or earth material shall take place within the drip line of trees designated for preservation.

Trees that will be removed within the subject parcel will comply with the City's ordinance by implementing the following to mitigate for trees to be removed:

- A. The applicant/developer shall replace and replant removed trees with an equal number of trees.
- B. Minimum/maximum replacement trees shall range from one gallon to forty-eight (48) inch box container sizes mixed to create a natural horizon line.
- C. A mix of tree species is preferred (rather than planting the same species throughout the project) to achieve a more natural, native appearance.
- D. Hillside development shall preserve trees when feasible or be replanted immediately to prevent erosion. "Immediate" means prior to the issuance of a certificate of occupancy or final inspection.
- E. Trees shall be irrigated and maintained by any and all subsequent owners for a minimum period of five years after installation in accordance with the Colfax design guidelines maintenance requirements:
 - 1. Deposit with the city a maintenance bond, cash, letter of credit or its equivalent, in an amount equal to one-half the market value of landscaping and irrigation guaranteeing the proper care, treatment and maintenance of landscaping for a period of three years; or
 - 2. Execute an agreement and equitable lien in an amount equal to the full market value of the landscaping and irrigation with the city, guaranteeing the lien shall cause a written letter of notification by the city to the owner of the real property within ten (10) days that the city will perform or have performed by a reputable landscaper any and all maintenance work it deems necessary and bring legal action against the owner for the full cost of such maintenance work or foreclose such equitable lien as provided by law.

The proposed Project would have a **less than significant** impact on trees within the subject parcel with the implementation of the mitigation measures outlined above, if any trees are to be removed within the subject parcel.

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Appendix A

Project Overview Area Figure



Placer County Assessor

California

Property Information

Assessor Parcel Number(APN)	100-230-061-000
Assessment Number	100-230-061-000
Tax Rate Area(TRA)	002000
Current Document Number	2005R0054076
Current Document Date	4/29/2005
SitusAddr	
Property Type	VACANT INDUSTRIAL
Lot Size(Acres)	2.56
Lot Size(SqFt)	111406.00
Asmt Description	2.56 AC PAR B, POR PAR C & D PMOR 19 71
Asmt Status	ACTIVE

Roll Values

Land	\$547,280.00
Structural Imprv	\$0.00
Fixtures Real Property	\$0.00
Growing Imprv.	\$0.00
Total land & Improvemnets	\$547,280.00
Fixtures Personal Property	\$0.00
Personal Property	\$0.00
Manufactured Homes	\$0.00
Homeowners Exemption(HOX)	\$0.00
Other Exemptions	\$0.00
Net Assessed Value	\$547,280.00

Building Description

Building Seq. Number	
Unit Seq. Number	0

Building Code	
Current Doc Num	2005R0054076
Building Square Footage	
Number of units	
Building Type	
Garage Size	0.00
UnFinished Square Footage	
Year Built	
Bedrooms	
Full Baths	
Half Baths	
FirePlaces	
Pools	



Matthew R. Maynard

Item 6A

Assessor

 2980 Richardson Dr Auburn, CA, 95603

 530-889-4300

 assessor@placer.ca.gov

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Appendix B

Site Plan

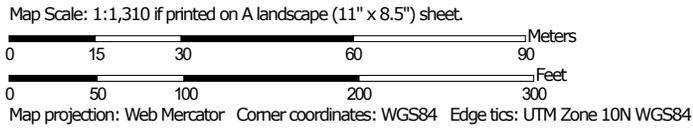
Appendix C

USDA Soils Map

Soil Map—Placer County, California, Western Part



Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Placer County, California, Western Part
 Survey Area Data: Version 13, Sep 3, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 8, 2019—Jun 21, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

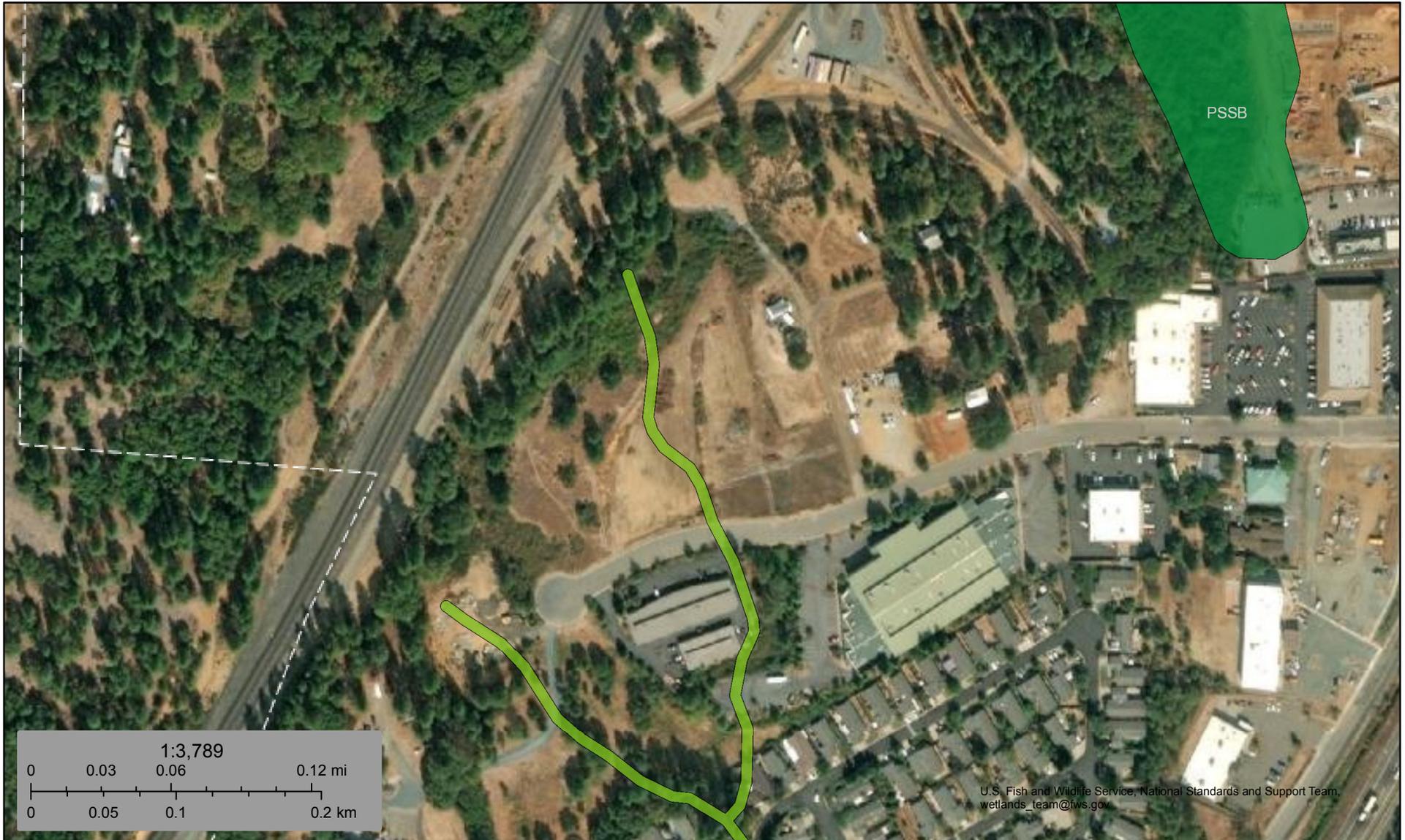
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
157	Josephine loam, 2 to 9 percent slopes	1.8	55.4%
158	Josephine loam, 9 to 15 percent slopes	1.4	44.6%
Totals for Area of Interest		3.2	100.0%

Appendix D

National Wetland Inventory (NWI) Map



Whitcomb Avenue Project NWI Map



July 24, 2022

Wetlands

- | | | |
|--------------------------------|-----------------------------------|----------|
| Estuarine and Marine Deepwater | Freshwater Emergent Wetland | Lake |
| Estuarine and Marine Wetland | Freshwater Forested/Shrub Wetland | Other |
| | Freshwater Pond | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Appendix E

Plants and Wildlife Observed During Site Surveys

Plant and Wildlife Species Observed during the Subject Parcel

Site Surveys on August 6th, 2022

Common Name	Scientific Name	Species Status
Plants		
buttercup spp.	<i>Ranunculus</i> spp.	Not FESA, CESA, or CNPS listed
California wild rose	<i>Rosa californica</i>	Not FESA, CESA, or CNPS listed
California black oak	<i>Quercus kelloggii</i>	Not FESA, CESA, or CNPS listed
carex spp.	<i>Carex</i> spp.	Not FESA, CESA, or CNPS listed
common mouse ear chickweed	<i>Cerastium fontanum</i>	Not FESA, CESA, or CNPS listed
common mullein	<i>Verbascum Thapsus</i>	Not FESA, CESA, or CNPS listed
common mustard	<i>Brassica rapa</i>	Not FESA, CESA, or CNPS listed
common periwinkle	<i>Vinca minor</i>	Not FESA, CESA, or CNPS listed
common sheep sorrel	<i>Rumex acetocella</i>	Not FESA, CESA, or CNPS listed
Cyptanth spp.	<i>Cryptantha</i> spp.	Not FESA, CESA, or CNPS listed
dandelion spp.	<i>Agoseris</i> spp.	Not FESA, CESA, or CNPS listed
English plantain	<i>Plantago lanceolate</i>	Not FESA, CESA, or CNPS listed
everlasting pea	<i>Lathyrus latifolius</i>	Not FESA, CESA, or CNPS listed
Filaree	<i>Erodium cicutarium</i>	Not FESA, CESA, or CNPS listed
honeysuckle spp.	<i>Lonicera</i> spp.	Not FESA, CESA, or CNPS listed

Common Name	Scientific Name	Species Status
hyssop loosestrife	<i>Lythrum hyssopifolia</i>	Not FESA, CESA, or CNPS listed
Himalayan blackberry	<i>Rubus armeniacus</i>	Not FESA, CESA, or CNPS listed
incense cedar	<i>Calocedrus decurrens</i>	Not FESA, CESA, or CNPS listed
iris spp.	<i>Iris</i> spp.	Not FESA, CESA, or CNPS listed
juncus spp.	<i>Juncus</i> spp.	Not FESA, CESA, or CNPS listed
mountain violet	<i>Viola purpurea</i>	Not FESA, CESA, or CNPS listed
poison oak	<i>Toxicodendron diversilobum</i>	Not FESA, CESA, or CNPS listed
Ponderosa pine	<i>Pinus ponderosa</i>	Not FESA, CESA, or CNPS listed
ripgut brome	<i>Bromus diandrus</i>	Not FESA, CESA, or CNPS listed
Scotch broom	<i>Cytisus scoparius</i>	Not FESA, CESA, or CNPS listed
St. John's wort; Klamath weed	<i>Hypericum perforatum</i>	Not FESA, CESA, or CNPS listed
shamrock clover	<i>Trifolium dubium</i>	Not FESA, CESA, or CNPS listed
soft chess	<i>Bromus hordeaceus</i>	Not FESA, CESA, or CNPS listed
stork's bill spp.	<i>Erodium</i> spp.	Not FESA, CESA, or CNPS listed
white-leaved manzanita	<i>Arctostaphylos viscida</i> ssp. <i>viscida</i>	Not FESA, CESA, or CNPS listed
wild oats	<i>Avena fatua</i>	Not FESA, CESA, or CNPS listed
wild rye	<i>Elymus glaucus</i>	Not FESA, CESA, or CNPS listed

Common Name	Scientific Name	Species Status
Birds		
American robin	<i>Turdus migratorius</i>	<i>Not CESA or FESA listed. Migratory (active nests protected)</i>
dark-eyed junco	<i>Junco hyemalis</i>	<i>Not CESA or FESA listed. Migratory (active nests protected)</i>
house finch	<i>Haemorhous mexicanus</i>	<i>Not CESA or FESA listed. Migratory (active nests protected)</i>
mourning dove	<i>Zenaida macroura</i>	<i>Not CESA or FESA listed. Migratory (active nests protected)</i>
northern flicker	<i>Colaptes auratus</i>	<i>Not CESA or FESA listed. Migratory (active nests protected)</i>
western scrub-jay	<i>Aphelocoma californica</i>	<i>Not CESA or FESA listed. Migratory (active nests protected)</i>

Appendix F

Photo Log

Photos of Field Surveys of the Project Area on August 6th, 2022



Photo 1. Looking southwest with along Whitcomb Avenue with the western section of the Project area to the right.



Photo 2. Looking north from the western border of the Project area. Site is dominated by non-native annual grassland, invasive scotch broom, and heavy disturbance.



Photo 3. Along Whitcomb Avenue within the central portion of the Project area. A drainage pattern located at toe of slope that separates the western and eastern section of the Project area. No hydric soils present at along the toe of slope.



Photo 4. From Whitcomb Avenue looking north within the central portion of the Project area. A drainage pattern located at toe of slope along the right edge of the scotch broom. No hydric soils present at along the toe of slope so no regulated wetlands.



Photo 5. Photo looking East along Whitcomb Avenue from the central portion of the Project area. Site dominated by non-native annual grassland species.



Photo 6. Blackberry shrub dominated drainage area located along the eastern border of the Project area before going through an underground pipe across Whitcomb Ave.



Photo 7. Looking N/NW within the central area of the Project area along the toe of slope. No wetland vegetation or hydric soils present within the toe of slope area.



Photo 8. Blackberry shrub dominated drainage area located along the eastern border of the Project area looking south. Drainage was dry during both site visits.



Photo 9. From Whitcomb Avenue looking north within the southeastern corner of the Project area. Project area dominated by non-native grassland and vegetation.



Photo 10. Looking west from eastern section of the Project area. Toe of slope of hill dominated by blackberry and broom shrubs does not contain hydric soils or veg.

Appendix G

CNDDDB and USFWS Species List of the Project Area

CNDDDB Quad Species List 19 records.

Element Type	Scientific Name	Common Name	Element Code	Federal Status	State Status	CDFW Status	CA Rare Plant Rank	Quad Code	Quad Name	Data Status	Taxonomic Sort
Animals - Amphibians	<i>Rana boylei</i>	foothill yellow-legged frog	AAABH01050	None	Endangered	SSC	-	3912018	COLFAX	Mapped and Unprocessed	Animals - Amphibians - Ranidae - <i>Rana boylei</i>
Animals - Birds	<i>Lanius ludovicianus</i>	loggerhead shrike	ABPBR01030	None	None	SSC	-	3912018	COLFAX	Unprocessed	Animals - Birds - Laniidae - <i>Lanius ludovicianus</i>
Animals - Insects	<i>Bombus caliginosus</i>	obscure bumble bee	IIHYM24380	None	None	-	-	3912018	COLFAX	Mapped	Animals - Insects - Apidae - <i>Bombus caliginosus</i>
Animals - Insects	<i>Bombus occidentalis</i>	western bumble bee	IIHYM24250	None	None	-	-	3912018	COLFAX	Mapped	Animals - Insects - Apidae - <i>Bombus occidentalis</i>
Animals - Insects	<i>Desmocerus californicus dimorphus</i>	valley elderberry longhorn beetle	IICOL48011	Threatened	None	-	-	3912018	COLFAX	Mapped	Animals - Insects - Cerambycidae - <i>Desmocerus californicus dimorphus</i>
Animals - Mammals	<i>Pekania pennanti</i>	Fisher	AMAJF01020	None	None	SSC	-	3912018	COLFAX	Mapped	Animals - Mammals - Mustelidae - <i>Pekania pennanti</i>
Animals - Mollusks	<i>Margaritifera falcata</i>	western pearlshell	IMBIV27020	None	None	-	-	3912018	COLFAX	Mapped and Unprocessed	Animals - Mollusks - Margaritiferidae - <i>Margaritifera falcata</i>
Animals - Reptiles	<i>Emys marmorata</i>	western pond turtle	ARAAD02030	None	None	SSC	-	3912018	COLFAX	Unprocessed	Animals - Reptiles - Emydidae - <i>Emys marmorata</i>
Animals - Reptiles	<i>Phrynosoma blainvillii</i>	coast horned lizard	ARACF12100	None	None	SSC	-	3912018	COLFAX	Mapped and Unprocessed	Animals - Reptiles - Phrynosomatidae - <i>Phrynosoma blainvillii</i>
Plants - Vascular	<i>Chlorogalum grandiflorum</i>	Red Hills soaproot	PMLIL0G020	None	None	-	1B.2	3912018	COLFAX	Mapped	Plants - Vascular - Agavaceae - <i>Chlorogalum grandiflorum</i>
Plants - Vascular	<i>Allium sanbornii</i> var. <i>congdonii</i>	Congdon's onion	PMLIL02211	None	None	-	4.3	3912018	COLFAX	Unprocessed	Plants - Vascular - Alliaceae - <i>Allium sanbornii</i> var. <i>congdonii</i>
Plants - Vascular	<i>Allium sanbornii</i> var. <i>sanbornii</i>	Sanborn's onion	PMLIL02212	None	None	-	4.2	3912018	COLFAX	Unprocessed	Plants - Vascular - Alliaceae - <i>Allium sanbornii</i> var. <i>sanbornii</i>
Plants - Vascular	<i>Githopsis pulchella</i> ssp. <i>serpentinicola</i>	serpentine bluecup	PDCAM07053	None	None	-	4.3	3912018	COLFAX	Unprocessed	Plants - Vascular - Campanulaceae - <i>Githopsis pulchella</i> ssp. <i>serpentinicola</i>
Plants - Vascular	<i>Lilium humboldtii</i> ssp. <i>humboldtii</i>	Humboldt lily	PMLIL1A071	None	None	-	4.2	3912018	COLFAX	Unprocessed	Plants - Vascular - Liliaceae - <i>Lilium humboldtii</i> ssp. <i>humboldtii</i>
Plants - Vascular	<i>Sidalcea gigantea</i>	giant checkerbloom	PDMAL110T0	None	None	-	4.3	3912018	COLFAX	Unprocessed	Plants - Vascular - Malvaceae - <i>Sidalcea gigantea</i>
Plants - Vascular	<i>Claytonia parviflora</i> ssp. <i>grandiflora</i>	streambank spring beauty	PDPOR030D1	None	None	-	4.2	3912018	COLFAX	Unprocessed	Plants - Vascular - Montiaceae - <i>Claytonia parviflora</i> ssp. <i>grandiflora</i>
Plants - Vascular	<i>Clarkia biloba</i> ssp. <i>brandegeae</i>	Brandegee's clarkia	PDONA05053	None	None	-	4.2	3912018	COLFAX	Mapped and Unprocessed	Plants - Vascular - Onagraceae - <i>Clarkia biloba</i> ssp. <i>brandegeae</i>
Plants - Vascular	<i>Poa sierrae</i>	Sierra blue grass	PMPOA4Z310	None	None	-	1B.3	3912018	COLFAX	Mapped	Plants - Vascular - Poaceae - <i>Poa sierrae</i>
Plants - Vascular	<i>Eriogonum tripodum</i>	tripod buckwheat	PDPGN085Y0	None	None	-	4.2	3912018	COLFAX	Unprocessed	Plants - Vascular - Polygonaceae - <i>Eriogonum tripodum</i>

