

**COLFAX CITY COUNCIL MEETING
REGULAR SESSION AGENDA**

City Council Chambers
33 S. Main Street, Colfax, CA.

July 10, 2013

5:00 PM (Closed Session)

7:00 PM (Regular Session)

Last Ordinance
#521

Last Resolution
29-2013

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the building & safety director, (530) 346-2313. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibilities to this meeting.

1. OPENING

- A. Call to Order
- B. Roll Call

2. PUBLIC COMMENT

3. CLOSED SESSION

Conference with Labor Negotiators pursuant To Government Code Section 54957.6
Employee Organization: General Employees and Bargaining Unit Represented by Operating Engineers, Local 39 City's Designated Representative: Gabe Armstrong

Public employee employment pursuant to Government Code Section 54957.
Title of position to be filled: City Manager.

4. OPENING

- A. Pledge Of Allegiance
- B. Announcement of Action Taken at Closed Session
- C. Approval of Agenda Order

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

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

Members of the public who addresses the Council shall do so in an orderly manner. No person shall yell or make profane or threatening remarks to any member of the Council, staff or general public. No person shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet, clapping, or other acts that unreasonably disturb, disrupt, delay or otherwise impede the orderly conduct of any Council meeting. Except as allowed by rules of order, a councilmember or staff person shall not by conversation or other means delay the Council proceedings or disturb any other councilmember or staff person while speaking.

5. CITY COUNCIL COMMITTEE REPORTS

The purpose of these reports is to provide information to the City Council and public on projects and programs that are discussed at committee meetings. No decisions are to be made on these issues. If a Council member would like formal action on any of these discussed items, it will be placed on a future Council Agenda

6. INFORMATION REPORTS FROM STAFF AND OTHERS

7. CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine in nature and will be approved by one blanket motion with a roll call vote. There will be no separate discussion of these items unless persons request specific items to be removed from the Consent Agenda for discussion and separate action. Any items removed will be considered after the motion to approve the Consent Agenda. If you wish to have an item pulled from the Consent Agenda for discussion, please notify the City Clerk.

RECOMMENDED

ACTION

Receive and File

A. Minutes: June 26, 2013

CONSENT ITEMS PULLED FOR DISCUSSION

8. PUBLIC COMMENT

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

9. PUBLIC HEARING

Notice to Public
City Council, when considering a matter scheduled for hearing, will take the following actions:
1. Open the Public Hearing
2. Presentation by Staff
3. Presentation, when applicable, by Applicant or Appellant
4. Accept Public Testimony
5. When applicable, Applicant or Appellant 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

A. Public Hearing and Adoption of Resolution 30-2013: A Resolution Of The City Council of the City of Colfax Approving the Final Product for the Close-out of the State of California Community Development Block Grant 09-PTAE-6318 for the Highway Corridor Revitalization Plan

Recommended Action: Conduct Public Hearing, Consider Public and Staff Comments and Approve Resolution No. 30-2013

B. Public Hearing and Consideration of Adoption of Resolution No. 31-2013: A Resolution Of The City Council Of The City Of Colfax Approving an Application (#SP-02-012) For A Billboard Sign Permit (Stewart Wells)

Recommended Action: Conduct Public Hearing, Consider Public and Staff Comments and Adopt Resolution No. 31-2013

10. **COUNCIL BUSINESS**

11. **PRESENTATIONS**

12. **ADJOURNMENT**

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.

AGENDA POSTED, July 5, 2013
at City Hall and Post Office locations



Karen Pierce, City Clerk

Minutes
City Council Meeting
June 26, 2013

1. OPENING

Mayor Barkle called the meeting to order at 6:00pm.

Present and answering roll call were Council members Hesch, Douglass, Parnham, McKinney and Mayor Barkle.

2. PUBLIC COMMENT

Speaking from the public was:

Will Stockwin, resident asking when the public would be able to have input into the hiring of the City Manager.

3. CLOSED SESSION

Mayor Barkle called the closed session to order at 6:05pm

Conference with Labor Negotiators pursuant To Government Code Section 54957.6
Employee Organization: General Employees and Bargaining Unit Represented by
Operating Engineers, Local 39
City's Designated Representative: Gabe Armstrong

Public employee employment pursuant to Government Code Section 54957.
Title of position to be filled: City Manager.

Public employee performance evaluation pursuant to Government Code Section 54957.
Title: City Planner

Mayor Barkle closed the closed session at 6:56pm.

4. OPENING AND AGENDA APPROVAL

Mayor Barkle called the regular meeting to order at 7:04pm.

Kathy Keifer led the Pledge of Allegiance

Mayor Barkle stated that in closed session a decision was made to settle with Stationary Engineers Union.

A motion was made by councilman McKinney and seconded by councilman Douglass to move Agenda Item 9C to the first item in Public Hearing.

A motion was made by councilman McKinney and seconded by councilman Hesch to approve the agenda as amended. The motion was passed by the following vote:

AYES: Hesch, Douglass, Parnham, McKinney and Mayor Barkle

NOES:
ABSENT:
ABSTAIN:

5. CITY COUNCIL COMMITTEE REPORTS

Councilman McKinney reported on the Bianchini Trust meeting
Councilman Parnham reported on attending the Mosquito and Vector Control Meeting
Councilman Douglass reported on attending the SEDCorp and Air Pollution Control meetings
Councilman Hesch reported on attending the SACOG and PCTPA meetings
Mayor Barkle thanked Councilman Douglass for covering her meetings while she was sick.

6. INFORMATION REPORTS FROM STAFF AND OTHERS

Interim City Manager, Gabe Armstrong reported on the following:

- Updated council about the progress of the closure of the underground tanks at the Corporation Yard
- The new owners of the Colfax Hotel came into city hall and looked at the street files and are looking forward to getting the building repaired.
- The Mink Creek sewer issue is being looked at closely by staff and will be on a future agenda.
- The splash park is now open and a ribbon cutting ceremony will be on Monday at 11:00am.

7. CONSENT AGENDA

	<u>ACTION TAKEN</u>
A. Minutes: June 12, 2013	<i>Received and Filed</i>
B. Cash Balance Summary: May 31, 2013	<i>Received and Filed</i>
C. Project Acceptance: I&I Mitigation Project, City Project# 11-01.01, SWRCB Project# C-06-7806-110	<i>Pulled for Discussion</i>
D. Consideration of Approval for Street Closures in Downtown for the July 3 event and Parade	<i>Pulled for Discussion</i>

A motion was made by councilman Hesch and seconded by councilman Parnham to approve the consent agenda as presented with the above noted items pulled for discussion. The motion was passed by the following vote:

AYES: Hesch, Douglass, Parnham, McKinney and Mayor Barkle
NOES:
ABSENT:

ABSTAIN:

C. Project Acceptance: I&I Mitigation Project, City Project# 11-01.01, SWRCB Project# C-06-7806-110

Councilman Hesch had questions about any portions of the project that may still be incomplete.

D. Consideration of Approval for Street Closures in Downtown for the July 3 event and Parade

Councilmember Hesch had questions about the railroad crossings during the July 3 event.

A motion was made by councilman Hesch and seconded by councilman Parnham to accept the I & I Project as complete and approve the street closure for the July 3 event.

8. PUBLIC COMMENT

Al Turner, resident volunteered to donate a flag to the City from the VFW Dick Homestead, business owner had complaint about Fire and Steel Event
Lynn Tausch, business owner had complaint about vendor locations for the Fire and Steel Event.

Linda Lou Haines, resident spoke about the upcoming Doggie Dash at the July 3 event.

Carol Fontana, resident spoke against the I-80 rezoning.

Curtis Fox, resident spoke against the I-80 rezoning where it relates to his property.

Bob Cunningham, property owner asked about funding of the I-80 project.

Nicolette Dalpino, resident spoke against the I-80 rezoning

Marla Gillard, resident spoke against the I-80 rezoning

Alan Morse, resident spoke against the I-80 rezoning

Jeff Williams, property owner spoke against the I-80 rezoning

Lynn Tausch, business owner spoke against the I-80 rezoning

Ben Roberts, resident spoke against I-80 rezoning and asked about damage to Grass Valley Street from the train derailment.

Mike Maynard, resident spoke about asking the people what they want regarding the I-80 Project.

Mike Solverberg, resident asked questions about definitions of re-zoning and about being notified of plans for the hotel since his property neighbors the hotel.

City Planner, Brigit Barnes answered questions.

Bob Cunningham, property owner noted that the I-80 project doesn't include just the properties on S. Auburn St. and the costs are not acceptable.

Tim Calvert, business owner doesn't understand why city is considering making the zoning change when the business district in downtown has so many vacancies.

Elan Vitkoff, resident spoke against the I-80 rezoning

Jim Bowers, resident spoke about the Fire and Steel Festival and what it brings to the city.

Kathy Turk, Colfax visitor spoke positively about the Fire and Steel Event.

Jeff Peudro, business manager spoke positively about the Fire and Steel Event.

Dick Homestead, business owner spoke about how much the Fire and Steel event cost his business.

Josh Resnick, resident spoke positively about the Fire and Steel Event.

Cathy Keifer, county resident spoke about the 100's of daffodil bulbs that the city received from the Fire and Steel Event that will be planted at the Colfax off and on ramp.

Judi Calvert-Anderson, spoke about the Fire and Steel event and problems that need to be addressed.

Paul Raj, business owner spoke positively about the Fire and Steel event and how much it benefited the local businesses.

Elan Vitkoff, business owner spoke positively about the Fire and Steel event.

Jeannie Claxton, county resident loves the small community of Colfax and wants events in town to be family friendly.

Pam Furpo, business owner spoke against the Fire and Steel Event

Foxy McCleary, resident spoke positively about the Fire and Steel event

Logan West, Art spoke about how much the Fire and Steel event help the Art group.

Larry Green, VFW spoke about the streets and how badly they need to be repaved.

Frank Klein, Chamber President spoke about the July 3 event.

Ann Wendell, property owner asked about working with the city to resolve a sewer bill issue she has with the city.

9. PUBLIC HEARING

A. Public Hearing and Adoption of Resolution 30-2013: A Resolution Of The City Council of the City of Colfax Approving the Final Product for the Close-out of the State of California Community Development Block Grant 09-PTAE-6318 for the Highway Corridor Revitalization Plan.

Land Use Attorney, Brigit Barnes went over the staff report. Mayor Barkle opened the public hearing. Council discussed. There was no public comment. A motion was made by councilman McKinney and seconded by Mayor Barkle to approve Resolution No. 30-2013. The motion failed by the following vote:

AYES: McKinney and Mayor Barkle
NOES: Hesch, Douglass and Parnham
ABSENT:
ABSTAIN:

Council discussed. Land Use Attorney, Brigit Barnes answered questions. Direction was given to bring this item back before council on the next City Council Agenda.

B. Second Reading and Adoption of Ordinance No. 520: An Ordinance Of The City Of Colfax Amending Colfax Municipal Code Title 13, Chapter 13.08, Section 13.08.490 B Pertaining To Industrial Wastewater Fees

Mayor Barkle opened the Public Hearing. Speaking from the public was:

Will Stockwin, resident

Council discussed. Mayor Barkle closed the public hearing. A motion was made by councilman McKinney and seconded by councilman Hesch to adopt Ordinance No. 520 to become effective in 30 days. The motion was passed by the following vote:

AYES: Hesch, Douglass, Parnham, McKinney and Mayor Barkle
NOES:
ABSENT:
ABSTAIN:

C. Second Reading of Ordinance No. 521: An Ordinance Of The City Of Colfax Authorizing Collection Of Delinquent Sewer Service Charges On The Placer County Secured and Unsecured Tax Roll For Fiscal Year 2013-2014PH delinquent sewer charges.

Mayor Barkle opened the public hearing. Speaking from the public was:

Will Stockwin, resident

Mayor Barkle closed the public hearing. A motion was made by councilman McKinney and seconded by councilman Parnham to adopt Ordinance No. 521 to become effective in 30 days. The motion was passed by the following vote:

AYES: Hesch, Douglass, Parnham, McKinney and Mayor Barkle
NOES:
ABSENT:
ABSTAIN:

10. COUNCIL BUSINESS

11. PRESENTATION

At 8:59 Mayor Barkle convened the Public Session to Closed Session.

12. ADJOURNMENT

Mayor Barkle reconvened the Public Session and stated that there was no reportable action taken in closed session. Being no further business to come before council by voice vote the meeting was adjourned at 10:20pm.



REPORT TO
COLFAX CITY COUNCIL

*CITY COUNCIL MEETING OF
JULY 10, 2013*

Public Hearing
Item 9A

To: Honorable Mayor and Members of the City Council
From: Alfred A. "Mick" Cabral, City Attorney
Laurie Van Groningen, Finance Director
Date: July 3, 2013
Subject: Public Hearing and Adoption of Resolution No. 30-2013: A Resolution Of The City Council Of The City Of Colfax Approving The Final Product For The Close-out Of The State Of California Community Development Block Grant 09-PTAE-6318 For The Highway Corridor Revitalization Plan

Recommended Action: Conduct Public Hearing, Consider Public and Staff Comments and Adopt Resolution No. 30-2013

BACKGROUND:

This staff report supplements the June 20, 2013 staff report prepared and submitted by the City's Planning Director and Land Use Attorney on the same subject.

The sole purpose of the proposed resolution is to finalize or "close-out" a \$35,000 CDBG grant. All grant funds have already been spent on various aspects of the City's Highway Corridor Revitalization Plan.

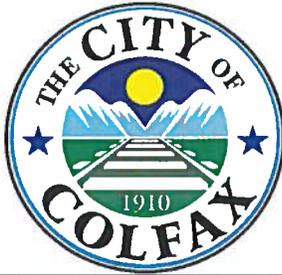
Contrary to the misconception that was expressed at the June 26, 2013 meeting, the proposed resolution has nothing to do with approving or disapproving the Highway Corridor Revitalization Plan. It does not authorize spending any money on that plan. The proposed resolution merely accepts the product that was created with the grant funds and authorizes the Interim City Manager to sign all documents and complete the paperwork required to close this grant.

The consequence of not approving the proposed resolution will be significant. The grant was administered by the State of California Department of Housing and Community Development (HCD). The grant administrator has threatened to require the City to repay all grant funds if this resolution is not adopted immediately. HCD has the authority to do so. This means that if the proposed resolution is not adopted, the City will have to refund \$31,500 in grant funds that HCD has already disbursed and forego receipt of the \$3,500 retention HCD is holding.

FINANCIAL IMPACT:

Adopting this resolution will allow HCD to release the \$3,500 retention it is holding to the City. The City will receive that \$3,500 shortly after the resolution is adopted and the final paperwork is submitted. Failure to adopt this resolution as recommended will require the City to pay \$31,500 to HCD.

The unknown fiscal impact will be how failing to adopt the proposed resolution and being compelled to refund the grant funds received will influence CDBG and other granting agencies when Colfax applies for future grants on this or any other project.



REPORT TO
COLFAX CITY COUNCIL

*COUNCIL MEETING OF
JUNE 26, 2013*

Agenda Item No.