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Placer County, California



Local office

Sacramento Fish And Wildlife Office

☎ (916) 414-6600

📅 (916) 414-6713

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/2891	Threatened

Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/321	Threatened

Insects

NAME	STATUS
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Monarch Butterfly *Danaus plexippus*

Candidate

Wherever found

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9743>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
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Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

Breeds Jan 1 to Aug 31

Black-throated Gray Warbler *Dendroica nigrescens*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Breeds May 1 to Jul 20

Cassin's Finch *Carpodacus cassinii*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9462>

Breeds May 15 to Jul 15

Golden Eagle *Aquila chrysaetos*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

Breeds Dec 1 to Aug 31

Oak Titmouse *Baeolophus inornatus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9656>

Breeds Mar 15 to Jul 15

Olive-sided Flycatcher *Contopus cooperi*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3914>

Breeds May 20 to Aug 31

Wrentit *Chamaea fasciata*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Mar 15 to Aug 10

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (-)

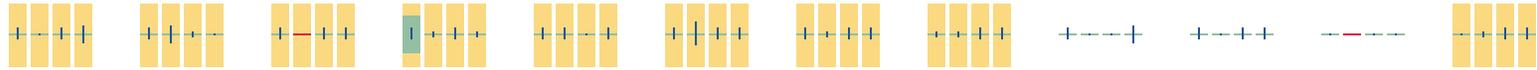
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

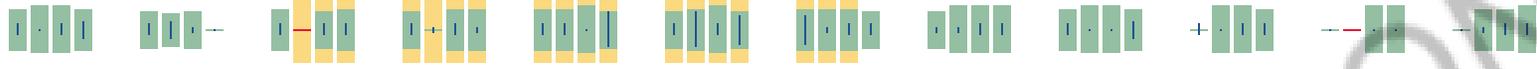
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



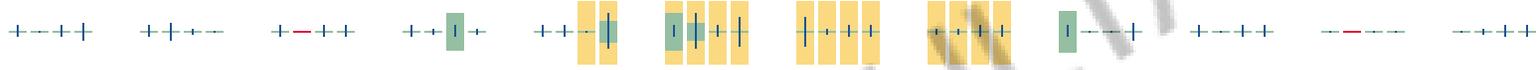
Golden Eagle
 Non-BCC Vulnerable
 (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)



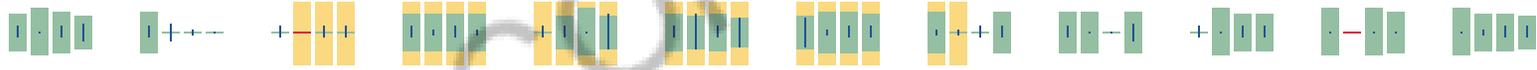
Oak Titmouse
 BCC Rangewide (CON)
 (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Olive-sided Flycatcher
 BCC Rangewide (CON)
 (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Wrentit
 BCC Rangewide (CON)
 (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure.

To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be

there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Coastal Barrier Resources System

Projects within the [John H. Chafee Coastal Barrier Resources System](#) (CBRS) may be subject to the restrictions on federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local [Ecological Services Field Office](#) or visit the [CBRA Consultations website](#). The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

THERE ARE NO KNOWN COASTAL BARRIERS AT THIS LOCATION.

Data limitations

The CBRS boundaries used in IPaC are representations of the controlling boundaries, which are depicted on the [official CBRS maps](#). The boundaries depicted in this layer are not to be considered authoritative for in/out determinations close to a CBRS boundary (i.e., within the "CBRS Buffer Zone" that appears as a hatched area on either side of the boundary). For projects that are very close to a CBRS boundary but do not clearly intersect a unit, you may contact the Service for an official determination by following the instructions here:

<https://www.fws.gov/service/coastal-barrier-resources-system-property-documentation>

Data exclusions

CBRS units extend seaward out to either the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward extent of the units is not shown in the CBRS data, therefore projects in the offshore areas of units (e.g., dredging, breakwaters, offshore wind energy or oil and gas projects) may be subject to CBRA even if they do not intersect the CBRS data. For additional information, please contact CBRA@fws.gov.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND

[Palustrine](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

PROPERTY ADDRESS

PARCEL B, PORTION OF PARCELS C & D OF BK. 19 PARCEL MAPS P. 71 PORTION E. 1/4 OF S. 3 T. 14N R. 9E, M.D.B.&M. COLFAX, CA 95713

APPLICANTS

WALTER WHITE & JIM MENCONI
9856 SPYGLASS CIRCLE
AUBURN, CA 95602

OWNER

BOBBY G. CUNNINGHAM TRUST
P.O. BOX 1100
COLFAX, CA 95713

PROPOSED OWNER

WALTER K. AND JEANNETTE R. WHITE,
TRUSTEES OF THE WALTER WHITE FAMILY TRUST,
CREATED APRIL 30, 1992
11390 VIA VISTA NEVADA CITY, CA 95959

MAP PREPARED BY

SCO PLANNING & ENGINEERING, INC.
140 LITTON DRIVE, SUITE 240
GRASS VALLEY, CA 95645
(530) 272-5841
CONTACT: MARTIN WOOD, P.L.S.

ASSESSOR'S PARCEL NUMBER

100-230-061-000

LOT AREA

2.56 AC

Building A	Units	Sq Footage
Office	1	240
10x18	2	360
10x20	5	1000
	8	1600

Building B	Units	Sq Footage
10x20	9	1800
	9	1800

Building C (Upper)	Units	Sq Footage
5x5	6	150
10x5	24	1200
10x10	61	6100
10x15	11	1650
10x20	13	2600
	115	11700

Building C (Lower)	Units	Sq Footage
5x5	1	25
10x5	7	350
10x10	18	1800
10x15	23	3450
10x20	2	300
	51	5925

Building D	Units	Sq Footage
5x5	1	25
10x5	7	350
10x10	36	3600
10x15	1	150
10x20	3	600
10x25	7	1750
	55	6475

Building E	Units	Sq Footage
12x30	24	8640
12x15	1	180
	25	8820

Building F	Units	Sq Footage
10x10	1	100
10x20	12	2400
10x25	10	2500
	23	5000

Building G	Units	Sq Footage
10x20	9	1800

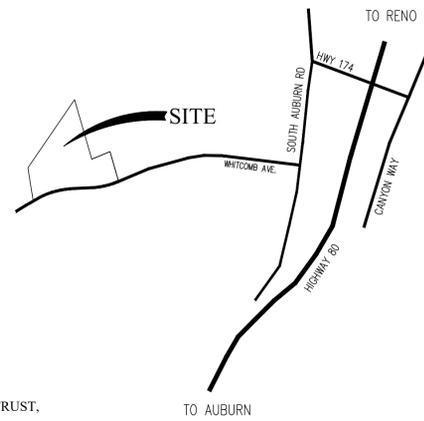
Building H	Units	Sq Footage
10x18	4	720
10x20	7	1400
	11	2120

Building I	Units	Sq Footage
10x10	3	300
10x15	4	600
10x25	3	750
	10	1650

Building J	Units	Sq Footage
10x15	1	150
10x23	4	920
10x25	2	500
	7	1570

Building K	Units	Sq Footage
10x18	6	1080
10x20	4	800
	10	1880

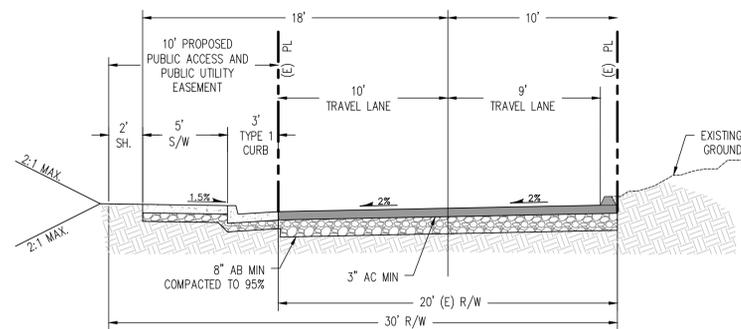
Total Units 333
Total SF 50340 sf
Total Rental Area 50340 sf



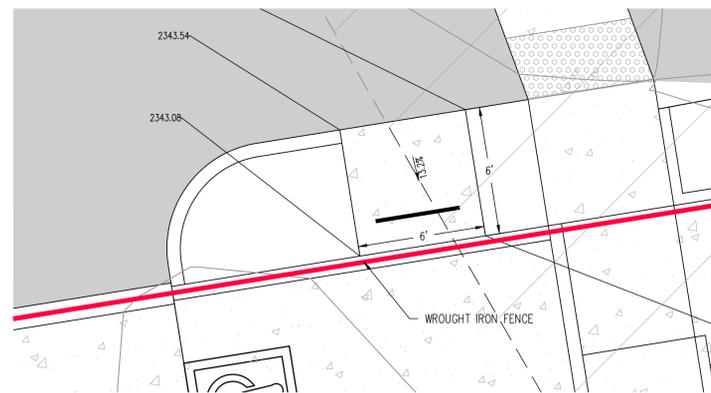
VICINITY MAP
NO SCALE

SITE STATISTICS		
UNIT TYPE	UNITS	PARKING
5' X 5'	8	
10' X 5'	38	
10' X 10'	119	
10' X 15'	40	
10' X 18'	12	
10' X 20'	62	
10' X 23'	4	
10' X 25'	22	
10' X 30'	2	
12' X 15'	1	
12' X 30'	24	
OFFICE PARKING		3
HANDICAP PARKING		1
TOTAL	332	

TOTAL AREA OF STORAGE UNITS - 50,340 SF



TYPICAL ROADWAY SECTION A-A
N.T.S.



BICYCLE PARKING DETAIL
1" = 4'

LEGEND:

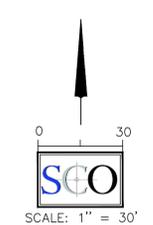
- 8"W PROPOSED WATERLINE, DR-14 C900 SIZE AS SHOWN
- PROPOSED WATER VALVE
- PROPOSED 6" PVC SANITARY SEWER LATERAL AND CLEANOUT (S1)
- PROPOSED STORM DRAIN LINE
- PROPOSED STORM DRAIN INLET, SEE GRADING & DRAINAGE PLAN
- PROPOSED FIRE HYDRANT (W3)
- PROPOSED SEWER LINE
- EXISTING TREES (CONIFER & DECIDUOUS)
- PROPOSED LANDSCAPING SEE PLAN FOR SPECIFICS
- PROPERTY LINE
- PROPOSED ASPHALT (3" AC ON 8" AGG. BASE)
- PROPOSED CONCRETE
- VEHICLE SUPPORTING DRAINAGE CELL AREA
- OUTSIDE ACCESS DOOR
- PARKING SPACES
- PROPOSED 6' CYCLONE FENCING WITH SLATS, SECURITY
- PROPOSED 6' WROUGHT IRON FENCE
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT



GENERAL NOTES:

- G1 INSTALL FIRE HYDRANT
- G2 INSTALL SEWER CONNECTION
- G3 INSTALL SEWER CLEANOUT

LOWER LEVEL PLAN
1" = 30'



Item 6A

DESIGNED: MDW	DATE
DRAWN: MDW	NO. REVISIONS
PROJ. NO: 202208	
DWG-SEE DAY STAMP	
DATE: MARCH, 2023	

CALIFORNIA

MINI-STORAGE PRELIMINARY SITE PLAN

COLFAX / PLACER COUNTY

SCO PLANNING & ENGINEERING, INC. (Logo)

GRASS VALLEY (530) 272-5841 TRUCKEE (530) 582-4043 FAX (530) 272-5880

DATE SIGNED: _____

JASON T. HAYMON (Professional Engineer Seal)

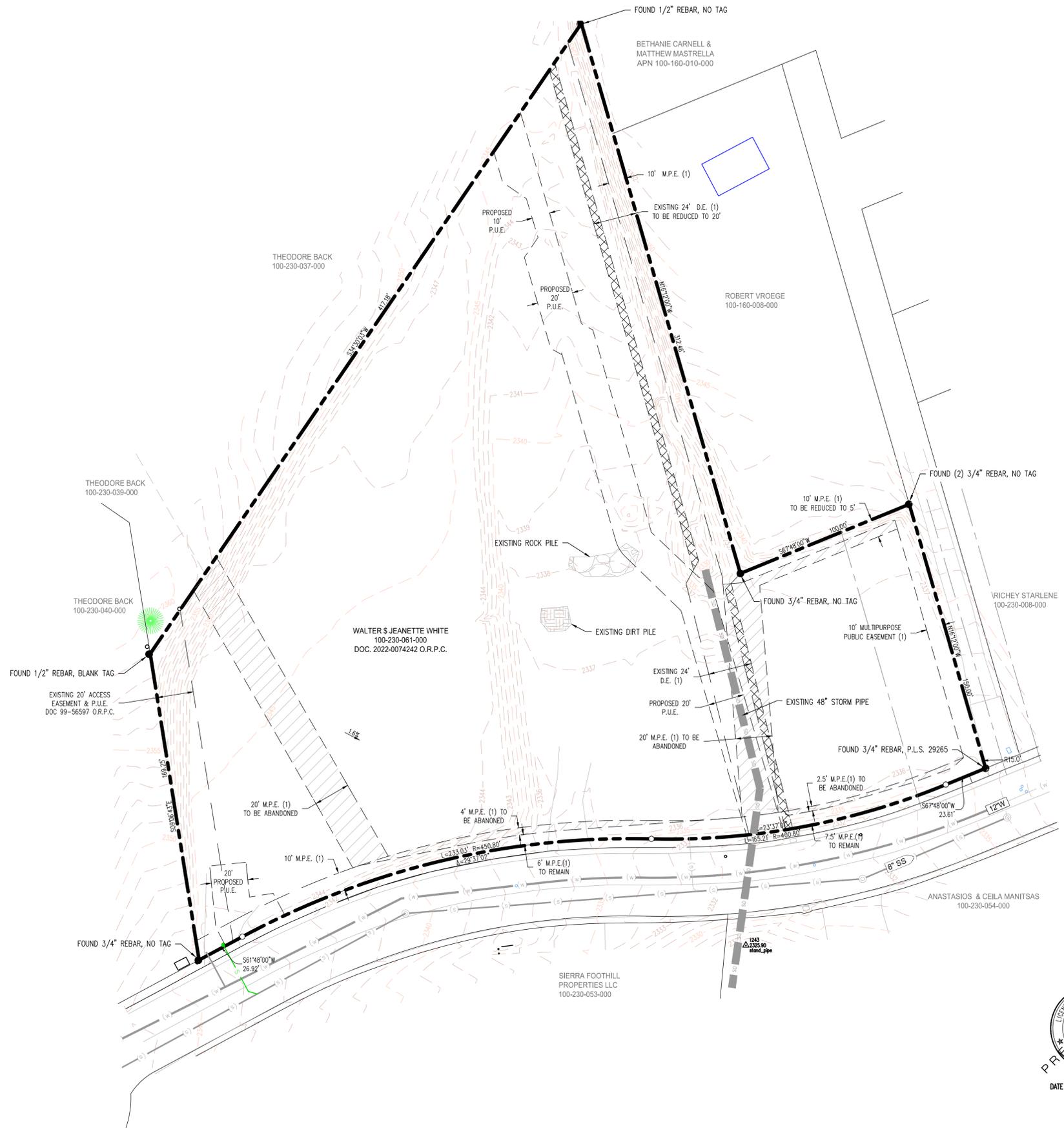
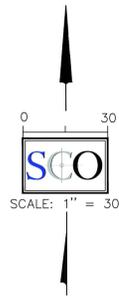
1 OF 4

LEGEND:

-
-
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-
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-
-
- D.E. DRAINAGE EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- M.P.E. MULTI-PURPOSE PUBLIC EASEMENT

(1) BOOK 19 OF PARCEL MAPS AT PAGE 71, OFFICIAL RECORDS OF PLACER COUNTY.