To: Honorable Mayor and Members of the City Council
From: Brigit S. Barnes, Planning Director and Land Use Attorney
Date: June 20, 2013
Subject: Public Hearing and Adoption of Resolution 30-2013: A Resolution Of The City Council of the City of Colfax Approving the Final Product for the Close-out of the State of California Community Development Block Grant 09-PTAE-6318 for the Highway Corridor Revitalization Plan

Recommended Action: Conduct Public Hearing, Consider Public and Staff Comments and Adopt Resolution 30-2013

BACKGROUND:

The City of Colfax received a State of California Community Development Block Grant (09-PTAE-6318) for the Highway Corridor Revitalization Plan in the amount of \$35,000. The grant funds were used accomplish certain preliminary tasks for the City's Highway Corridor Revitalization Plan, including those listed in the next paragraph. As part of the grant "close-out" process, Housing and Community Development requires a public hearing is required to notify the public of the work funded by this grant confirm City work toward the Plan. At the public hearing, the Final Product for the grant must be accepted by the City Council in order to close it out.

The City of Colfax was able to accomplish the following with the assistance of said grant funds: preparation of an Economic Analysis, Corridor Study Boundary Map, Opportunity Areas Map reflecting the Economic Analysis, Planning Area Map, Detailed Planning Area Maps with APN identification, Preliminary Concept Maps for Opportunity Areas 2, 2a, 6 and 10, Inventory List of all properties by size/zoning/FAR, Chart – Recommended Zoning Changes, Railroad Crossing Alternatives Maps, Traffic Improvement Maps, Phase & Action Plan, Budget, PD Ordinance – preliminary draft, and PD Guidelines – preliminary draft.

The above-described work-product was consolidated into a Final Product Binder which was made available for public review at the City Clerk's office prior to the public hearing. Attached

is the Final Product Summary that accompanies the binder, which reflects the status of responses to the public based on the ongoing workshops related to the Revitalization Plan.

If accepted by the City Council, the Final Product Binder will be submitted along with certain necessary financial documents to the Housing and Community Development Department to complete the close-out of this grant.

Staff recommends that the City Council accept the Final Product for the close-out of this grant, confirm the use of these funds, and authorize the City Manager to execute the necessary documents to close-out this grant.

PUBLIC NOTICE: This meeting has been noticed in accordance with the requirements of California Planning and Zoning Law, Title 7, Chapter 65000, Government Code, as amended.



CITY of COLFAX

C A L I F O R N I A

T • (530) 346-2313 F • (530) 346-6214 www.Colfax-CA.gov
33 S Main Street, PO Box 702, Colfax, CA 95713

PRODUCT SUMMARY

[Revised June 21, 2013 to confirm responses to public comment]

HIGHWAY CORRIDOR REVITALIZATION PLAN FOR COLFAX

CDBG FUNDING (09-PTAE-6318)

The Highway Corridor Revitalization Plan was designed to respond to the direction of the City Council beginning in 2010 to establish a comprehensive implementation strategy to provide economic revitalization along both sides of Highway 80. The new overlay zone will encourage new business and commercial development in the City's highway corridor area by: (1) establishing an overlay zone which provides for expedited development review for all parcels within the overlay zone and approved development guidelines for the four opportunity areas within the zone as identified by the City of Colfax Land Use Committee in 2010; (2) conducting an overall environmental analysis for the overlay zone, including limited project level analysis of traffic, access, air quality and resources impacts applicable to the four opportunity areas; and (3) establishing an administrative-level review process for commercial development projects which are found to be consistent with the highway corridor revitalization plan. By allowing administrative-level approval of projects within the previously reviewed opportunity areas, rather than requiring full Planning Commission and/or City Council review of each project, the plan encourages improvement of the City by expediting the application and review process and potentially lowering the overall cost of compliance with land use regulations for business and property owners. The City has already reviewed each parcel within the plan area to determine the current zoning and to determine the most feasible type of development on each parcel, given access and topography, and has conducted a public workshop to effectuate community outreach to property and business owners and interested agencies to gather comments and suggestions on the draft concept maps for the opportunity areas. A detailed list of completed work product is included below. The next phase includes revisions to limited portions of Planning Areas 1 and 2 of the Plan to respond to input received at the public workshop of May 23, 2013, preparation of an Environmental Impact Report for the overlay zone area and public hearings for Planning Commission/City Council consideration of approval of both the project and its associated environmental document and finalization of the PD Ordinance and Guidelines, based on the environmental analysis contained in the documents.

Completion of prior related City projects, such as the Downtown Area Master Plan and the City's General Plan Update, were deferred by the city council due to lack of adequate funding to complete review of such studies, and the infrastructure funding necessary to implement the recommendations contained in the Downtown Area Master Plan, so that the City could allocate its resources to the reconstruction and expansion of the City's sewer plant. Additionally, based in part on

unfunded roadway infrastructure and circulation defects, and the general poor business climate, development has not occurred in the City of Colfax for the last 8-10 years. The Highway Corridor Revitalization Plan will set the framework for future economic development, bringing revenue to the City in order that it might complete other important City projects such as necessary circulation and parking improvements for downtown Colfax. A copy of the Downtown Area Master Plan is available at City Hall.

WORK PRODUCT ALREADY COMPLETED:

Economic Analysis (Attachment 1)

Corridor Study Boundary Map (Attachment 2)

Opportunity Areas Map (Attachment 3)

Planning Area Map (Attachment 4)

Detailed Planning Area Maps with APN identification (Attachment 5)

Preliminary Concept Maps for Opportunity Areas 2, 2a, 6 and 10 (Attachment 6)

Inventory List of all properties by size, zoning, FAR (Attachment 7)

Chart – Recommended Zoning Changes (Attachment 8)

Railroad Crossing Maps (Attachment 9)

Traffic Improvement Maps (Attachment 10)

Phase & Action Plan (Attachment 11)

Budget Approval (Attachment 12)

PD Ordinance – preliminary draft (Attachment 13)

PD Guidelines – preliminary draft (Attachment 14)

ADDITIONAL EXHIBITS:

Downtown Master Plan (Attachment 15)



REPORT TO
COLFAX CITY COUNCIL
*CITY COUNCIL MEETING OF
JULY 10, 2013*

Public Hearing
Item 9B

To: Honorable Mayor and Members of the City Council
From: Brigit S. Barnes, Planning Director and Land Use Attorney
Date: July 3, 2013
Subject: Public Hearing and Consideration of Adoption of Resolution No. 31-2013: A Resolution Of The City Council Of The City Of Colfax Approving an Application (#SP-02-012) For A Billboard Sign Permit (Stewart Wells)

Recommended Action: Conduct Public Hearing, Consider Public and Staff Comments and Adopt Resolution No. 31-2013

PROJECT SUMMARY:

Applicant (s): Stewart Wells
Owner: Stewart Wells
Project Location: 1523 South Auburn Street, Colfax, CA
Land Use (existing): Vacant
Assessor's Parcel No: 101-131-041-000
Zoning District: Highway Commercial
GP Designation: Commercial

PUBLIC NOTICE: This meeting has been noticed in accordance with the requirements of California Planning and Zoning Law, Title 7, Chapter 65000, Government Code, as amended.

PROJECT TITLE: #SP-01-12/Billboard Sign Permit – Stewart Wells

PROJECT LOCATION: 1523 South Auburn Street, Colfax, Placer County, CA
APN: 101-131-041-000

PROJECT DESCRIPTION: Sign Permit for the placement of one single-sided, traditional (static/non-digital) billboard located at 1523 South Auburn Street along the I-80 corridor in Colfax. The proposed billboard sign face is 12 feet high by 24 feet wide for a total of 288 square

feet. The proposed billboard sign pole is 20 feet in height. The total structure height is 32 feet. The billboard sign will face West only (i.e. visible to eastbound traffic). The proposed billboard location is on degraded Highway Commercial property and no trees are being removed. See Attachment Nos. 1 through 3 - Site Map and Photos.

PROJECT ANALYSIS:

On September 25, 2012 Stewart Wells filed an application for a sign permit for a single-sided, traditional (static/non-digital) billboard. The application was reviewed and processed administratively by the Planning Director pursuant to Colfax Municipal Code Section 17.112.050, which states that the approval authority for sign permits is the Planning Director, unless the Planning director elevates the application to the Planning Commission. On November 26, 2012, the Planning Director approved the Wells billboard sign permit, subject to six (6) conditions. See Attachment 4 – Billboard Sign Permit with plan details attached. Condition #4 required that the applicant obtain Caltrans approval as well, which was granted on February 8, 2013 (identified as Permit #N03-0103/0.44 miles east of Illinoistown OC 19-85).

As part of the Wells billboard sign permit approval, the Planning Director issued a Notice of Exemption from the California Environmental Quality Act (CEQA), based on a categorical exemption (15303 - New Construction or Conversion of Small Structures) and the fact that the billboard location was degraded and no trees were being removed. The Notice of Exemption was filed with the City Clerk on November 29, 2012. See Attachment 5 – Notice of Exemption.

In mid-April 2013, the City received an objection to the administrative approval of the Wells billboard sign permit, before the applicant provided a copy of the Caltrans approval. The basis of the objection was as follows:

1. That one of the complainant's "unconstructed permits" on appeal is located on a parcel owned by the Pressons (Permit #N03-0014, Postmile 32.16L), which is adjacent to Mr. Wells' parcel and therefore a sign constructed on the Wells property would not meet the Outdoor Advertising Act's (OAA) required minimum 500' lateral distance from the Caltrans permit currently on appeal on the Presson property.
2. That the City's Digital Billboard ordinance states that the total number of billboard signs in the City, whether digital or not, may not exceed the number of billboard signs in the City at the time the Digital Billboard Sign Ordinance is adopted, without further action of the City Council.
3. That the Notice of Exemption was not the proper CEQA review/document.
4. That the City should confirm that the Wells location is more than 500' from the Dingus McGees site and the Winner Chevrolet site across the freeway.

Upon receipt of the complaint, the Planning Director immediately placed a hold on the building permit, and notified the applicant of the complaint. A building permit has not yet been issued for the construction of the Wells billboard sign.

Staff determined that complainants' claims regarding CEQA were not timely, because the complaint was received almost four months after the issuance of the Notice of Exemption which has a bar date of 35 days from the filing, or January 4, 2013. Staff had made the determination that the Wells billboard sign could be processed administratively because this sign is only 12' x 24' and is an old-fashioned board sign. However, the City's Digital Billboard Sign Ordinance (Colfax Municipal Code Section 17.112.140) at paragraph A, includes the following statement: "The total number of billboard signs in the City, whether digital or not, may not exceed the number of billboard signs in the City at the time the Digital Billboard Sign Ordinance is adopted, without further action of the City Council." As such, the Wells billboard sign permit project is being brought before the City Council at this time.

(Staff will prepare an administrative amendment to the Zoning Code to reconcile the conflicting language this issue has raised and to require all billboard signs of any type along I-80 to be presented to the City Council for approval as required by the language of the Digital Sign Ordinance).

In addition to the conflict in ordinance language, upon reconsideration as a result of the complaint, staff has determined that an additional issue related to the order of Caltrans' approvals is represented by the complaint. Pursuant to the terms of the Outdoor Advertising Act of the State of California ("OAA"), digital billboard signs within the Caltrans right of way must be at least 1000 feet apart when located on the same side of the freeway. Non-digital billboard signs within the Caltrans right of Way must be at least 500 feet apart when located on the same side of the freeway. Upon receipt of the initial Wells application, the City evaluated the Wells location in comparison with the location of nearby billboards as is required by the OAA, including the Dingus McGees site, and determined that the location shown on the Wells application was adequately separated from the closest sign. See Attachment 6A prepared by City Engineering staff. However, the actual physical locations which are permitted under a separate Caltrans permitting system do not match the location actually applied for by Mr. Wells. This discrepancy in distance calculation is related to the Caltrans method of identifying site locations for prior permitted but un-built locations. The "Presson un-built permit location" described by the complainant is closer than the 1000 limitation if the Presson site is constructed as a digital billboard as was planned, but greater than the 500 feet limitation applicable to non-digital billboards. See Attachment 6B which includes permitted but unconstructed billboard signs.

The City Attorney has separately addressed the language of the two settlement agreements dating from 2000 with Gard/Freidig to the Council in closed session. Based on review of the settlement agreements, and discussions with Mr. Gard to determine whether in fact the Wells location may be too close to one of Mr. Gard's permitted but un-built sign locations, Staff has separately determined to prepare a modification of the City's long-term permit policy as follows. Staff recommends that the present policy under which Mr. Gard and Mr. Freidig have maintained numerous permit locations with Caltrans at their cost, and which remain un-built should be vacated, because of the confusion presented by holding general permit locations when staff attempts to confirm compliance with the distance restrictions of the OAA. Staff believes a resolution with Mr. Gard and Mr. Freidig, and equitable to all parties, has been achieved which allows the Wells billboard to be constructed without violating the distance limitations as mandated by the OAA contrasted with the Gard permitted but un-built signs. See Attachment No. 6B.

Staff will present separately amendments to the I-80 sign permit policy which releases all un-built permits except the Dingus McGees location, so that this type of potential conflict does not occur again.

FISCAL IMPACTS:

The City has the right to impose reasonable conditions of approval on all sign permits. To the best of Staff's knowledge, existing sign owners all pay rent to the City. For example, Sierra Property Development pays a monthly fee of \$2,528.85 for two electronic billboards that have two sides each (for a total of 4 sides) and ADCO pays a monthly fee of \$1,000 for one non-electronic sign. It would be reasonable and equitable therefore, for the council to impose a similar condition on issuance of a billboard permit to Mr. Wells, taking into consideration that Mr. Well's proposed sign is neither digital nor electronic and staff asks the Council to determine the amount of the fee.

Staff is recommending approval of this project on the conditions set forth in Attachment No. 7 – Draft Conditions of Approval.

Also attached to this Staff Report is a draft Resolution approving the Billboard Sign Permit, which Staff recommends the Council adopt. See Attachment No. 8 – Draft Resolution.