- EXISTING DRAINAGE EASEMENT TO BE ABANDONED
- EXISTING PUBLIC UTILITY AND DRAINAGE EASEMENT TO BE ABANDONED



DATE SIGNED: _____

NO.	REVISIONS	DATE

DESIGNED: MDW
 DRAWN: MDW
 PROJ. NO: 202208
 DWG-SEE DAY STAMP
 DATE: MARCH, 2023

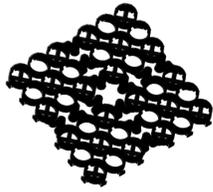
MINI-STORAGE
TOPOGRAPHY AND BOUNDARY SURVEY
 COLFAX / PLACER COUNTY CALIFORNIA



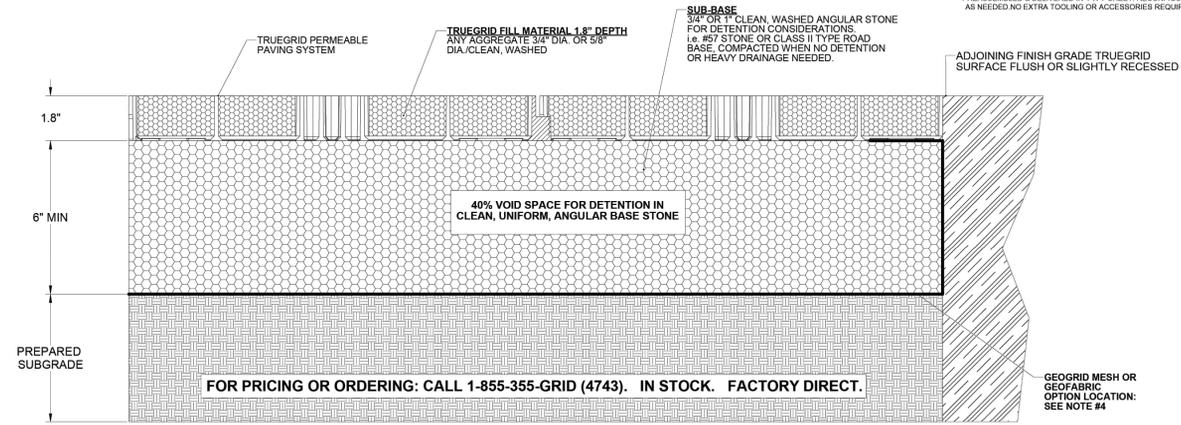
GRASS VALLEY
 (530) 272-5841
 TRUCKEE
 (530) 582-4043
 FAX (530) 272-5880

NOTES:

- SUB-BASE DEPTH AND PREPARATION IS DEPENDENT ON SITE CONDITIONS PLUS LOADING REQUIREMENTS.
- TRUEGRID PRO PLUS PRODUCTS DESIGNED FOR LOAD CAPACITIES OF 120,000 LBS PER SQ. FT. TRUEGRID PRODUCTS STRENGTHEN WITH FILL MATERIAL.
- TRUEGRID PRO PLUS PRODUCTS ARE SUFFICIENTLY RATED FOR H-20 /HS-20 LOADING AND GREATER.
- GEOGRID MESH OR GEOTEXTILE MAY BE REQUIRED BETWEEN SUB-GRADE & SUB-BASE FOR CERTAIN SOILS AND SITE SPECIFIC REQUIREMENTS.
- INCREASE SUB-BASE DEPTH FOR INCREASED STORM WATER DETENTION.
- NO STAKING NECESSARY WITH TRUEGRID PRO PLUS WHEN SLOPE IS BELOW 10 DEGREES. ASSESS PROJECT, AS NEEDED.
- FINAL ENGINEERED CROSS SECTION AGGREGATES AND DEPTH SHOULD ALLOW FOR EXPECTED INFILTRATION RATES, STORAGE CAPACITIES, OUTFLOW RATES, AND OTHER SITE SPECIFIC CONDITIONS AND LOAD REQUIREMENTS.
- THIS CROSS SECTION IS FOR INFORMATION ONLY.

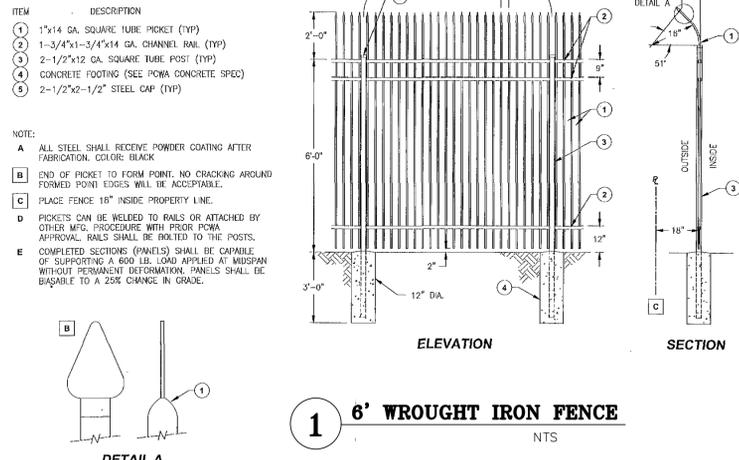


TRUEGRID BLOCK REFERENCE VIEW
PREASSEMBLED & DELIVERED IN 4' X 4' SHEET. RECONFIGURED AS NEEDED NO EXTRA TOOLING OR ACCESSORIES REQUIRED.

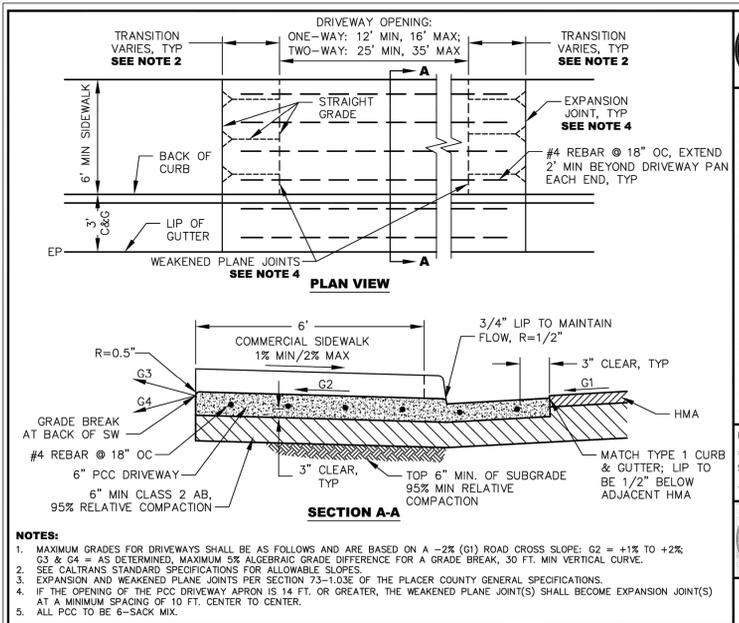


FOR PRICING OR ORDERING: CALL 1-855-355-GRID (4743). IN STOCK. FACTORY DIRECT.

CLIENT / PROJECT		APPROVAL INFORMATION	
UNLESS OTHERWISE SPECIFIED, DIMENSIONS ARE IN INCHES.		TRUEGRID	
PREPARE FOR CONSTRUCTION BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.		TRUEGRID GRAVEL FILL INSTALLATION MEDIUM LOAD	
DATE: 11/02/16	DATE: 11/02/16	DATE: 11/02/16	DATE: 11/02/16
SCALE: 1/4\"/>			



1 6\"/>



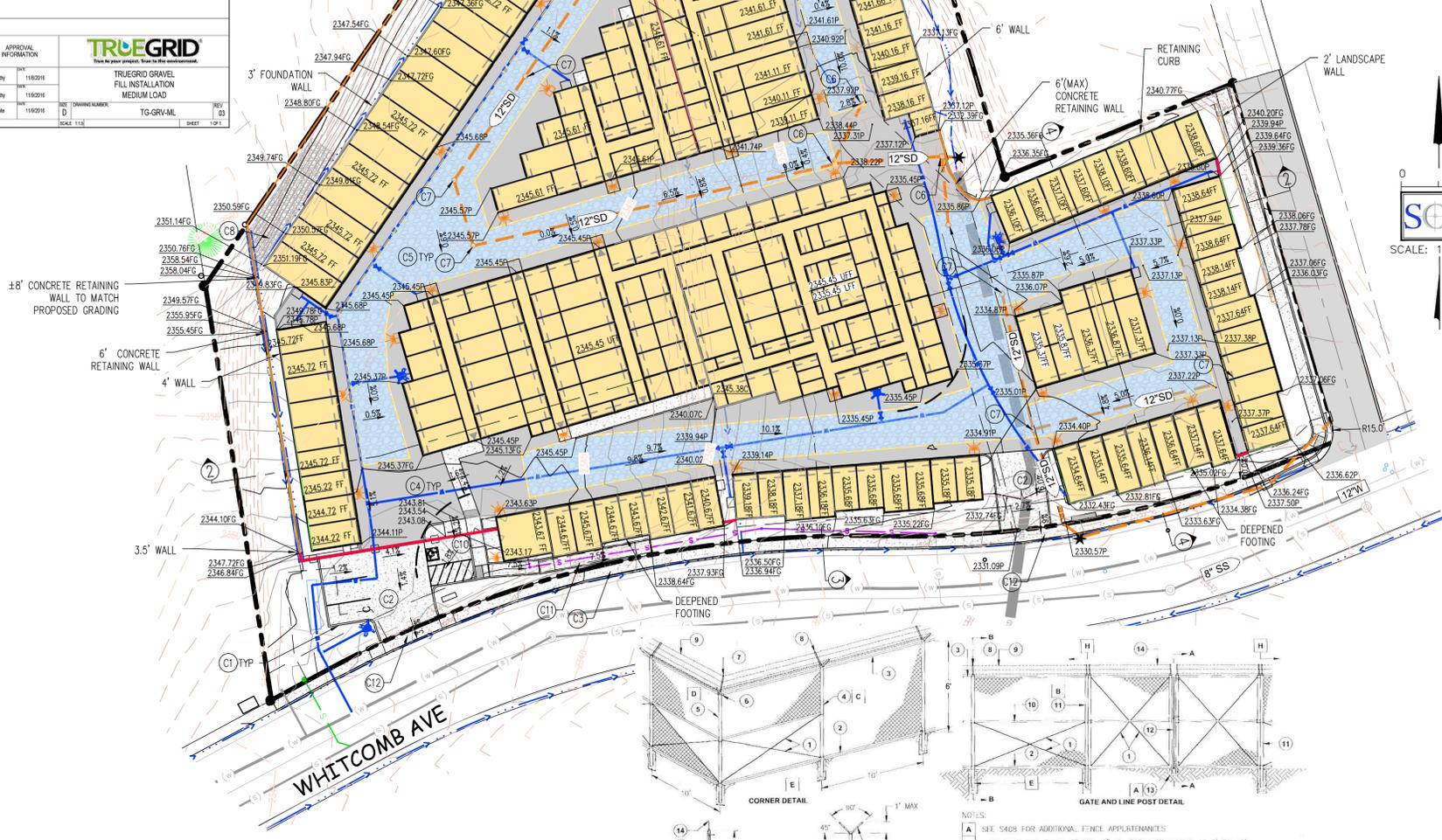
COUNTY OF PLACER
DEPARTMENT OF PUBLIC WORKS & FACILITIES
COMMERCIAL DRIVEWAY CONNECTION (MINOR)
DATE: APR. 2016
SCALE: NOT TO SCALE
PLATE 111

GENERAL NOTES:

- CONSTRUCT 6\"/>

LEGEND:

- 8\"/>
- PROPOSED WATER VALVE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER LATERAL AND CLEANOUT (S1)
- 12\"/>
- PROPOSED STORM DRAIN INLET, SEE GRADING & DRAINAGE PLAN
- PROPOSED CONTOURS (MAJOR)
- PROPOSED CONTOURS (MINOR)
- EXISTING CONTOURS (MAJOR)
- EXISTING CONTOURS (MINOR)
- PROPOSED 6\"/>
- PROPOSED 6\"/>
- PROPOSED ELECTRIC LINE
- PROPOSED ELECTRICAL TRANSFORMER (SEE PG&E PLANS FOR DETAILS)
- PROPOSED FIRE HYDRANT (W3)
- 6\"/>
- EXISTING TREES (CONIFER & DECIDUOUS)
- PROPERTY LINE
- TRUE GRID DRAINAGE SYSTEM SEE DETAILS SHEET 3
- DRAINAGE DISCHARGE LOCATION

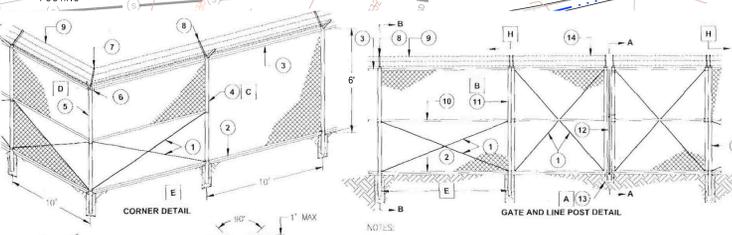


EARTHWORK AND GRADING NOTES:

THE FOLLOWING ESTIMATED QUANTITIES ARE GIVEN FOR INFORMATION ONLY. THE AMOUNT OF EXPORT/IMPORT IS A ROUGH ESTIMATE WHICH INCLUDES AN ALLOWANCE FOR CLEARING LOSS, UNSUITABLE MATERIAL, PLUS SHRINK AND SWELL OF EXCAVATED MATERIAL PLACED IN EMBANKMENTS OR USED FOR BACKFILL.

TOTAL CUT: 2041 CY
TOTAL FILL: 227 CY
TOTAL EXPORT: 1814 CY

ASSUMPTIONS:
CLEARING LOSS = 0\"/>



2 6\"/>

Item 6A

DESIGNED: MDW	DATE	NO.	REVISIONS
DRAWN: MDW			
PROJ. NO: 202208			
DWG-SEE DAY STAMP			
DATE: MARCH, 2023			

CALIFORNIA

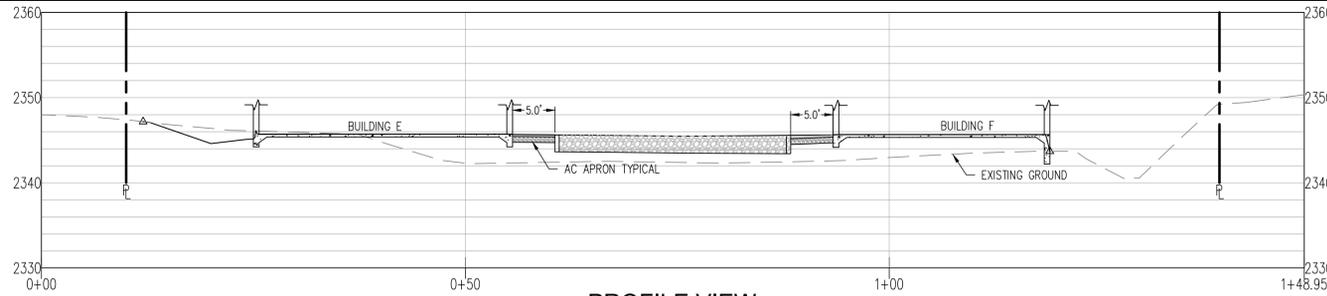
MINI-STORAGE GRADING & DRAINAGE PLAN

COLFAX / PLACER COUNTY

PLANNING-ENGINEERING-SURVIVING

GRASS VALLEY (530) 272-5841
TRUCKEE (530) 582-4043
FAX: (530) 272-5880

3 OF 4

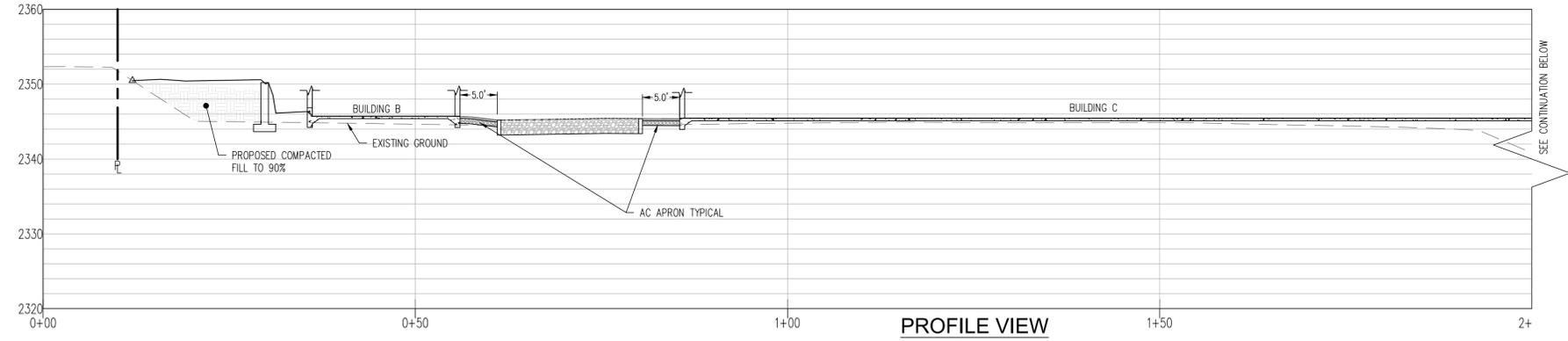


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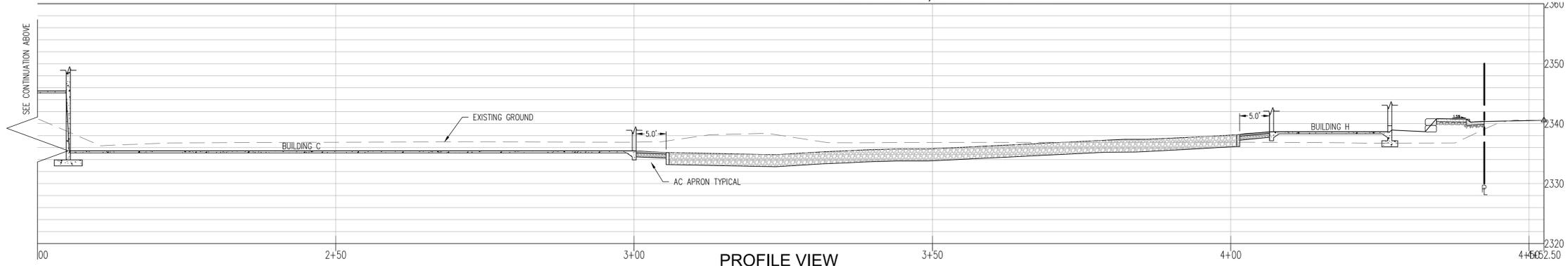
- PROPERTY LINE
- TRUE GRID DRAINAGE SYSTEM SEE DETAILS SHEET 3

NOTE: FOUNDATION SYSTEM/WALLS ARE SHOWN FOR VISUAL PURPOSES ONLY. ALL FOUNDATION AND WALLS SHALL MATCH STRUCTURAL DESIGN BY OTHERS.