RECOMMENDED FINDINGS:

Staff recommends the Council make the following findings with regard to the Application (#SP-02-12) For A Billboard Sign Permit:

That, based on substantial evidence -

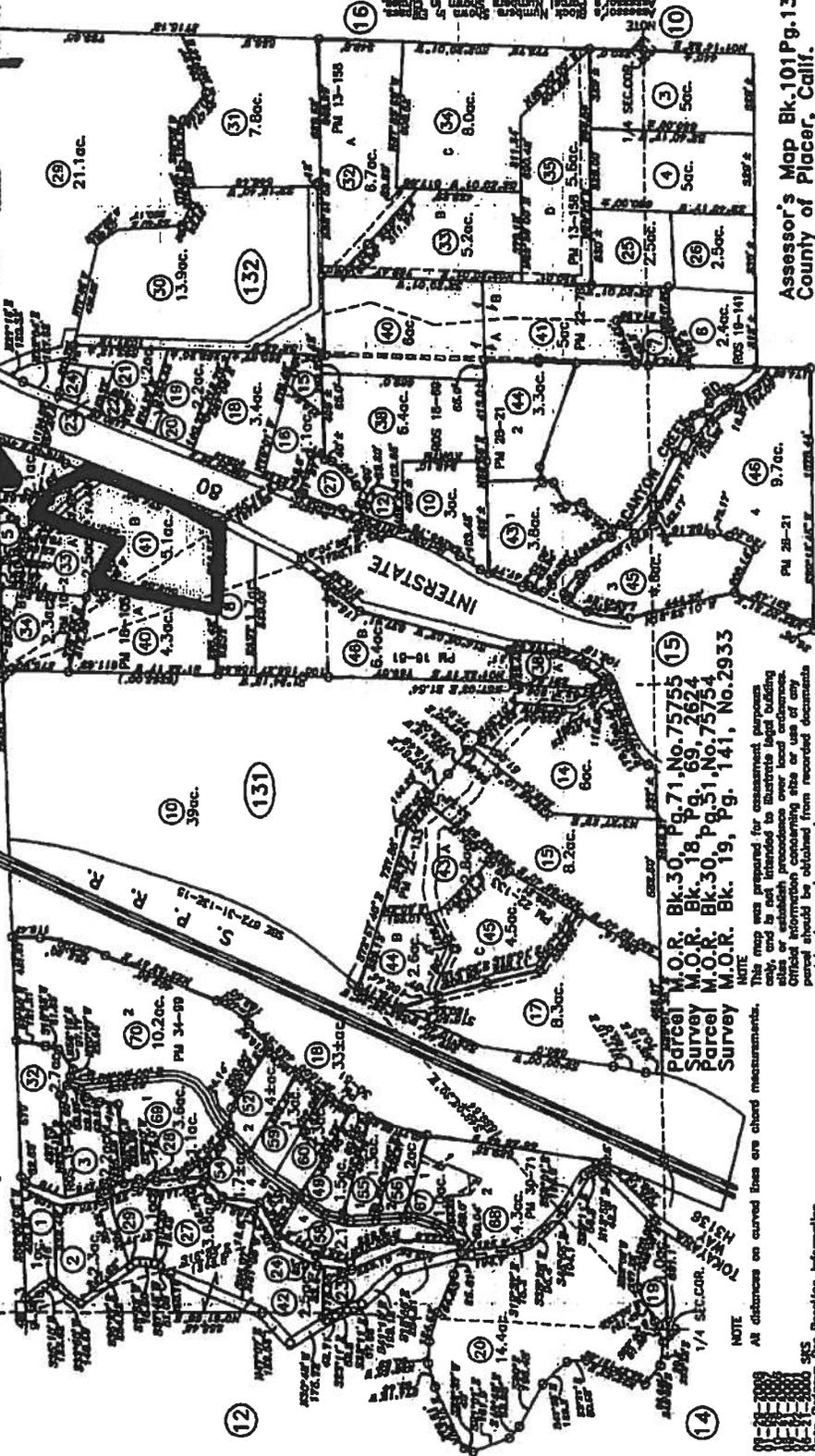
1. The proposed sign is substantially consistent with the standards of the city's sign guidelines and the goals, objectives and policies of the city general plan and any applicable design guidelines;
2. The proposed sign conforms to applicable development standards and will not be detrimental to the public health, safety or welfare; and
3. That provided the surrounding permitted but un-built Caltrans sign locations are vacated, physical location or placement of the sign is compatible with the surrounding neighborhood and does not pose a safety risk under the OAA.

Attachments:

1. Assessor Site Map
2. Site Photos
3. Site Photo showing proposed billboard location

4. Billboard Sign Permit #SP-02-12, with plan details
5. Notice of Exemption
6. Billboard Location Maps
7. Draft Conditions of Approval
8. Draft Resolution

POR.N.E.1/4 SEC.9, & N.1/2 SEC.10,T.14N.,R.9E., M.D.B.&M. 101-13
 Survey M.O.R. Bk.4, Pg.33
 Survey M.O.R. Bk.5, Pg.28
 Survey M.O.R. Bk.10, Pg.2,P-71590
 Survey M.O.R. Bk.11, Pg.140,P-71601
 Survey M.O.R. Bk.12, Pg.158,P-72506
 Survey M.O.R. Bk.16, Pg.81,P-73553
 Survey M.O.R. Bk.18, Pg.105
 Survey M.O.R. Bk.22, Pg.78
 Survey M.O.R. Bk.22, Pg.133,P-74645
 Survey M.O.R. Bk.28, Pg.21
 Survey M.O.R. Bk.15, Pg.95
 Survey M.O.R. Bk.30, Pg.5
 Survey M.O.R. Bk.30, Pg.6
 Survey M.O.R. Bk.30, Pg.100
 Survey M.O.R. Bk.30, Pg.100
 Survey M.O.R. Bk.30, Pg.100

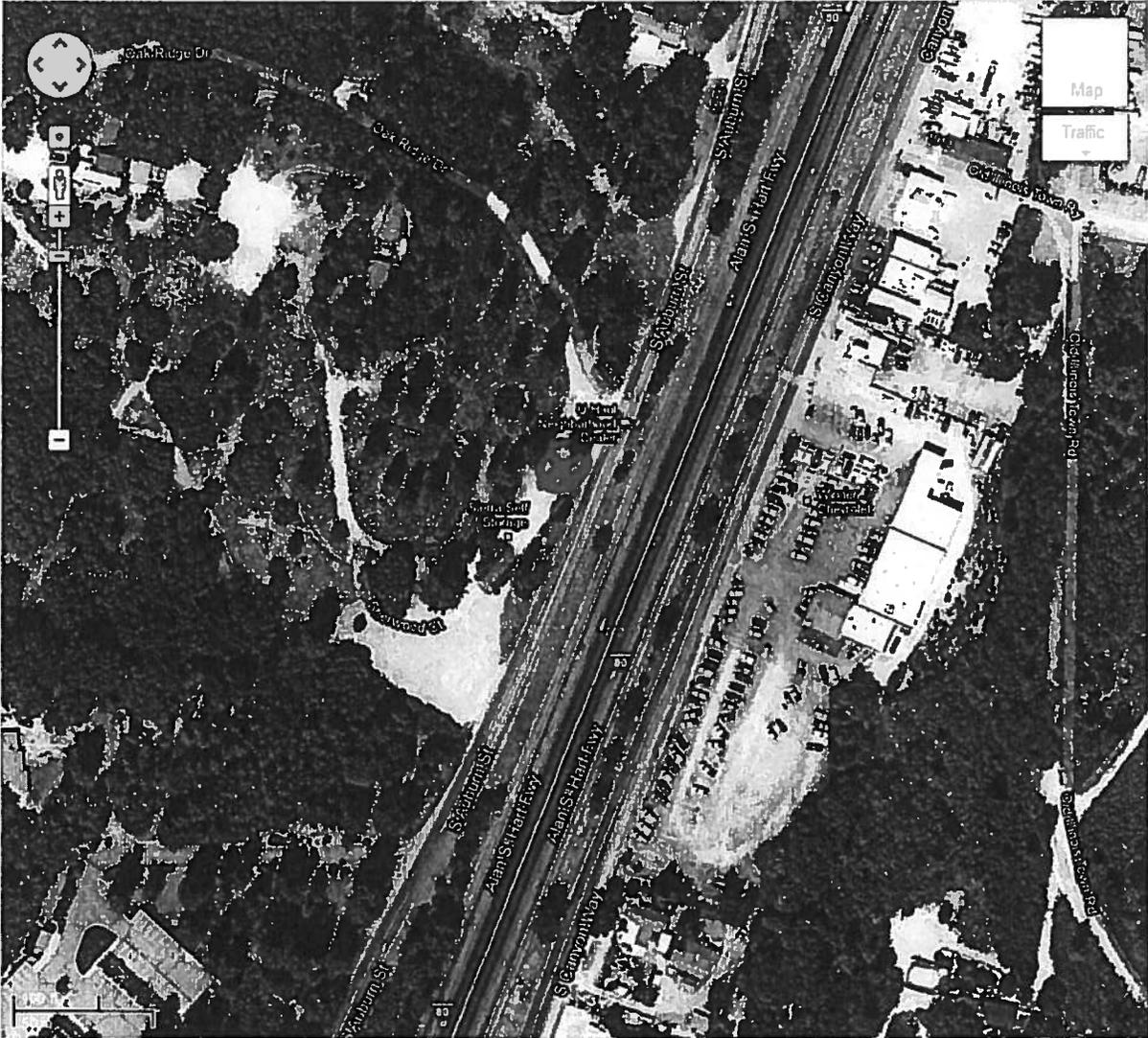


Parcel M.O.R. Bk.30, Pg.71, No.75755
 Survey M.O.R. Bk.18, Pg.69, 7624
 Parcel M.O.R. Bk.30, Pg.51, No.75754
 Survey M.O.R. Bk.19, Pg.141, No.29335

NOTE
 All distances on curved lines are chord measurements.
 This map was prepared for assessment purposes only, and is not intended to illustrate legal building sites or establish proceedings over land boundaries. Critical information concerning sites or use of any parcel should be obtained from recorded documents and local governing agencies.

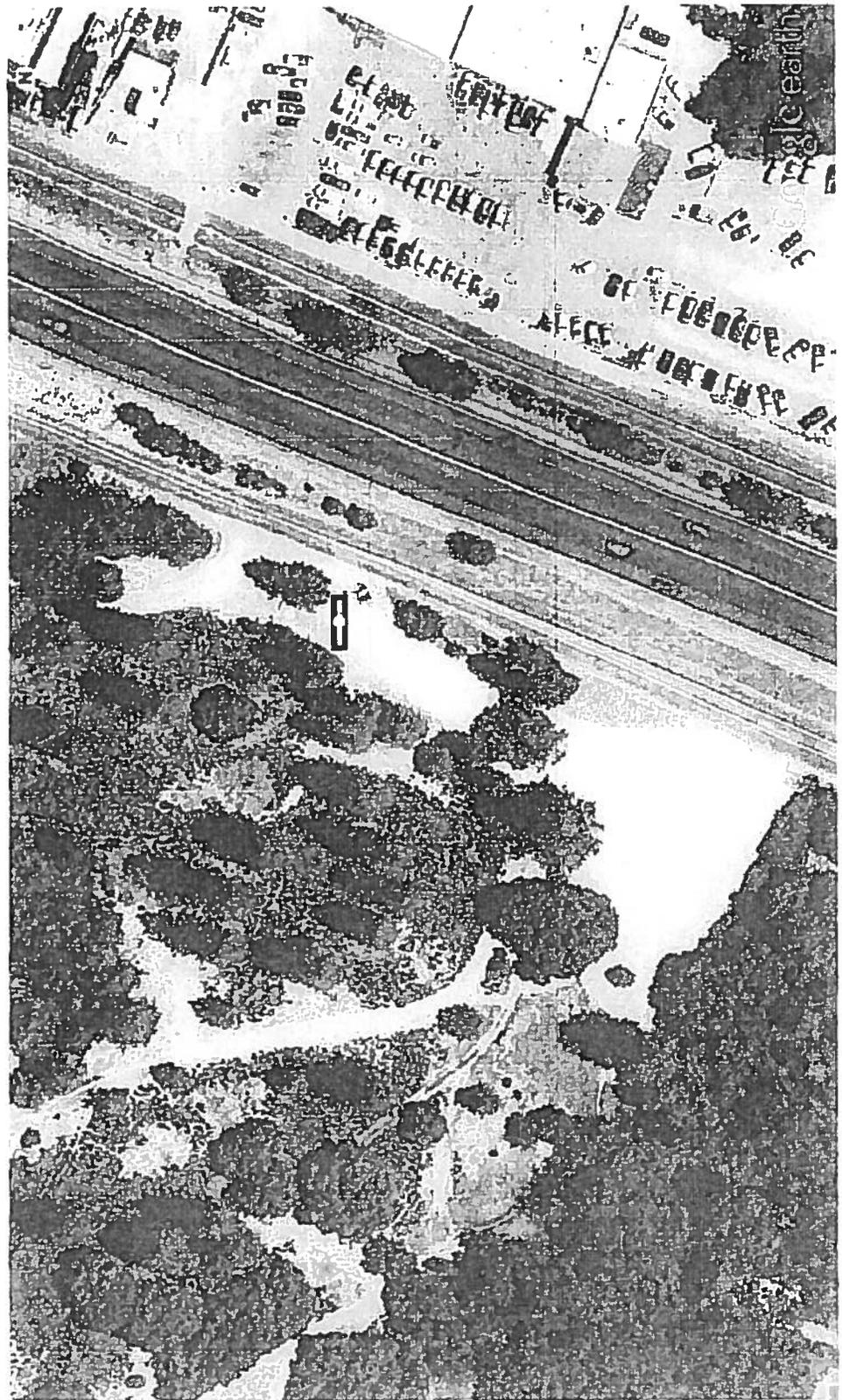
Assessor's Map Bk.101 Pg.13
 County of Placer, Calif.

Attachment 2



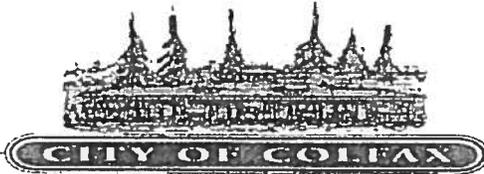
Big picture overview of the property

Sky view with billboard



Attachment 4

P.O. Box 702
33 S. Main Street
Colfax, CA 95713



Office: (530) 346-2313
Fax: (530) 346-6214

BILLBOARD SIGN PERMIT - STAFF USE ONLY

Fee Paid: \$750 Check Number: #4062 Cash: _____
Zone District: Highway Commercial Other Approvals Required: Yes No
Number of signs: 1 Billboard Value of Sign: \$15,611.00 Proposed Date of Installation: 12-15-12

Conditions of Approval:

- (1) Billboard face to be no more than 288 square feet, consistent with submitted plans
- (2) Billboard height (pole and sign face), not to exceed 32 feet, consistent with submitted plans
- (3) Billboard face must be single-sided and facing west only
- (4) Applicant must obtain Caltrans approval for the Billboard
- (5) No trees can be removed
- (6) Billboard to be maintained in good condition

Permit Number: #SP-01-12 Effective Date: 12-6-12 (10 days after approval)