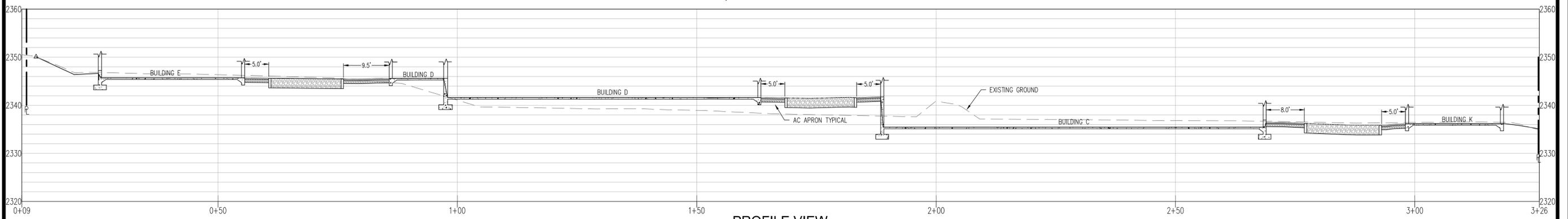
PROFILE VIEW
SECTION 1, STA: 0+00 - 1+49



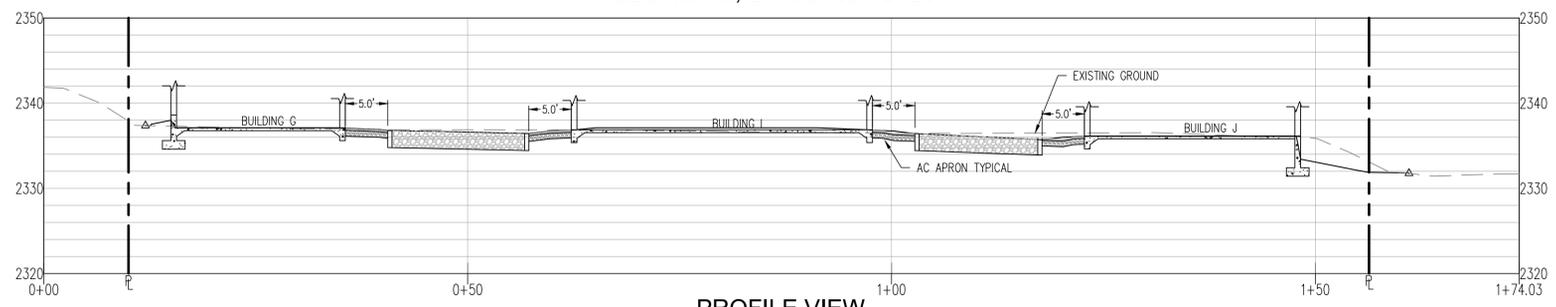
PROFILE VIEW
SECTION 2, STA: 0+00 - 4+52



PROFILE VIEW
SECTION 2, STA: 0+00 - 4+52



PROFILE VIEW
SECTION 3, STA: 0+09 - 3+26



PROFILE VIEW
SECTION 4, STA: 0+00 - 1+74



DESIGNED: MDW	DATE
DRAWN: MDW	NO. REVISIONS
PROJ. NO: 202208	
DWG-SEE DAY STAMP	
DATE: MARCH, 2023	

CALIFORNIA

MINI-STORAGE
SITE SECTIONS

COLFAX / PLACER COUNTY



GRASS VALLEY
(530) 272-5841
TRUCKEE
(530) 582-4043
FAX: (530) 272-5880

Colfax Mini Storage

WALTER WHITE & JIM MENCONI

PAR. B, PORTION OF PAR. C & D OF BK. 19 PAR. MAPS P. 71 PORTION E. 1/2 OF S.3 T14N R9E, M.D.B.&M. COLFAX, CA 95713

ENTITLEMENT PACKAGE

Stamp:



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No.	Description	Date

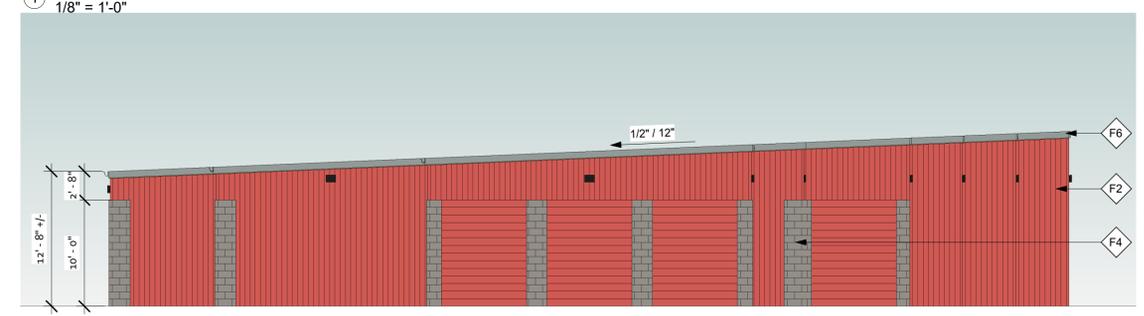
Proj. No.: 2021000
 Date: 02/17/2023
 Scale: As indicated
 Drawn By: CF

Drawing Title:
BUILDING C EXTERIOR ELEVATIONS

Drawing Number:
A4.1C



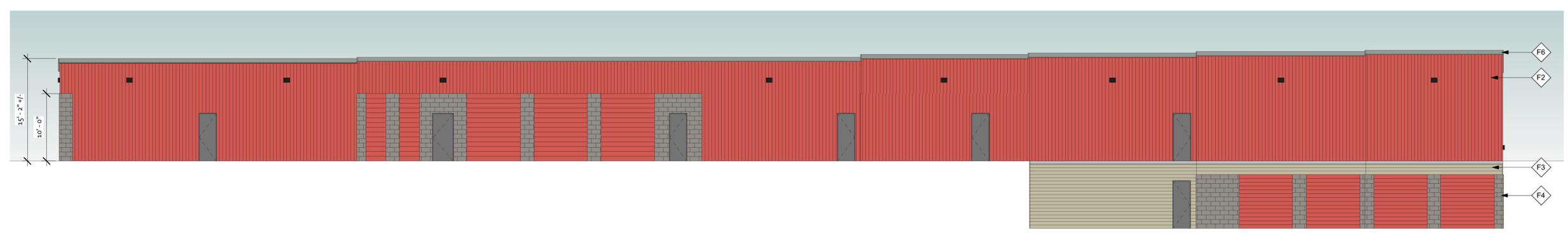
1 BUILDING C - NORTH ELEVATION
 1/8" = 1'-0"



4 BUILDING C - WEST ELEVATION
 1/8" = 1'-0"



2 BUILDING C - EAST ELEVATION
 1/8" = 1'-0"



3 BUILDING C - SOUTH ELEVATION
 1/8" = 1'-0"

LEGEND

<p>F1 ROOF MANUFACTURE: MAKO STEEL TYPE: METAL ROOF PRODUCT: KYNAR 500/HYLAR 5000 FINISH: GALVALUME</p> <p>F2 WALL - RED MANUFACTURE: MBCI TYPE: SILICONIZED POLYESTER PRODUCT: SIGNATURE 200 FINISH: CRIMSON RED</p> <p>F3 WALL - TAN MANUFACTURE: MBCI TYPE: SILICONIZED POLYESTER PRODUCT: SIGNATURE 200 FINISH: DESERT TAN</p> <p>F4 WALL - CMU ACCENT MANUFACTURE: ORCO TYPE: SPLIT FACE PRODUCT: MW FINISH: BLACK 100</p> <p>F5 WALL - BRICK ACCENT MANUFACTURE: H.C. MUDDOX TYPE: COMMERCIAL THIN BRICKS PRODUCT: STANDARD COLOR: IRON MOUNTAIN</p>	<p>F6 TRIM MANUFACTURE: SOCOMI-LAM OR JAMES HARDIE OR BORAL TRU-EXTERIOR TYPE: FASCIA SIZE: 2X8 COLOR: TBD</p> <p>F7 GUTTER AND DOWNSPOUT MANUFACTURE: MAKO STEEL PROFILE: "OJG" STYLE SIZE: TBD COLOR: TBD</p>	<p>GLAZING "T" DENOTES TEMPERED GLAZING, TYPICAL</p> <p>PAINT SIDING, TRIM AND FASCIA MANUFACTURE: PITTSBURGH PAINTS OR EQUIVALENT PRODUCT: MANOR HALL EXTERIOR</p>
---	---	--



WALLIS DESIGN STUDIO
ARCHITECTS, INC.

415 W Main St
Grass Valley, CA 95945
(530) 264-7010
WallisDesignStudio.com

Colfax Mini Storage

WALTER WHITE
& **JIM MENCONI**

PAR. B, PORTION OF PAR. C & D
OF BK. 19 PAR. MAPS P. 71
PORTION E. 1/2 OF S.3 T14N
R9E, M.D.B.&M.
COLFAX, CA 95713

ENTITLEMENT PACKAGE

Stamp:



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without written approval is strictly forbidden.

KEYNOTES

- 074113.A METAL ROOF PANEL ASSEMBLY
- 074213.A METAL WALL PANEL ASSEMBLY
- 083613.B SECTIONAL OVERHEAD DOOR ASSEMBLY

No.	Description	Date

Proj. No.: 2021000

Date: 02/17/2023

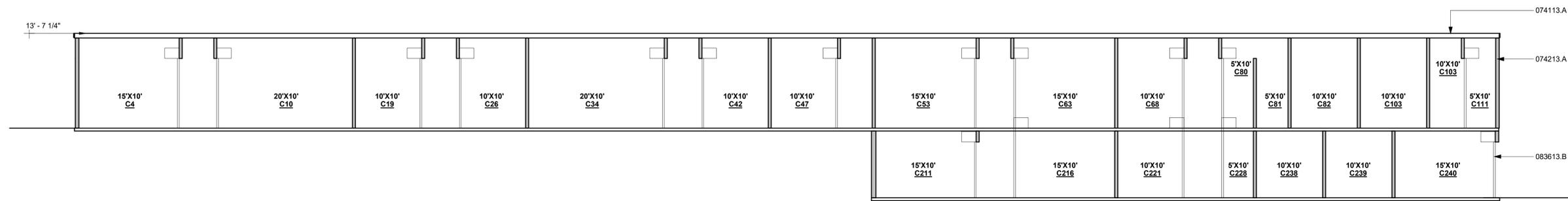
Scale: As indicated

Drawn By: CF

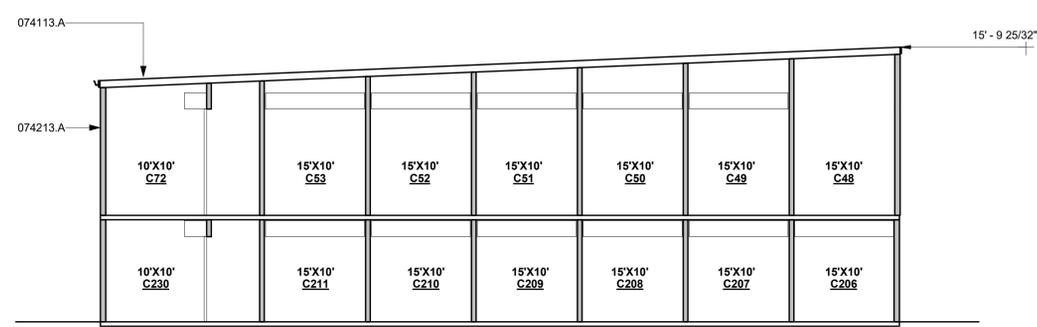
Drawing Title:
BUILDING C
BUILDING
SECTIONS

Drawing Number:

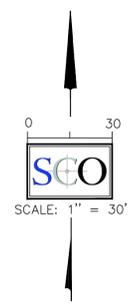
A4.2C



1 SECTION A
1/8" = 1'-0"



2 SECTION B
1/8" = 1'-0"



LEGEND:

- PROPERTY LINE
- PROPOSED EASEMENTS
- EXISTING EASEMENT TO REMAIN
- EXISTING EASEMENT TO BE ABANDONED
- EXISTING DRAINAGE EASEMENT TO BE ABANDONED
- EXISTING PUBLIC UTILITY AND DRAINAGE EASEMENT TO BE ABANDONED
- PROPOSED EASEMENTS
- EXISTING PUBLIC UTILITY AND DRAINAGE EASEMENT/ MPE TO REMAIN
- 20' DRAINAGE EASEMENT TO REMAIN

(1) BOOK 19 OF PARCEL MAPS AT PAGE 71, OFFICIAL RECORDS OF PLACER COUNTY.

D.E. DRAINAGE EASEMENT

P.U.E. MULTIPURPOSE EASEMENT

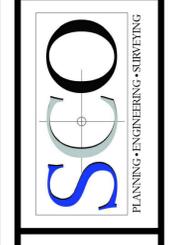
M.P.E. PUBLIC UTILITY EASEMENT



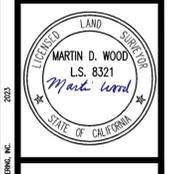
DESIGNED: MDW	DATE
DRAWN: MDW	NO. REVISIONS
PROJ. NO: 202208	
DWG. SEE DAY STAMP	
DATE: MARCH 2023	

NO.	REVISIONS	DATE

EASEMENT EXHIBIT
MINI STORAGE
 COLFAX, CA
 CITY/TOWN CALIFORNIA



GRASS VALLEY
 (530) 272-5841
 TRUCKEE
 (530) 582-4043



C2.0

PROPERTY ADDRESS

PARCEL B, PORTION OF PARCELS C & D OF BK. 19 PARCEL MAPS P. 71 PORTION E. 1/4 OF S. 3 T14N R9E, M.D.B.&M. COLFAX, CA 95713

APPLICANTS

WALTER WHITE & JIM MENCONI
9536 SPYGLASS CIRCLE
AUBURN, CA 95602

OWNER

BOBBY G. CUNNINGHAM TRUST
P.O. BOX 1100
COLFAX, CA 95713

PROPOSED OWNER

WALTER K. AND JEANETTE R. WHITE, TRUSTEES OF THE WALTER WHITE FAMILY TRUST, CREATED APRIL 30, 1992
11390 VIA VISTA NEVADA CITY, CA 95959

MAP PREPARED BY

SCO PLANNING & ENGINEERING, INC.
140 LITTON DRIVE, SUITE 240
GRASS VALLEY, CA 95645
(530) 272-5841
CONTACT: MARTIN WOOD, P.L.S.

ASSESSOR'S PARCEL NUMBER

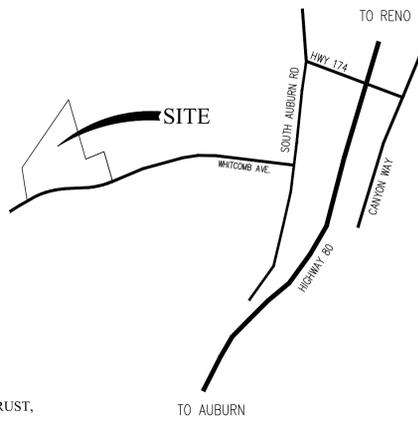
100-230-061-000

LOT AREA

2.56 AC

LEGEND:

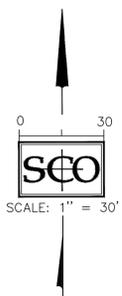
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VICINITY MAP
NO SCALE

SITE STATISTICS		
UNIT TYPE	UNITS	PARKING
5' X 5'	7	
5' X 5' (Lower Level)	1	
10' X 5'	17	
10' X 5' (Lower Level)	6	
10' X 10'	86	
10' X 10' (Lower Level)	16	
10' X 15'	32	
10' X 15' (Lower Level)	17	
10' X 20'	83	
10' X 25'	28	
12' X 30'	25	
OUTSIDE PARKING		2
OFFICE PARKING		3
HANDICAP PARKING		1
TOTAL	318	

TOTAL AREA OF STORAGE UNITS - 56,640 SF



Braking	Units	Sq Footage
Braking A	1	240
Office	9	1800
10x20	10	2040
Braking B	1	200
10x20	8	2000
10x25	9	2200
Braking C (Upper)	5	125
5x5	7	350
10x10	46	4600
10x15	19	2850
10x20	13	2600
90	10525	
Braking C (Lower)	1	25
5x5	6	300
10x10	16	1600
10x15	17	2550
40	4475	
Braking D	2	50
5x5	7	350
10x10	36	3600
10x15	1	150
10x20	5	1000
10x25	7	1750
58	6900	
Braking E	25	9000
12x30	1	200
10x10	1	150
10x15	27	9350
10x20	23	4600
Braking F	13	2600
Braking G	10	2000
Braking H	10	2000
Braking I	3	150
10x5	4	400
10x10	10	1500
10x15	4	1000
21	3050	
Braking J	1	150
10x15	9	2250
10x20	10	2400
Braking K	8	1600
Total Units	318	
Total Rental Area	51740 sf	
Total SF	56640 sf	



LOWER LEVEL PLAN
1" = 30'

Professional Engineer Seal for Martin R. Wood, License No. 8321, State of California. Date signed: _____

Professional Engineer Seal for Jason T. Wood, License No. 8321, State of California.