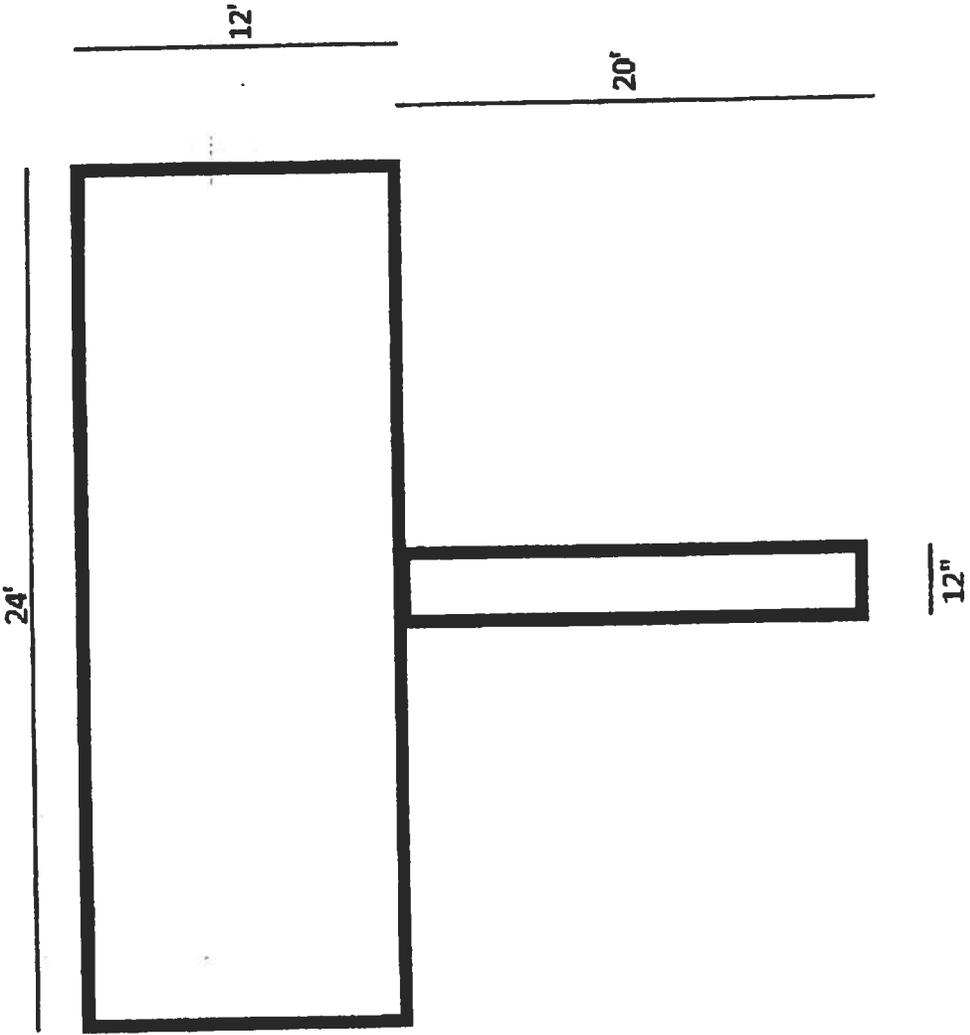
 X THIS SIGN PERMIT IS ISSUED MAKING ALL OF THE FOLLOWING FINDINGS: (1) THE PROPOSED SIGN IS SUBSTANTIALLY CONSISTENT WITH THE STANDARDS OF THE CITY'S SIGN GUIDELINES AND THE GOALS, OBJECTIVES AND POLICIES OF THE CITY GENERAL PLAN AND ANY APPLICABLE DESIGN GUIDELINES; (2) THE PROPOSED SIGN CONFORMS TO APPLICABLE DEVELOPMENT STANDARDS AND WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY OR WELFARE; AND (3) THE PHYSICAL LOCATION OR PLACEMENT OF THE SIGN IS COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD AND DOES NOT POSE A SAFETY RISK.

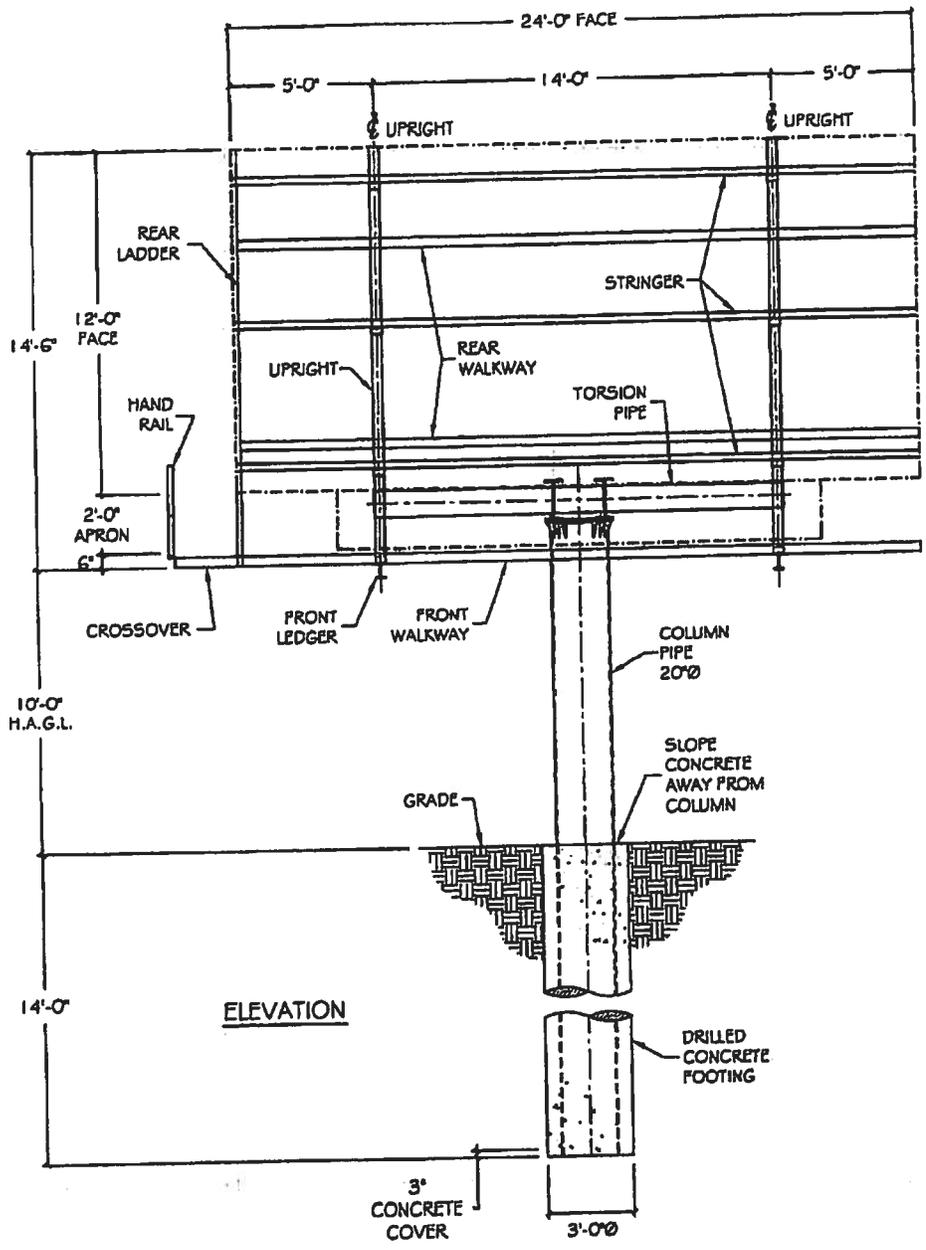
_____ THIS SIGN PERMIT APPLICATION IS DENIED MAKING ANY OR ALL THE FOLLOWING FINDINGS: (1) THE PROPOSED SIGN IS NOT SUBSTANTIALLY CONSISTENT WITH THE STANDARDS OF THE CITY'S SIGN GUIDELINES AND THE GOALS, OBJECTIVES AND POLICIES OF THE CITY GENERAL PLAN AND ANY APPLICABLE DESIGN GUIDELINES; (2) THE PROPOSED SIGN DOES NOT CONFORM TO APPLICABLE DEVELOPMENT STANDARDS AND WILL BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY OR WELFARE; AND (3) THE PHYSICAL LOCATION OR PLACEMENT OF THE SIGN IS NOT COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD AND POSES A SAFETY RISK.