NO.	REVISIONS	DATE

DESIGNED: MDW
DRAWN: MDW
PROJ. NO: 202208
DWG-SEE DAY STAMP
DATE: APRIL, 2022

COLFAX MINI-STORAGE
PRELIMINARY SITE, UTILITY AND GRADING PLAN
COLFAX, PLACER COUNTY, CALIFORNIA

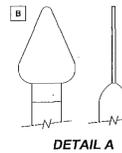
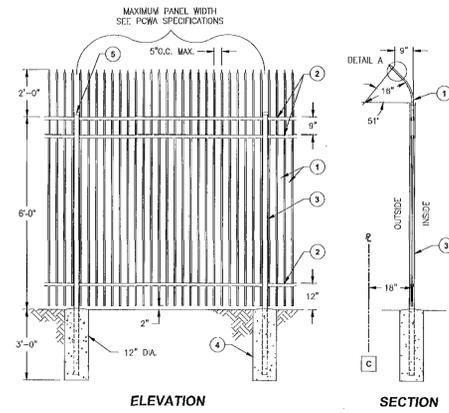
SCO
PLANNING
ENGINEERING
& SURVEYING

GRASS VALLEY
(530) 272-5841
TRUCKEE
(530) 582-4043
FAX: (530) 272-5880

LEGEND:

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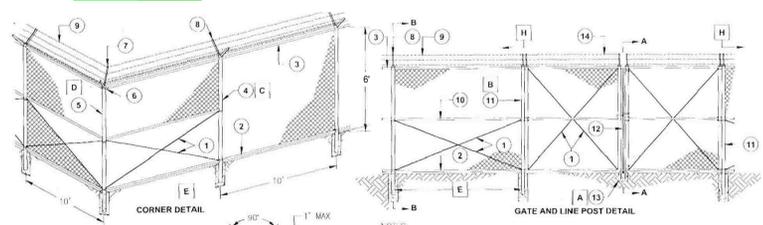
- | ITEM | DESCRIPTION |
|------|---|
| 1 | 1"x1/4" GA. SQUARE TUBE PICKET (TYP) |
| 2 | 1-3/4"x1-3/4"x1/4" GA. CHANNEL RAIL (TYP) |
| 3 | 2-1/2"x1/2" GA. SQUARE TUBE POST (TYP) |
| 4 | CONCRETE FOOTING (SEE FORM CONCRETE SPEC) |
| 5 | 2-1/2"x2-1/2" STEEL CAP (TYP) |
- NOTE:
A ALL STEEL SHALL RECEIVE POWDER COATING AFTER FABRICATION. COLOR: BLACK
B END OF PICKET TO FORM POINT. NO CRACKING AROUND FORMED POINT EDGES WILL BE ACCEPTABLE.
C PLACE FENCE 18" INSIDE PROPERTY LINE.
D PICKETS CAN BE WELDED TO RAILS OR ATTACHED BY OTHER MFG. PROCEDURE WITH PRIOR POMA APPROVAL. RAILS SHALL BE BOLTED TO THE POSTS. COMPLETED SECTIONS (PANELS) SHALL BE CAPABLE OF SUPPORTING A 100 LB. LOAD APPLIED AT MIDSPAN WITHOUT PERMANENT DEFORMATION. PANELS SHALL BE CAPABLE TO A 25% CHANGE IN GRADE.



1 6' WROUGHT IRON FENCE
NTS



3 BUILDING MOUNTED LED LIGHT
NTS

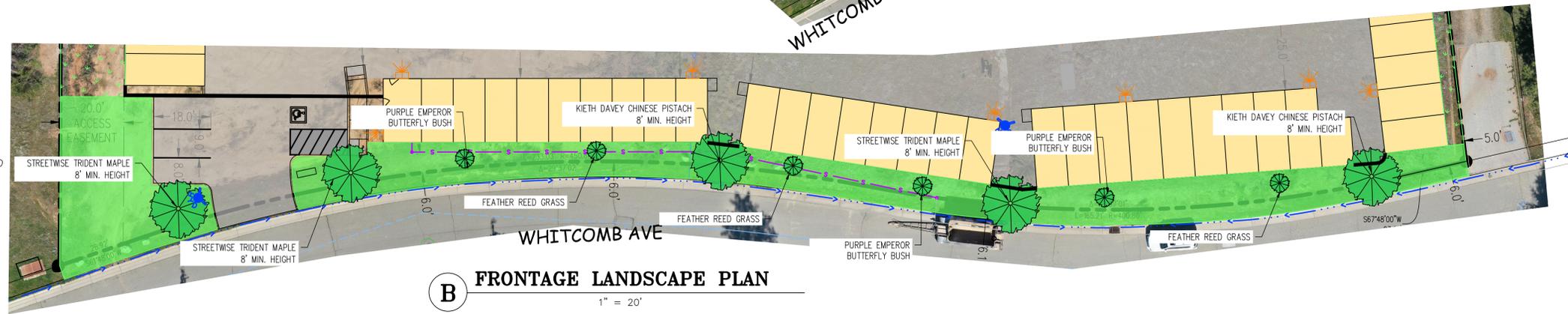


- NOTES:
A SEE S408 FOR ADDITIONAL FENCE APPLICANCES
B GATE POST SIZE SHALL BE MIN. 6\"/>
- | ITEM | DESCRIPTION | ITEM | DESCRIPTION |
|------|--|------|--|
| 1 | TRUSS RODS (ADJUSTABLE) | 10 | MIDDLE RAIL |
| 2 | BOTTOM RAIL (TYP) | 11 | GATE POST |
| 3 | TOP RAIL | 12 | 1\"/> |
| 4 | LINE POST | 13 | GATE AND SWING FOOTING (SEE GATE ANTI-SWING DETAIL S408) |
| 5 | CORNER POST | 14 | 3 STRAND BARBED WIRE, VERTICAL ON GATES (TYP ALL GATES) |
| 6 | RAIL END (TYP) | 15 | VICTORY ARMS 3 STRAND BARBED WIRE FOR INSIDE RUN AND OUTSIDE RUN (TYPICAL ALL PANELS EXCEPT GATES) |
| 7 | MALE/FEMALE IRON VICTORY ARMS REQUIRED FOR CORNERS | | |
| 8 | STANDARD VICTORY ARMS | | |
| 9 | BARBED WIRE (TYP) | | |

2 6' CHAINLINK FENCE WITH SLATS AND RAZOR WIRE
NTS



A LANDSCAPE, LIGHTING AND FENCING PLAN
1\"/>



B FRONTAGE LANDSCAPE PLAN
1\"/>

NO.	REVISIONS	DATE

DESIGNED: MDW
 DRAWN: MDW
 PROJ. NO: 202208
 DWG-SEE DAY STAMP
 DATE: APRIL, 2022

COLFAX MINI-STORAGE
 PRELIMINARY LANDSCAPE, LIGHTING AND FENCING PLAN
 COLFAX, PLACER COUNTY CALIFORNIA

SCO
 PLANNING
 ENGINEERING
 & SURVEYING

GRASS VALLEY
 (530) 272-5841
 TRUCKEE
 (530) 582-4043
 FAX: (530) 272-5880

2 OF 2

CITY OF COLFAX PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of Colfax will hold a regularly scheduled meeting on **May 24, 2023 at 6:00 p.m.** at Colfax City Hall, 33 S. Main Street, in the City Council Chambers. During this meeting, the City Council will conduct a Public Hearing on the following project:

FILE NO: DR 2022-01

APPLICANT: Walter White and Jim Menconi

REQUEST: Design Review application to construct a 332-unit self-storage facility.

LOCATION: 143 Whitcomb Ave, Colfax, CA (APN 101-230-061)

DESCRIPTION OF PROJECT: The project consists of a Design Review application for the construction of a 332-unit self-storage facility consisting of 56,340 square feet in 10 single-story buildings and one split-level building with a two-story section on a vacant 2.56-acre site. The project includes a 240-square foot manager's office, four on-site parking spaces, secondary emergency vehicle access, and frontage improvements including a sidewalk and landscaping along the public right-of-way fronting the south and east sides of the project site.

The project is in the Industrial zoning district.

The project is exempt from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines section 15332 (In-fill Development Projects). The staff report and related documentation are available for public review at Colfax City Hall, 33 S. Main Street, Colfax, CA during normal business hours (Monday – Thursday 8:00 a.m. to 5:00 p.m.).

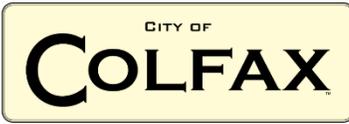
At the hearing, the City Council will take public testimony and consider project approval. Interested persons should attend the public hearing or submit written comments prior to the public hearing. Written comments may be directed to the Colfax Planning Department, PO Box 702, Colfax, CA 95713.

The applicant or representative should be present to provide information and/or testimony relative to the application and the City Council may act on the application even if the applicant or representative is not present.

This notice is posted in accordance with the provisions of the California Government Code Title 7 Chapter 65000, as amended. Administrative remedies must be exhausted prior to action being initiated in a court of law. If you challenge the proposed project in court, you may be limited to issues raised at the public hearing or in written correspondence delivered at or prior to the public hearing.

Publication Date: May 9, 2023

Paper: Auburn Journal



Staff Report to City Council

FOR THE May 24, 2023 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Wes Heathcock, City Manager
Subject: Authorization to Award – Algae Reduction Project and I&I Mitigation Project

Budget Impact Overview:

N/A:	Funded: √	Un-funded:	Amount: \$8,189,857	Fund(s): 575
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RECOMMENDED ACTION: Adopt Resolution __-2023 authorizing the City Manager to execute agreements for the following projects, subject to early termination if the State Water Resources Control Board (SWRCB) does not adequately increase the grant funds for these projects:

1. The Algae Reduction Project to W.M. Lyles Company for a construction cost of \$3,964,224.
2. The I&I Mitigation Project to McGuire and Hester for a construction cost of \$4,225,633.

Summary/Background

The proposed resolution, if adopted, will award and authorize the City Manager to execute contracts for two contracts that will improve the City’s sewer collection system and treatment plant. The City will not have sufficient funds to complete either project unless the SWRCB approves an increase in grant funds for these projects, so both can be terminated early if the additional grant funds do not become available.

On November 29, 2021, the City received a construction grant totaling nearly \$5.6 million from the State Water Resources Control Board’s (SWRCB) Clean Water State Revolving Funds (CWSRF). The grant is intended to fund three sewer-related projects, including a solar system at the wastewater treatment plant (WWTP), an algae reduction system at the WWTP, and citywide stormwater inflow and groundwater infiltration (I&I) mitigation.

Solar system construction began in early 2022 and was substantially completed at the end of March 2023. The solar system construction will cost approximately \$2 million which leaves about \$3.6 million for the algae reduction and I&I mitigation projects.

The Algae Reduction and the I&I Mitigation Projects were advertised for bid in January 2023 with bids opened on March 9, 2023. The City has 120 days from bid opening (until July 7, 2023) to award either or both contracts, or reject all bids. Staff propose to award both contracts, and give McGuire & Hester notice to proceed. If the SRF grant is increased as SWRCB staff indicated it will be, McGuire & Hester will pursue the project to completion. If the SRF grant is not increased, both projects will be terminated once the grant funds run out. McGuire & Hester agreed to accept \$60,000 plus the compensation due it through the date of early termination if its contract is terminated early. W.M. Lyles agreed to delay start of construction until after the SRF grant is increased with an estimated project cost increase due to labor and material cost increase of \$154,000. If the City terminates the contract then W.M. Lyles will be eligible, with justification, for reimbursement of their out-of-pocket costs plus markup, in accordance with the contract terms.

Algae Reduction Conditional Award Authorization

The Algae Reduction Project was developed by City staff because treated and partially treated wastewater stored in WWTP ponds must be removed by sending it to through the WWTP’s treatment process. During warmer months the ponds grow algae that inhibits the process. The Algae Reduction Project will add a

specialized pre-treatment process called Suspended Air Flootation (SAF). A SAF system can separate the algae from the rest of the pond water to mitigate the inhibiting effect that the algae has on the WWTP's treatment process.

Six bids were received on March 9th with costs ranging from \$3,964,224 to \$4,587,576. W.M. Lyles was determined to be responsible with the lowest responsive bid.

Staff recommends that City Council conditionally award the project to W.M. Lyles for \$3,964,224 and authorize construction expenditures up to \$4,564,224 (a \$600,000 contingency). The condition for the award is described below.

I&I Mitigation Conditional Award Authorization

I&I is caused by groundwater and street-level stormwater entering the sewer collection system. Once in the system, the City must treat this water at its WWTP at a significant cost. The goal of the I&I Mitigation project is to reduce, to the greatest extent possible, I&I. Along with treatment cost reductions, benefits include increased sewer capacity to support new development without costly upgrades to the sewer system and less wear and tear on the pipes and manholes.

The improvements for the I&I Mitigation Project include the following key components.

- Rehabilitation, replacement, and new construction of 6,070 feet of sewer main
- Replacement and new construction of 49 sewer manholes
- Replacement of 78 sewer services

Two bids were received on March 9th with costs totaling \$4,225,633 and \$5,238,228. McGuire and Hester was determined to be responsible with the lowest responsive bid.

Staff recommends that City Council conditionally award the project to McGuire and Hester for \$4,225,633 and authorize construction expenditures up to \$5,225,633 (a \$1,000,000 contingency). The condition for the award is described below.

CWSRF Grant and Condition for Award

The City has an existing agreement with SWRCB for a \$5.6 million grant for the projects, including the nearly completed Solar System. It is expected that the Solar System will cost \$2.0 million which leaves \$3.6 for the I&I Mitigation and Algae Reduction projects. Combined, the Algae Reduction and I&I Mitigation Projects are expected to cost \$9.6 million, before contingency; therefore, the project has a grant shortfall of \$5.8 million.

City staff has been talking with SWRCB staff regarding this shortfall since August 2022. SWRCB staff have stated several times that the grant funds allocated to Colfax can be increased to as much as \$21 million based on the City's median household income. Based on these verbal statements by SWRCB staff, City Council authorized bidding of the two projects in January.

At this time, it is the City staff's understanding that the CWSRF grant will be increased to \$13.3 million (which includes enough funding for the substantially completed Solar Project and for the I&I Mitigation and Algae Reduction projects with \$1.9 million in construction contingency) in August 2023 when SWRCB completes statewide programming of the CWSRF funds. However, the existing remaining grant funds of \$3.6 million should be available to spend on either or both the I&I Mitigation and Algae Reduction project the City by the end of May 2023.

If the City Council authorizes the award of the Algae Reduction and I&I Mitigation Projects, then it should be conditioned on the allocation of the \$3.6 million balance of the existing \$5.6 million SRF grant. SWRCB staff will not provide written confirmation that the additional \$7.7 million will be programmed to Colfax in August 2023. The City's bid documents allow 120 days between bid opening and award which must occur by July 7, before SWRCB staff's anticipated August grant increase is approved. If City Council does not award the project within that time period, then there are two possible outcomes. 1) The contractors will agree to enter into a construction contract but at rates higher than their bid amounts due to increasing labor and materials costs; and, 2) The City must reject all bids and decide whether to rebid the projects.

On May 12th, SWRCB staff, through email, notified City staff "that there are sufficient funds in the project's funding source to cover the increase and that the project schedule is within the appropriation date range for the funding source." While this statement is not a guarantee that the additional fund will be provided, it is SWRCB staffs method of providing reassurance.

The City has a \$5.6 million construction grant with SWRCB. Of the three projects, the Solar System Project is fully funded. There are insufficient grant funds to complete the other two projects without a \$5.8 million grant increase. Along with the additional \$5.8 million grant fund, City staff has requested \$1.9 million construction contingency, increasing the total grant to \$13.3 million. SWRBC staff has verbally stated that those additional funds will be granted to the City in August 2023.

Staff recommends that City Council authorize the award of the Algae Reduction and I&I Mitigation Projects under the condition that SWRCB allocates the \$3.6 million remaining in the existing \$5.6 million construction grant funds. Contracts are available at City Hall for review. These initial funds will be used to start construction, but the additional \$5.8 million will be required to complete construction and the additional \$1.9 million construction contingency will ensure unforeseen eligible costs are also covered by the CWSRF grant. If the grant is not increased as anticipated, both projects will be terminated early and the contractors will be compensated accordingly.

Fiscal Impacts

The total fiscal impact for the construction of both the Algae Reduction and I&I Mitigation Project is \$8,189,857. If the proposed contingency is used then construction will cost \$9,789,857.

The initial construction cost of the projects will be reimbursed by the State through the existing CWSRF funding Agreement No. D2101007 executed between the City and SWRCB on January 6, 2022. The agreement is expected to be amended in August 2023 to fund the remaining construction with 100% CWSRF grant funds.

Attachments:

1. Resolution __-2023

City of Colfax

City Council

Resolution No. __-2023

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT UNDER THE CONDITION OF THE STATE WATER RESOURCE CONTROL BOARD (SWRCB) ALLOCATING THE REMAINING GRANT FUNDS FOR THESE PROJECTS, AND
AWARD:

1. THE ALGAE REDUCTION PROJECT TO W.M. LYLES COMPANY FOR A CONSTRUCTION COST OF \$3,964,224.
 2. THE I&I MITIGATION PROJECT TO MCGUIRE AND HESTER FOR A CONSTRUCTION COST OF \$4,225,633.
-

WHEREAS, The City of Colfax entered into a Clean Water State Revolving Fund (CWSRF) grant funding agreement No. D2101007 (Funding Agreement) in the amount of \$5,596,191; and,

WHEREAS, The Funding Agreement provides for construction of an “Algae Reduction” Project at the City’s Waste Water Treatment Plant and rehabilitation of the City’s sewer collection system for the purposes of mitigation of stormwater inflow and groundwater infiltration (I&I Mitigation Project); and,

WHEREAS, Bids for both of the Projects were opened on March 9, 2023. W.M. Lyles Company was found to be the lowest responsible, responsive bidder for the Algae Reduction Project at a bid amount of \$3,964,224. McGuire and Hester was found to be the lowest responsible, responsive bidder for the I&I Mitigation Project at a bid amount of \$ 4,225,633; and,

WHEREAS, although the Funding Agreement will provide the City with resources to start construction on either or both projects, there are insufficient funds to complete the projects; and,

WHEREAS, Staff at the State Water Resource Control Board (SWRCB) have stated that the City can amend the Funding Agreement to obtain an additional \$7,701,483 in grant funds to complete the project; and

WHEREAS, although the City must award contracts for either or both projects by July 7, 2023, SWRCB staff will not address or approve the SRF grant increase until at least sometime in August; and

WHEREAS, the City Council finds and determines that it is in the City’s best interests to award contracts for both projects now, subject to early termination if the Funding Agreement is not increased as anticipated.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Colfax awards the Algae Reduction Project to W.M. Lyles Company and the I&I Mitigation Project to McGuire & Hester, with completion of both projects conditioned on the City obtaining an adequate increase in the Funding Agreement; and,

BE IT FURTHER RESOLVED the City Manager is authorized to expend an additional \$1,600,000 as construction contingency, subject to the City obtaining these contingency funds when the Funding Agreement with the SWRCB is amended; and,.

BE IT FURTHER RESOLVED the City Manager may stop construction and terminate either or both projects if the City does not obtain additional grant funds from the SWRCB that is needed to fund construction to completion and the balance of existing Funding Agreement funds are spent or allocated to either or both projects; and,

BE IT FURTHER RESOLVED the City Manager is authorized to execute agreements with W.M. Lyles and McGuire & Hester, subject to early termination if a sufficient increase in the Funding Agreement is not received.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED at the Regular Meeting of the City Council of the City of Colfax held on the 24th day of May 2023 by the following vote of the Council:

AYES:

NOES:

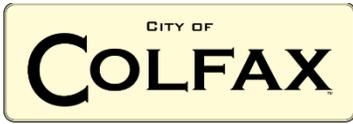
ABSTAIN:

ABSENT:

Trinity Burruss, Mayor

ATTEST:

Marguerite Bailey, City Clerk



Staff Report to City Council

FOR THE May 24, 2023 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
Prepared by: Emmanuel Ursu, Planning Director
Subject: Draft Short-Term Rental Regulations

Budget Impact Overview:

N/A: √	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: Provide direction on the preparation of a draft ordinance to allow short-term rentals.

Summary/Background

At its January 25, 2023 meeting, the City Council directed staff to draft regulations to allow Short-Term Rentals (STRs). A STR unit is a residential unit occupied for no more than 30 days. The Colfax Municipal Code allows lodging (in hotels, motels, and bed and breakfast inns) in commercial zones and is silent on STRs.

Staff drafted an outline of proposed regulations for the City Council’s consideration. Before preparing the outline of proposed regulations, staff solicited public input via an online survey and reviewed the STR regulations of Placer County and Nevada County and the cities in the two counties. A summary of the public input, the regulations of the nearby jurisdictions, and draft regulations for Council consideration are provided in the Discussion section below and in the attachments.

After the Council provides direction on the regulations to include in a STR ordinance, staff will prepare an ordinance for City Council introduction and adoption at a future meeting.

Discussion

Online Survey Responses

Public input was provided via an online survey with nine questions (Attachment A). A link to the survey was posted on the City of Colfax Facebook page and flyers with a QR code link to the online survey were posted at City Hall and Post Office (Attachment B). Sixty-five (65) people responded to the survey between March 23 and March 29, 2023 and comments from eight people were posted on the City’s Facebook page.

Most responders to the survey (65%) support allowing STRs in Colfax. Fifty-four percent (54%) support allowing a mixture of both hosted and non-hosted rentals with a preference for more hosted rentals than non-hosted rentals. When asked what the maximum number of STRs is appropriate for Colfax, the median response for non-hosted rentals was five and the median response for hosted rentals was ten. The responses ranged from zero to no limit on the number of STRs that should be allowed. Impacts on quality of life (such as noise, parking, and litter) were the primary issues responders indicated should be addressed in a STR ordinance with regulations that correspond to the quality-of-life issues (such as quiet hours, prohibition on amplified music outdoors, on-site parking, occupancy limits, and a requirement for local management).

The survey questions and aggregated responses to the questions are provided in the table below. Percentages are rounded and may not add up to 100%. Individual responses from all the surveys submitted are available in Attachment C.

Table 1: Short-term Rental Survey Response Summary

	Questions		Response Summary			
			Percent		Number	
1.	Should Short-term Rentals be allowed in Colfax?					
		Yes	65%		42	
		No	26%		17	
		Not sure	9%		6	
2.	Would you prefer Short-term Rentals in Colfax be...					
		Hosted	22%		14	
		Non-hosted	6%		4	
		A mixture of both	54%		34	
		Not allowed at all	22%		14	
3.	Which, if any, of the following issues should the City address in a Short-term rental ordinance?					
		Parties	62%		40	
		Noise	58%		38	
		Parking	49%		32	
		Litter	48%		31	
		Loss of housing	37%		24	
		Traffic	28%		18	
		Privacy	23%		15	
		Other (specify)	17%		11	
		None of the above	11%		7	
4.	Which of the following requirements should apply to Short-term rentals?					
		Quiet hours	68%		42	
		Prohibit amplified music outdoors	63%		39	
		On-site parking for all guests	60%		37	
		Limit the number of occupants	60%		37	
		Local property manager available for issues with non-hosted rentals	59%		36	
		No STR in tents or RVs	53%		33	
		Notice to neighbors prior to issuance of STR permit	53%		33	
		Annual permit	37%		23	
		Limit hours of outdoor pool and spa use	32%		20	
		Privacy screening	31%		19	
		Physical separation between STR	21%		13	
		Other	15%		9	
5.	If allowed, what is the appropriate number of Short-term Rentals in Colfax?					
		Number of Short-term Rentals	Hosted		Non-Hosted	
			%	#	%	#
		None	12%	4	39	12

	Questions	Response Summary			
		Percent		Number	
	Up to 10	45%	15	23	7
	11 to 25	15%	5	16	5
	More than 25	27%	9	23	7
	Median Number of STRs	10		5	
6.	Where do you live?				
	Within the City of Colfax	62%		40	
	Outside the Colfax City Limits in the 95713 zip code	37%		24	
	None of the above	1%		1	
7.	Do you currently operate a Short-term rental in the City of Colfax?				
	No	99%		63	
	Yes	1%		1	
8.	If you live in the City of Colfax, how long have you lived here?				
	Less than 3 years	15%		9	
	3 to 5 years	8%		5	
	More than 5 years	61%		37	
	N/A	16%		10	
9.	What is your age?				
	Under 18	0%		0	
	18-24	0%		0	
	25-34	16%		10	
	35-44	16%		10	
	45-54	20%		13	
	55-64	19%		12	
	65+	30%		19	

STR Regulations in Surrounding Jurisdictions

Staff reviewed the STR regulations of ten jurisdictions: Placer County, Nevada County, and all the incorporated cities and towns in both counties and summarized them in Attachment D. The Town of Loomis and City of Lincoln do not have regulations addressing STRs and Nevada County only regulates the collection of transient occupancy tax (TOT) and STRs associated with agritourism. According to Town of Loomis Planning Department staff, they will be considering the adoption of a STR ordinance soon.

Placer County and the Town of Truckee have caps on the number of STRs (3,900 and 1,255, respectively). In all the jurisdictions in which STRs are allowed, an administrative permit is required and in Grass Valley a minor use permit is required for non-hosted STRs. In Auburn, a STR may be approved administratively unless a neighbor objects, in which case the permit is considered by the Planning Commission at a public hearing. Common themes of the STR regulations include parking requirements, limits on the number of guests, a local manager, posting of guest rules, and no special events (weddings, parties, etc.) Some jurisdictions also limit the number of days per year that may be rented on a short-term basis.

Recommended STR Regulations

Staff recommends establishing two categories of STRs: Hosted STRs and Non-hosted STRs with the following regulations:

Recommended Regulations applicable to both Hosted and Non-Hosted Short-term Rentals

- Administrative annual permit with the right to appeal to City Council
 - Permit submittal requirements to include:
 - Name and contact information for the applicant
 - Name and 24-hour contact information for alternate if the permittee is not on-site
 - Floor plan
 - Site plan indicating parking, entrances/exits to the house, outdoor use areas
 - Copy of business license
 - Proof of insurance
- Annual permit fee
- Grounds for denial of a permit
- Procedures for revocation or modification of a permit
- Payment of sewer service fee at the B&B/boarding house EDU rate factor (0.4 per guest room)
- Payment of transient occupancy tax
- Obtaining an annual business license
- Quiet hours of 9 PM to 7 AM Sunday through Thursday and 10 PM to 8 AM Friday through Sunday.
- No outdoor amplified music.
- Consistent with state law, no STR is allowed in an accessory dwelling unit (ADU) or junior (ADU) for which a building permit was issued on or after January 1, 2020
- Notice of application for a STR permit to adjoining property owners on a form provided by the City.
- No special events (weddings, parties, conferences, fundraisers, etc.)
- Posted notice inside the STR unit regarding good neighbor policies and operational standards. Text of notice to be provided by City.
- Penalties for violations of permit conditions:
 - \$250/day for the first violation
 - \$500/day for the second violation within a twelve-month period
 - \$1,000/day for the third violation within a twelve-month period
 - Permit revoked after 3 violations in one year period.
- Annual Fire Dept inspection
 - Smoke and carbon monoxide detectors
 - Defensible open space
 - Outdoor grills and fire pits
- Maintain a guest register for a period of 18 months with the following information:
 - Names of all guests over 18
 - Guests address
 - Make, model, color, and year of the guest vehicle(s)
 - License plate(s) and State(s)
 - Date of arrival

- Date of departure
- Rent paid for each stay

Hosted Short-term Rentals

- No limit on the number of hosted STRs in the City.
- Two on-site parking spaces plus one parking space per rented guest bedroom. Street parking fronting the property may be included in the count of required parking spaces.
- The occupancy limit is two guests per bedroom with a maximum of 6 guests, excluding guests under 18 years old.
- Only registered guests are allowed on the property during quiet hours.
- On parcels larger than 20,000 square feet, the STR may be in a recreational vehicle, yurt, or other temporary structure, subject to the provision of sanitary sewer facilities. STRs in a temporary structure must be at least 100 feet from a primary residence or accessory dwelling unit on another property.

Non-hosted Short-term Rentals

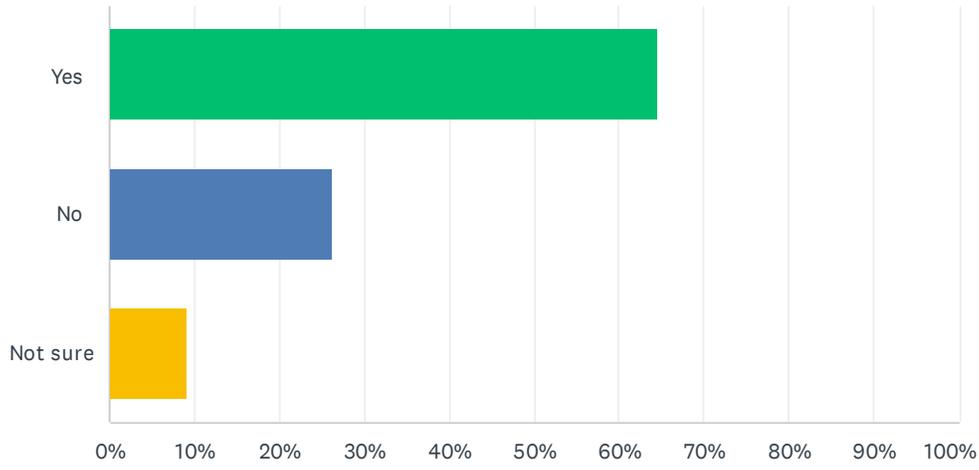
- Limit to five non-hosted STRs in the entire City. When the maximum is reached a waitlist will be established.
- Manager or owner to respond by telephone within 30 minutes of a complaint and resolve the issue within one hour. Manager to be physically present within one hour for 1 year following receipt of a citation.
- One on-site parking space per rented guest room. Street parking shall not be included in the required parking count.
- Occupancy limit of 2 guests per bedroom with a maximum of 12 guests
- No wood-burning fire pits, bonfires, or campfires.
- STR must be in a legally constructed residence on a permanent foundation.

Attachments

- Attachment A: Summary of Survey Responses
 Attachment B: Survey Flyer
 Attachment C: Summary of STR regulations in Placer and Nevada Counties

Q1 Should Short-term Rentals be allowed in Colfax?

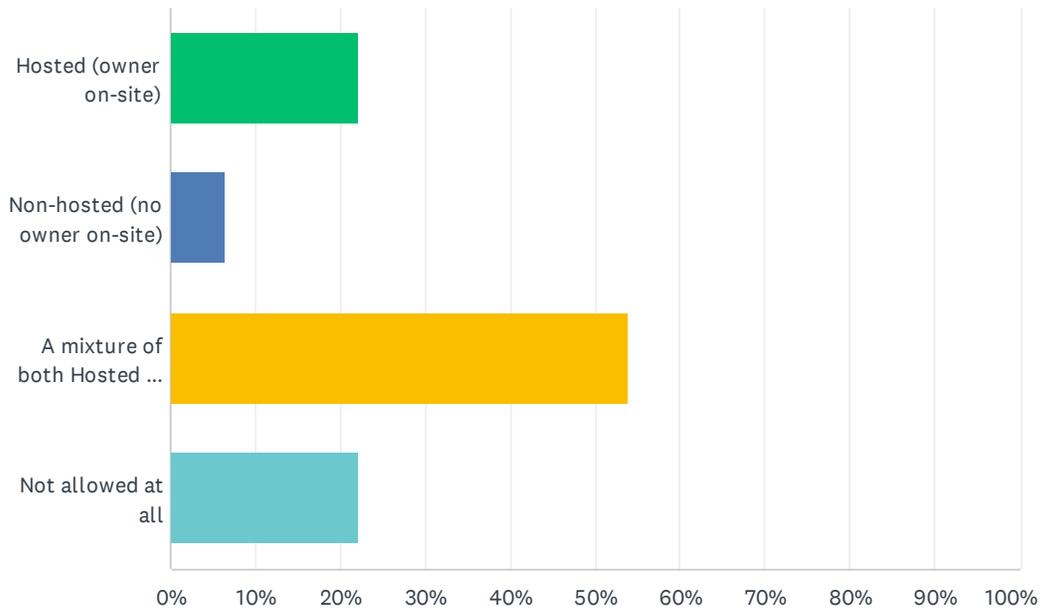
Answered: 65 Skipped: 0



ANSWER CHOICES	RESPONSES
Yes	64.62% 42
No	26.15% 17
Not sure	9.23% 6
TOTAL	65

Q2 Would you prefer Short-term Rentals in Colfax be...

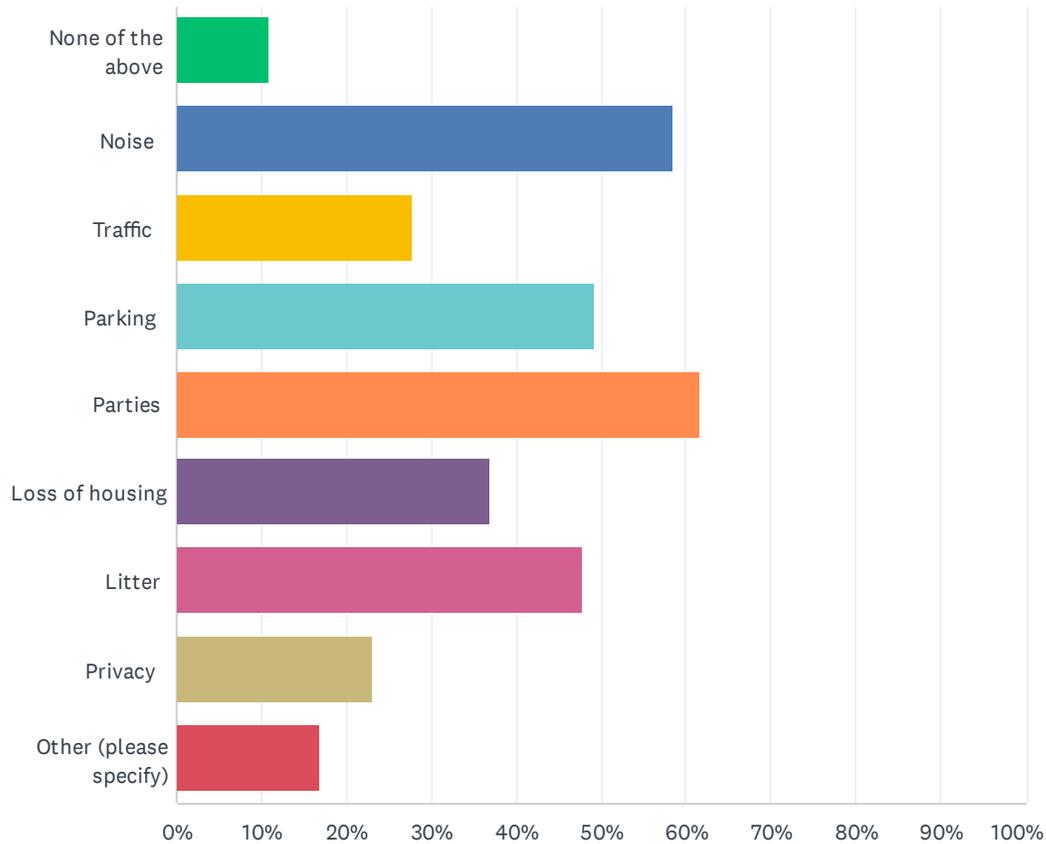
Answered: 63 Skipped: 2



ANSWER CHOICES	RESPONSES	
Hosted (owner on-site)	22.22%	14
Non-hosted (no owner on-site)	6.35%	4
A mixture of both Hosted and Non-hosted	53.97%	34
Not allowed at all	22.22%	14
Total Respondents: 63		

Q3 Concerns with Short-term Rentals in some communities include: loss of housing, noise, parties, litter, privacy impacts, and parking impacts. Indicate which, if any, of the following issues the City should address in a Short-term rental ordinance.

Answered: 65 Skipped: 0



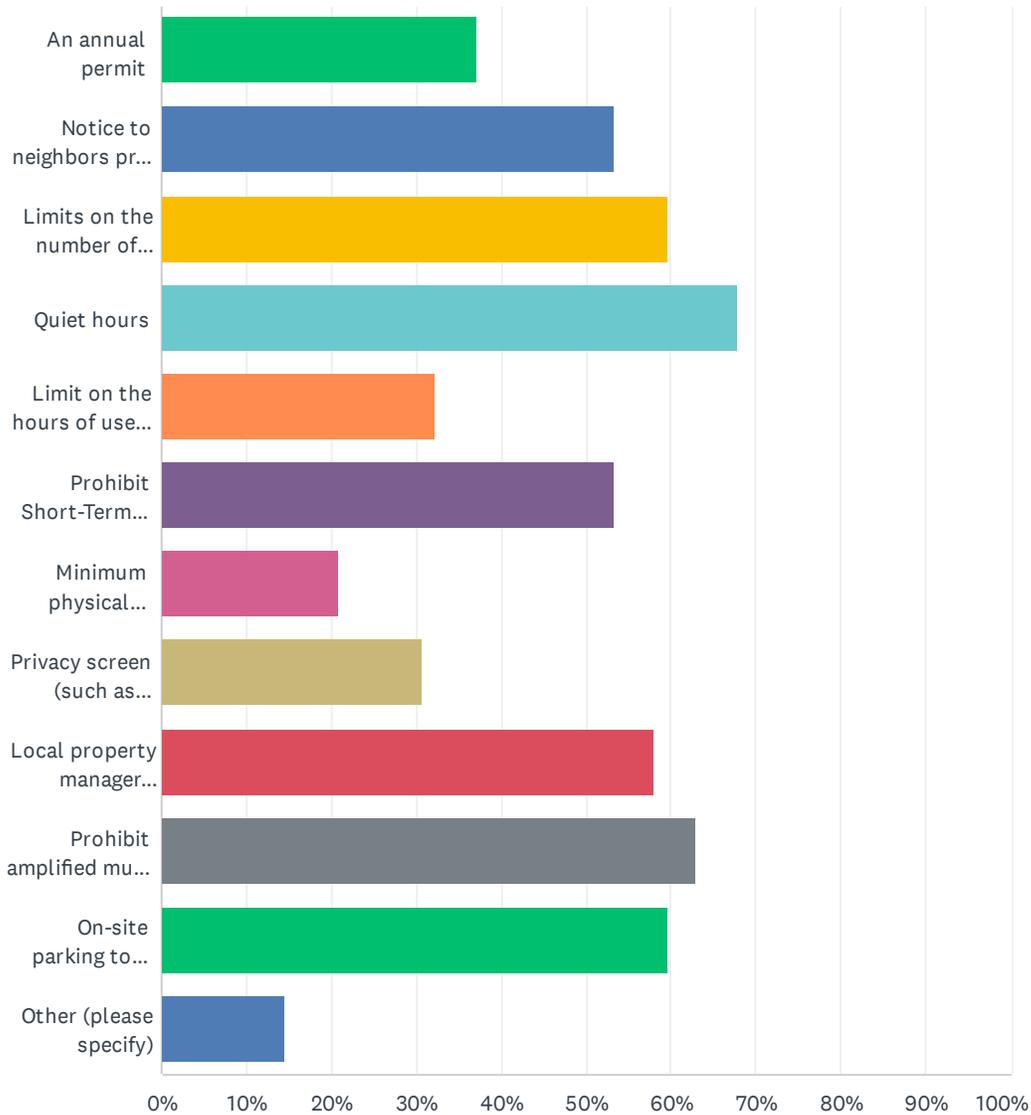
Item 9B

ANSWER CHOICES	RESPONSES	
None of the above	10.77%	7
Noise	58.46%	38
Traffic	27.69%	18
Parking	49.23%	32
Parties	61.54%	40
Loss of housing	36.92%	24
Litter	47.69%	31
Privacy	23.08%	15
Other (please specify)	16.92%	11
Total Respondents: 65		

#	OTHER (PLEASE SPECIFY)	DATE
1	All of the above	3/29/2023 8:51 AM
2	Economic impact on long-term rentals and home prices. Will allowing unlimited short-term rentals drive up housing costs for people who want to rent long-term or buy. Will this raise the price of rentals and homes for sale? Will this ordinance stimulate new construction of housing to be used for short-term rentals? In the Tahoe area, which was already expensive, I believe that short-term rentals have pushed up housing costs for long-term rentals.	3/29/2023 8:35 AM
3	Impacts to community cohesion when too many vacant rentals are in in one location.	3/29/2023 8:15 AM
4	Distraction of property	3/28/2023 7:39 PM
5	Crime	3/28/2023 5:49 PM
6	Non Storefront Adult and medicinal cannabis retail and deliverydeli	3/28/2023 4:58 PM
7	Trespassing	3/28/2023 2:42 PM
8	Destruction of our already overrun ecosystem. Save Placer County. We have ENOUGH visitors.	3/24/2023 5:21 PM
9	Increased crime	3/24/2023 11:57 AM
10	How about helping us actually make money now that we've been able to finally get non paying tenants out?	3/24/2023 12:12 AM
11	Fire danger from outdoor fire pits or campfires	3/23/2023 4:55 PM

Q4 Indicate which of the following requirements should apply to Short-term Rentals.

Answered: 62 Skipped: 3



ANSWER CHOICES	RESPONSES	
An annual permit	37.10%	23
Notice to neighbors prior to issuance of a permit	53.23%	33
Limits on the number of occupants	59.68%	37
Quiet hours	67.74%	42
Limit on the hours of use of outdoor swimming pools and spas	32.26%	20
Prohibit Short-Term Rentals in tents and RVs	53.23%	33
Minimum physical separation between Short-term Rentals	20.97%	13
Privacy screen (such as fences) between outdoor use areas and adjacent residences	30.65%	19
Local property manager available to address issues with non-hosted rentals	58.06%	36
Prohibit amplified music outdoors	62.90%	39
On-site parking to accommodate all guests	59.68%	37
Other (please specify)	14.52%	9
Total Respondents: 62		

#	OTHER (PLEASE SPECIFY)	DATE
1	I think allowing unlimited short-term rentals would drive up housing costs for people who want to rent long-term or buy.	3/29/2023 8:35 AM
2	Prohibit non-property owners (i.e., corporations or other for-profit endeavors) to own and operate STRs. STRs in Colfax should only be owned and operated by residents of Colfax. Other jurisdictions have residency requirements and Colfax could incorporate similar language to their ordinance.	3/29/2023 8:15 AM
3	Record of occupants	3/28/2023 5:49 PM
4	No in home business for cannabis	3/28/2023 4:58 PM
5	Specific fee that would go towards enforcement of the ordinance	3/28/2023 2:32 PM
6	Should not be allowed at all, under any circumstances.	3/24/2023 5:21 PM
7	All of these issues should addressed the same as they are for permanent residents	3/23/2023 6:18 PM
8	Prohibit use of fireworks and firearm and outdoor fires.	3/23/2023 4:55 PM
9	Up to the property owners	3/23/2023 4:11 PM

Short Term Rentals in Colfax

SurveyMonkey

		Item 9B
18	10	3/25/2023 5:42 AM
19	0	3/24/2023 5:21 PM
20	50	3/24/2023 7:08 AM
21	200	3/23/2023 9:42 PM
22	25	3/23/2023 8:59 PM
23	5	3/23/2023 7:31 PM
24	5	3/23/2023 7:25 PM
25	5	3/23/2023 7:23 PM
26	50	3/23/2023 6:00 PM
27	100	3/23/2023 5:58 PM
28	10	3/23/2023 5:42 PM
29	1000	3/23/2023 5:26 PM
30	3	3/23/2023 5:02 PM
31	20	3/23/2023 4:37 PM
32	5	3/23/2023 4:35 PM
33	10	3/23/2023 4:13 PM
#	NON-HOSTED	DATE
1	7	3/29/2023 5:44 PM
2	25	3/29/2023 8:51 AM
3	0	3/29/2023 8:15 AM
4	0	3/28/2023 7:59 PM
5	0	3/28/2023 7:39 PM
6	0	3/28/2023 7:28 PM
7	1000	3/28/2023 5:47 PM
8	0	3/28/2023 5:25 PM
9	0	3/28/2023 4:58 PM
10	15	3/28/2023 3:46 PM
11	5	3/28/2023 3:09 PM
12	15	3/28/2023 2:54 PM
13	0	3/28/2023 2:32 PM
14	150	3/28/2023 2:06 PM
15	0	3/28/2023 1:36 PM
16	10	3/25/2023 5:42 AM
17	0	3/24/2023 5:21 PM
18	0	3/24/2023 11:57 AM
19	50	3/24/2023 7:08 AM
20	200	3/23/2023 9:42 PM
21	25	3/23/2023 8:59 PM

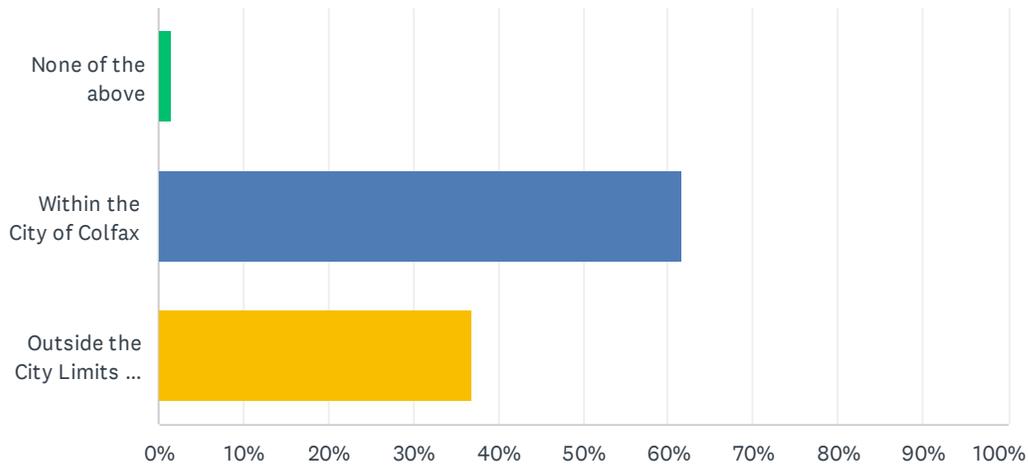
Short Term Rentals in Colfax

SurveyMonkey

		Item 9B
22	5	3/23/2023 7:31 PM
23	0	3/23/2023 7:25 PM
24	3	3/23/2023 7:23 PM
25	50	3/23/2023 6:00 PM
26	100	3/23/2023 5:58 PM
27	10	3/23/2023 5:42 PM
28	1000	3/23/2023 5:26 PM
29	0	3/23/2023 5:02 PM
30	20	3/23/2023 4:37 PM
31	5	3/23/2023 4:35 PM
32	0	3/23/2023 4:13 PM

Q6 Where do you live?

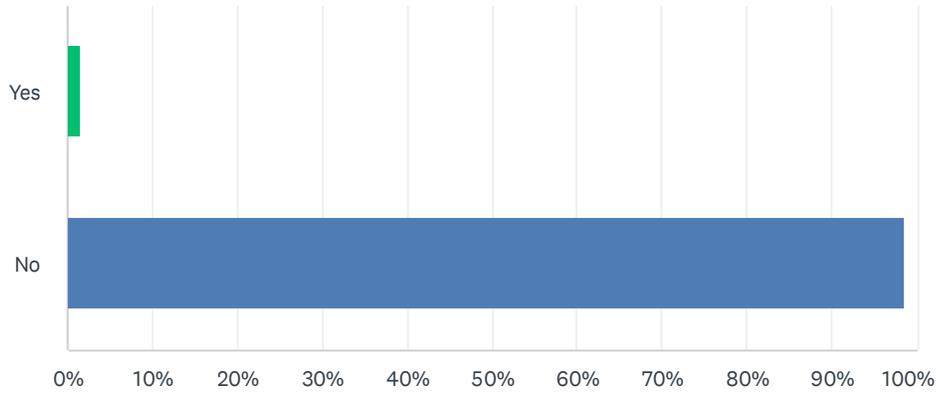
Answered: 65 Skipped: 0



ANSWER CHOICES	RESPONSES
None of the above	1.54% 1
Within the City of Colfax	61.54% 40
Outside the City Limits In the 95713 zip code	36.92% 24
TOTAL	65

Q7 Do you currently operate a Short-term rental in the City of Colfax?

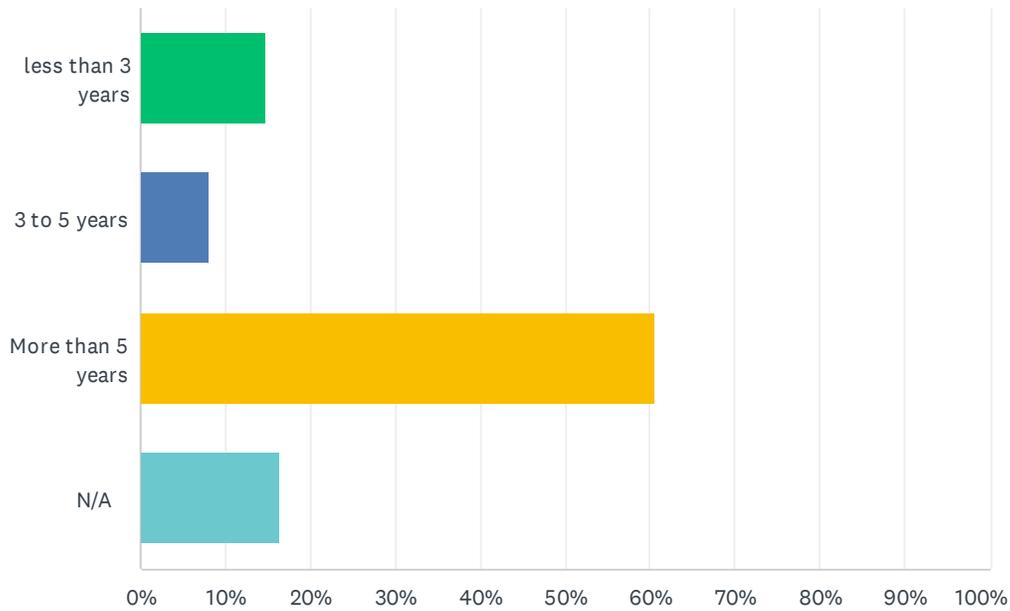
Answered: 64 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	1.56%	1
No	98.44%	63
TOTAL		64

Q8 If you live in the City of Colfax, how long have you lived here?

Answered: 61 Skipped: 4

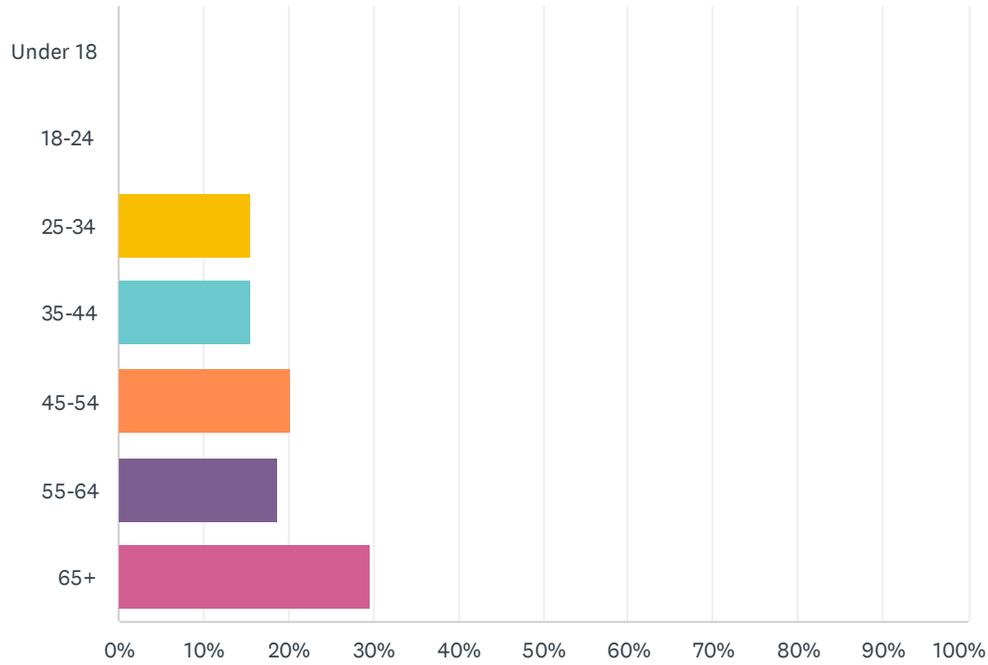


ANSWER CHOICES	RESPONSES
less than 3 years	14.75% 9
3 to 5 years	8.20% 5
More than 5 years	60.66% 37
N/A	16.39% 10
Total Respondents: 61	

Item 9B

Q9 What is your age

Answered: 64 Skipped: 1



ANSWER CHOICES	RESPONSES	
Under 18	0.00%	0
18-24	0.00%	0
25-34	15.63%	10
35-44	15.63%	10
45-54	20.31%	13
55-64	18.75%	12
65+	29.69%	19
TOTAL		64



P. O. Box 702, Colfax, CA 95713

Short-Term Rental Survey

A short-term rental unit is a residential unit occupied for less than 30 days. Often these rentals are advertised and managed through internet platforms such as AirBnB and VRBO.

The City of Colfax would like your input in developing a short-term rental ordinance.

Please take our brief survey to let us know what you think.

<https://www.surveymonkey.com/r/728J7PJ>

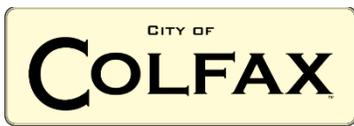


Short Term Rentals –

Jurisdiction	Population	# of STRs allowed	Permit	Parking	Number of occupants	Management	Noise	Notes
Unincorporated Placer County	116,062	3900 for non-hosted. No cap on hosted		On-site parking req. or county-approved off-site pkg	2/bdrm plus e additional people (excludes <12 yo)	Owner/manager within 1 hr (25 miles)	No amplified sound outside or audible at prop line. Quiet hrs 9 PM to 8 AM	Posting required: Interior: good neighbor and operational standards. Exterior: permit number, County STR hotline phone, Fire Dept inspection requ.
Auburn	13,845	No code limit	Admin permit if no objection. Otherwise PC hearing	1 per guest room rented plus spaces for existing unit	2/bedroom (not including <12 yo). Daytime guests allowed 7 AM – 10 PM	Owner/manager within 1 hr travel 24/7.		
Lincoln	50,649	Not regulated						
Loomis	6,868	Not regulated						
Rocklin	72,975		Administrative	Onsite	6 or less, renter must be 21 or older	30 minutes		No special events. Max 90 rental days/yr. Guest registry required
Roseville	151,901	No code limit (only allowed in primary residence of permittee)	Administrative by Finance Director	On-site or in front of property	6	30 minutes		No special events, 182 day/yr, in primary residence of permittee, Maintain register of guests
Unincorporated Nevada County	69,451	Not regulated						
Grass Valley	13,754	No code limit. Non-hosted subject to minor use permit	Administrative for hosted and use permit for non-hosted	Hosted- 1 per guest room plus 2 for owner. Non-hosted-1 per guest room	Hosted – Max 2 rooms rented at same time. Non-hosted – regulated by use permit. If more than 10 occupant, then fire, building and accessibility requirements apply.	30 miles	General noise code standards	

Jurisdiction	Population	# of STRs allowed	Permit	Parking	Number of occupants	Management	Noise	Notes
Nevada City	3,114	No code limit. Hosted only	Administrative	Max of 1 vehicle allowed per unit	2 “units” at same time with 2 adults and their children per unit			No special events
Truckee	17,168	1255	Administrative	On-site. No street or unpaved area	2/bedroom plus 2, excluding kids under 13	Respond in 30 min. by phone, resolve violation within 60 min. Physical presence within 60 min. for 1 yr following a citation	Quiet hours 10 PM to 7 AM	Special events allowed, Citation for violations are \$1,500/day for 1 st violation, \$3,000/day and \$5,000/day for 2 nd and 3 rd violations

Placer County has a cap of 3,900 and Truckee limit the number of STRs



Staff Report to City Council

FOR THE May 24, 2023 REGULAR CITY COUNCIL MEETING

From: Wes Heathcock, City Manager
 Alfred A. “Mick” Cabral, City Attorney
Prepared by: Alfred A. “Mick” Cabral, City Attorney
Subject: Discussion, Consideration And Possible Action To Adopt A Resolution Approving An Agreement With MNJ Advisors, Inc., And Appointing Michael J. Luken As Interim City Manager Effective June 28, 2023

Budget Impact Overview:

N/A: ✓	Funded:	Un-funded:	Amount:	Fund(s):
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RECOMMENDED ACTION: DISCUSS, CONSIDER AND ADOPT RESOLUTION No. ___-2023 APPROVING AN AGREEMENT WITH MNJ ADVISORS, INC, AND APPOINTING MICHAEL LUKEN AS INTERIM CITY MANAGER EFFECTIVE JUNE 28, 2023

Summary/Background

City Manager Wes Heathcock announced he has accepted a position with the Town of Loomis, and that his final day with the City is June 9, 2023. The city will be opening an executive recruitment for the search process for the permanent City Manager; however, this process can take up to six months from the time it is initiated. Based upon this timing, there is a need for the City Council to hire an Interim City Manager.

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.

The appointment of an Interim City Manager is important to ensure the organization has the leadership it needs during the recruitment for a new, permanent City Manager, and a competent Interim City Manager can give the City Council the time it needs to conduct a thorough recruitment.

The City Council held discussions for the Interim City Manager position in a closed session over the past month. The City was fortunate to have a highly qualified candidate available to assume this position.

The City Council decided to bring forward Michael Luken for formal consideration as the Interim City Manager. Mr. Luken has 35 years in land use planning, economic development, city/county management and recently retired as the Executive Director of Placer County Transportation Planning Agency and is uniquely familiar with many projects in progress in Colfax. Mr. Luken has an MA in Rural and Town Planning from Chico State University and a BA in Geography and Planning from California Polytechnic University, Humboldt. Mr. Luken brings a wealth of city management experience to the City of Colfax.

If approved, Mr. Luken will take the reins on June 28, 2023. Mr. Luken will serve until a permanent City Manager is hired by the City Council or his term expires pursuant to the contract with his consulting firm, MNJ Advisors Inc., whichever is earlier.

Because Mr. Luken is a CalPERS retiree, the City Council is required to approve a formal PERS resolution appointing Mr. Luken for the limited time the recruitment is in process. A resolution identifying some of the key requirements accompanies this staff report for action by the City Council. These requirements include, among other things:

- *Limited Duration Work:* The retiree can be hired only as an interim or acting appointment during the period of recruitment.
- *Single Appointment:* The retiree can be appointed only once to the vacant position. In other words, the City Council cannot extend the date of service or make a change to the agreement in the future.
- *Compensation:* The hourly rate to be paid to the retiree cannot be less than the minimum or exceed the maximum for the vacant position as listed on the employer's publicly available pay schedule. The retiree cannot receive any benefits, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate. The retiree may be reimbursed for reasonable expenses.

For all of the above reasons, staff recommends the City Council discuss, consider and take action to adopt the proposed resolution, approve an agreement with MNJ Advisors Inc., and appoint Michael Luken as Interim City Manager effective June 28, 2023.

Fiscal Impact

A budget amendment is not needed to support this proposed action. The contract can be funded for the remaining FY 2022/2023 and for the FY 2023/2024 fiscal year.

Attachments

1. Resolution
2. Agreement

City of Colfax

City Council

Resolution No. __-2023

APPROVING AN AGREEMENT WITH MNJ ADVISORS, INC., AND APPOINTING MICHAEL LUKEN
AS INTERIM CITY MANAGER EFFECTIVE JUNE 28, 2023

WHEREAS, the City of Colfax will soon have a vacancy in the City Manager position, and has an open recruitment to fill the position; and

WHEREAS, the City desires to enter into an agreement with MNJ Advisors and appoint its employee Michael Luken as the Interim City Manager of the City of Colfax, on a temporary basis, pending the recruitment of a permanent replacement to fill the position pursuant to California law; and

WHEREAS, MNJ Advisors Inc. desires to provide services through its employee Michael Luken, as Interim City Manager of the City of Colfax beginning June 28, 2023; and

WHEREAS, the City Council and MNJ Advisors Inc., desire to agree in writing to the terms and conditions pursuant to which MNJ Advisors, Inc., and Michael Luken will provide the services of Interim City Manager for the City of Colfax; and

WHEREAS, the position of Interim City Manager requires specialized skills, including but not limited to advanced management, budget and negotiation, and Mr. Luken possesses those skills; and

WHEREAS, Mr. Luken's appointment to the position of Interim City Manager shall only be made once and 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 Agreement attached hereto as Attachment A between the City of Colfax and MNJ Advisors Inc., appointing Mr. Luken to the position of Interim City Manager effective June 28, 2023, 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 24th of May 2023, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Trinity Burruss, Mayor

Marguerite Bailey, City Clerk

Interim City Manager

**AGREEMENT BETWEEN THE CITY OF COLFAX AND
MNJ ADVISORS INC.**

This Agreement is made on this 28th, day of June, 2023, between the City of Colfax and MNJ Advisors Inc., (the "Agreement") is entered into between the CITY OF COLFAX ("City"), a municipal corporation organized in the State of California, and MNJ ADVISORS, INC, a California corporation ("MNJ"). The parties agree as follows:

RECITALS

A. City will commence an open recruitment to permanently fill the vacant position of City Manager in the next 90 days;

B. City is presently in need of an individual with the knowledge, skills and abilities to temporarily hold the position of Interim City Manager during the City's recruitment to permanently fill the position of City Manager;

C. Michael Luken, President/CEO of MNJ Advisors, Inc., is uniquely qualified and has the requisite specialized skills, training and experience to serve as Interim City Manager for the City, including training and experience relating to expediting emergency response and recovery for the City;

D. City desires to employ the specialized services of Michael Luken as Interim City Manager in consideration of and subject to the terms, conditions, and benefits set forth in this Agreement;

E. MNJ Advisors Inc. will perform the duties of Interim City Manager in consideration of and subject to the terms, conditions, and benefits set forth in this Agreement;

F. MNJ Advisors, Inc. is a consulting firm, employing a retired CalPERS Employee, Michael Luken, as an employee. MNJ Advisors acknowledges that Michael Luken will be restricted to working no more than a combined 960 hours for City, a state agency, or other CalPERS contracting agencies (collectively "CalPERS Agencies") during City's 2022-2023 fiscal year, or for any additional or subsequent fiscal year. MNJ represents that Michael Luken has not received any unemployment compensation from any CalPERS Agencies during the 12-month period preceding the effective date of this Agreement, that Michael Luken has not received a retirement incentive upon retirement within the meaning of Government Code § 7522.56(g), and that Michael Luken has attained normal retirement age within the meaning of Government Code § 21220.5;

G. This Agreement was approved by the City Council as a regular agenda item at a regular meeting held on May 24, 2023.

OPERATIVE PROVISIONS

In consideration of the promises and conditions contained herein, the parties agree as follows:

1. Appointment as Interim City Manager

The City hereby agrees to enter into an agreement with MNJ and appoint its employee Michael Luken as Interim City Manager for the City subject to the terms, conditions, and provisions of this Agreement. MNJ hereby accepts such contract for services.

2. Status and Term of Agreement

(a) This Agreement commences and is effective on June 28, 2023 ("Commencement Date"). This Agreement shall expire at the earlier of: (i) the employment of a permanent City Manager; (ii) upon

termination of the Agreement by either MNJ or City as provided in Section 4 of this Agreement; or (iii) Michael Luken's exhaustion of his 960-hour limitation to service pursuant to CalPERS rules and regulations, unless otherwise extended by the Executive Order of the Governor.

(b) MNJ acknowledges that it is a contractor of the City which shall serve at the pleasure of the City Council at all times during the period of its service. The terms of the City's personnel rules, policies, procedures, ordinances, resolutions, or Municipal Code (collectively "Personnel Policies") shall not apply to Michael Luken to the extent such Personnel Policies conflict with this Agreement.

(c) Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the contract with MNJ at any time for any lawful reason.

(d) Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of MNJ to terminate this contract at any time.

3. Duties and Responsibilities

(a) City agrees to utilize Michael Luken through MNJ as an Interim City Manager of the City to perform the functions and duties of that office including, under City Council direction, providing management oversight in directing the activities and operations of the City as set forth in the Municipal Code of the City of Colfax, and to perform other legally permissible duties and functions as City Manager as the City Council shall from time- to-time assign, including, without limitation, assisting the City's recruitment of a permanent City Manager (the "Services").

(b) MNJ shall not engage in any activity which is or may become a conflict of interest, prohibited by contract, or which may create an incompatibility of office as defined under California law. Prior to performing any services under this Agreement and annually thereafter, MNJ must complete disclosure forms as required by law.

4. Resignation and Termination

(a) MNJ may terminate this agreement at any time with or without cause and agrees to give City at least thirty (30) days' advance written notice of the effective date of termination unless the parties mutually agree otherwise.

(b) City may at any time terminate MNJ, with or without cause.

5. Compensation

(a) City agrees to pay MNJ for services rendered pursuant to this Agreement at the rate of \$97.50 per hour for three (3) days per week in the office and two (2) days per week remote work/on-call (173 1/3 hours per month). All payments to MNJ shall be paid within 30 days of invoices submitted by MNJ to City. Michael Luken will attend all regular and special City Council meetings and all internal/external meetings required to conduct city business. MNJ will assist City with the recruitment of a permanent city manager.

(b) MNJ will record and report to City all hours worked for City as may be required for purposes of CalPERS compliance.

(c) Pursuant to CalPERS regulations and policy statements, Michael Luken shall not receive from City any benefits City commonly provides to its employees, including without limitation health, dental, or vision insurance coverage, life insurance, employee assistance programs, and similar benefits.

(d) City shall reimburse MNJ for mileage at the current IRS Standard Mileage Rate (currently \$0.655 per mile) for all travel to and from the City and outside meetings and for any reasonable expenses incurred in the course of this contract.

6. Indemnification

City shall defend and indemnify MNJ against any action, including but not limited to any tort, professional liability claim or demand, or other noncriminal legal, equitable or administrative action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of MNJ and Michael Luken's duties as an officer of City, other than an action brought by City against MNJ, or an action filed against City by MNJ. City shall be responsible for and have authority to compromise and settle any action, with prior consultation with MNJ, and pay the amount of any settlement or judgment rendered on that action. MNJ shall cooperate fully with City in the settlement, compromise, preparation of the defense, or trial of any such action.

MNJ 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 sole negligence, recklessness or willful misconduct of MNJ 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 MNJ who are directly responsible to the City, or arising from the active negligence of the City officers, agents, employees or volunteers.

7. Insurance

General Liability Coverage- During the term of this Agreement, MNJ shall, at its sole cost and expense, obtain and maintain general liability insurance, including personal injury and property damage insurance for all activities of MNJ 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.

Automobile Liability Coverage-Automobile liability insurance covering bodily injury and property damage for all activities of MNJ 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.

Policy Endorsements-Each general liability and automobile liability insurance policy shall be endorsed with the following provisions:

- (a) 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 MNJ.
- (b) 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.
- (c) 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.
- (d) 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. 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.

Professional Liability Coverage- MNJ 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.

Insurance Certificates and Endorsements-Prior to commencing the Services under this Agreement, MNJ 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.

Deductible and Self-Insured Retentions-Any deductibles or self-insured retentions must be declared to and approved by City.

Termination of Insurance-If the City receives notification that MNJ's insurance will be suspended, voided, cancelled or reduced in coverage or in limits, and if MNJ 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 MNJ for Services rendered under the terms of this Agreement.

8. Independent consultant

It is understood and agreed that MNJ, including MNJ's employees or subcontractors, is an independent consultant and that no relationship of employer-employee exists between the parties hereto for any purpose whatsoever. MNJ shall finance its own operations and shall operate as an independent contractor. Nothing in this Agreement shall be construed to be inconsistent with this relationship or status. MNJ shall be responsible for the employment status and safety of its employees who may perform work under this Agreement. MNJ shall comply with all laws and regulations, including any prevailing wage and other employment laws and regulations, such as California Labor Code sections 1720, et seq., to the extent they are applicable to the work to be performed under this Agreement.

If in the performance of this Agreement, any third persons are employed by MNJ, such persons shall be entirely and exclusively under the direction, supervision and controls of MNJ. Except as specifically provided elsewhere in this Agreement, all terms of employment, including hours, wages, working conditions, discipline, hiring and discharging, or any employment or requirements of law, shall be determined by MNJ. It is further understood and agreed that MNJ shall issue W-2 or 1099 IRS Forms for income and employment tax purposes, for all of MNJ's assigned personnel and subcontractors.

MNJ shall complete all services required by this Agreement according to its own methods and shall not be subject to the City's control as to end product, final result or manner and means by which such services are provided.

9. Taxes

MNJ shall pay, when and as due, any and all taxes incurred as a result of MNJ's compensation hereunder, including estimated taxes. MNJ hereby agrees to indemnify the City for any claims, losses, costs, fees, liabilities, damages or injuries suffered by the City arising out of MNJ's breach of this section.

10. Accounting Records

During the performance of this Agreement and for a period of twelve (12) months after completing all services hereunder, services or a specific task order, MNJ shall maintain all accounting and financial records related to this Agreement, including, but not limited to, records of MNJ's costs for all services performed under this Agreement and records of the MNJ's expenses, in accordance with generally accepted accounting practices. MNJ shall keep such records available for inspection and audit by representatives of the City upon reasonable written notice.

11. Alternative Dispute Resolution

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 below.

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 within 30 days after the mediation has been confirmed.

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.

This section 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.

12. No Contract Term or Damage

Nothing in this Agreement shall be construed to create a contract of employment, either express or implied-in-fact, for any fixed term or requiring cause for termination. MNJ and Michael Luken hereby expressly waives the right to bring claims or causes of action seeking contract-based damages relating to this agreement with the City. MNJ acknowledges that either party may terminate the agreement at any time for any reason, with or without cause, pursuant to paragraph 4.

13. Notices

Unless otherwise provided herein, any notices required by this Agreement shall be in writing and either given in person or by first class mail with the postage prepaid and addressed as follows:

TO CITY:

Trinity Burruss, Mayor
City of Colfax
P.O Box 702
Colfax, CA 95713

TO MNJ Advisors Inc.

Mike Luken, President/CEO
MNJ Advisors Inc.
6160 Rose Garden Lane
Roseville, CA 95747

14. Entire Agreement

This Agreement is the final expression of the complete agreement of the parties with respect to the matters

specified herein and supersedes all prior oral and written understandings and agreements, and, except as prescribed herein, this Agreement cannot be modified except by written mutual agreement signed by the parties.

15. No Assignment. No Third-Party Beneficiaries

This Agreement is not assignable by either City or MNJ. Nothing in this Agreement shall be construed to create, and the parties do not intend to create any beneficial rights in third parties.

16. Severability, Applicable Law, and Interpretation

In the event any provision of this Agreement is finally held or determined to be illegal or void by a competent court with jurisdiction, the remainder of this Agreement shall remain in full force and effect unless the provision(s) found to be void are wholly inseparable from the remaining portions of this Agreement. Any dispute concerning this Agreement shall be governed and construed under the laws of the State of California in effect at the time of signing of this Agreement. The parties consent to the jurisdiction of the California courts with venue in Placer County.

17. Compliance with Federal, State and Local Law

MNJ 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 MNJ's failure to comply with applicable laws, statutes, ordinances, rules or regulations.

18. Construction

To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulations or law. This Agreement has been negotiated between the City of Colfax's City Council and MNJ. City and MNJ acknowledge they have each contributed to the making of this Agreement and that in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. City and MNJ acknowledge they have each had an adequate opportunity to consult with their own legal counsel in the negotiation and preparation of this Agreement.

19. 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.

20. 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.

21. Time of the Essence

Time is of the essence in the performance of the Services. MNJ 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.

22. Counterparts

This Agreement may be executed simultaneously in two counterparts, which shall be identified by number and each of which shall be deemed an original, but all of which together shall constitute one document.

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

Dated: _____

Michael W. Luken, President/CEO
MNJ Advisors, Inc.

Dated: _____

City of Colfax

By: _____
Trinity Burruss, Mayor

Approved as to form:

City Attorney