Building Official Signature: _____ and/or
Planning Director Signature: _____

Approval Date: 11-26-12

Billboard dimensions

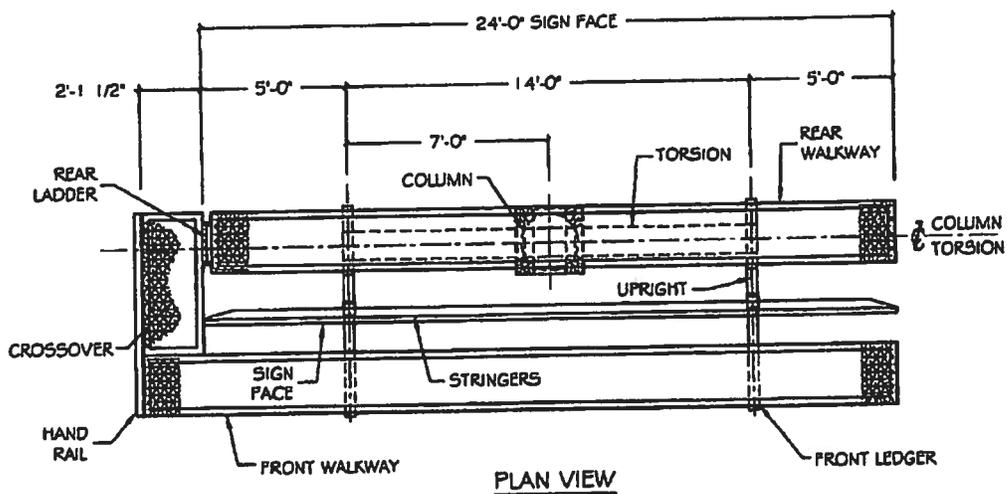




PRELIMINARY DRAWING
NOT FOR CONSTRUCTION

CUSTOMER		STUART WELLS	
EIGHT LOCATION		COLFAX, CA	
 <small>4425 North 30th Street, Suite 100 Phoenix, Arizona 85018 (602) 998-0200 Fax (602) 998-0271</small>		DR.	CH.
		TGG	J5W
JOB NO.		DATE	08/29/12
		SHEET NO.	1 of 3

PHOTO: © GREGORY PHOTOGRAPHY/ELEVATION: JAMES VIGOR/SECTION: STUART WELLS

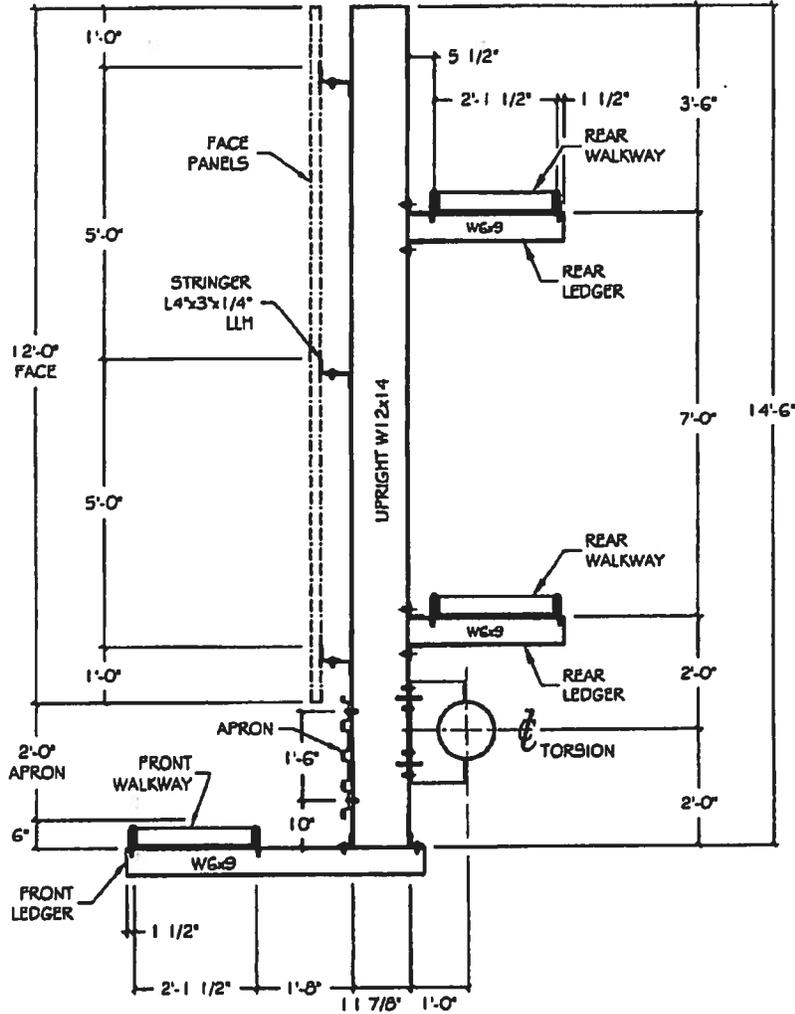


PLAN VIEW

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION

CUSTOMER STUART WELLS		12' x 24' SINGLE POST CENTER MOUNT SINGLE FACE	
SIGN LOCATION COLFAX, CA		DR TGG	CHK J5W
 <small>4435 North 20th Street, Suite 200 Phoenix, Arizona 85028 (602) 228-0234 Fax (602) 228-0231</small>		DATE 08/29/12	
		JOB NO.	SHEET NO. 2 of 3

PHOTO BY: [unreadable] SIGN-SECTION: [unreadable]



TYPICAL SECTION THRU SIGN

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION

CUSTOMER		STUART WELLS	
SIGN LOCATION		COLFAX, CA	
 4425 Hill 240 Street, Suite 200 Phoenix, Arizona 85018 (602) 226-8224 Fax: (602) 226-4221		DR.	CHK
		TGG	JSW
		DATE	
		08/29/12	
JOB NO.		SHEET NO.	
		3 of 3	

Attachment 5

CITY OF COLFAX
NOTICE OF EXEMPTION

FILED

NOV 29 2012

TO:

Placer County Clerk/Recorder
2954 Richardson Drive
Auburn, CA 95603

FROM:

City of Colfax
P.O. Box 702
Colfax, CA 95713

Jim McCauley
COUNTY CLERK OF PLACER COUNTY
BY *[Signature]*
DEPUTY

PROJECT TITLE: #SP-01-12/Billboard Sign Permit – Stewart Wells

PROJECT LOCATION: 1523 South Auburn Street, Colfax, Placer County, CA
APNs: 101-131-041-000

PROJECT DESCRIPTION: Sign Permit for the placement of one traditional (static) billboard located at 1523 South Auburn Street along the I-80 corridor in Colfax. The proposed billboard sign face is 12 feet high by 25 feet wide for a total of 288 square feet in. The proposed billboard sign pole is 20 feet in height. The total structure height is 32 feet. The proposed billboard location is on degraded Highway Commercial property and no trees are being removed.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of Colfax
NAME OF PUBLIC AGENCY CARRYING OUT PROJECT: City of Colfax

EXEMPT STATUS:

- Ministerial [§21080(b)(1); 15268]
- Declared Emergency [§21080(b)(3); 15269(a)]
- Emergency Project [§21080(b)(4); 15269(b)(c)]
- Categorical Exemption: California Code of Regulations Chapter 3 (CEQA Guidelines), Article 19 (Categorical Exemptions), Section 15303 (New Construction or Conversion of Small Structures).

REASONS WHY PROJECT IS EXEMPT:

Section 15303: The project consists of the new construction of a small structure (billboard sign on a single pole) on already degraded Highway Commercial property where no trees are being removed.

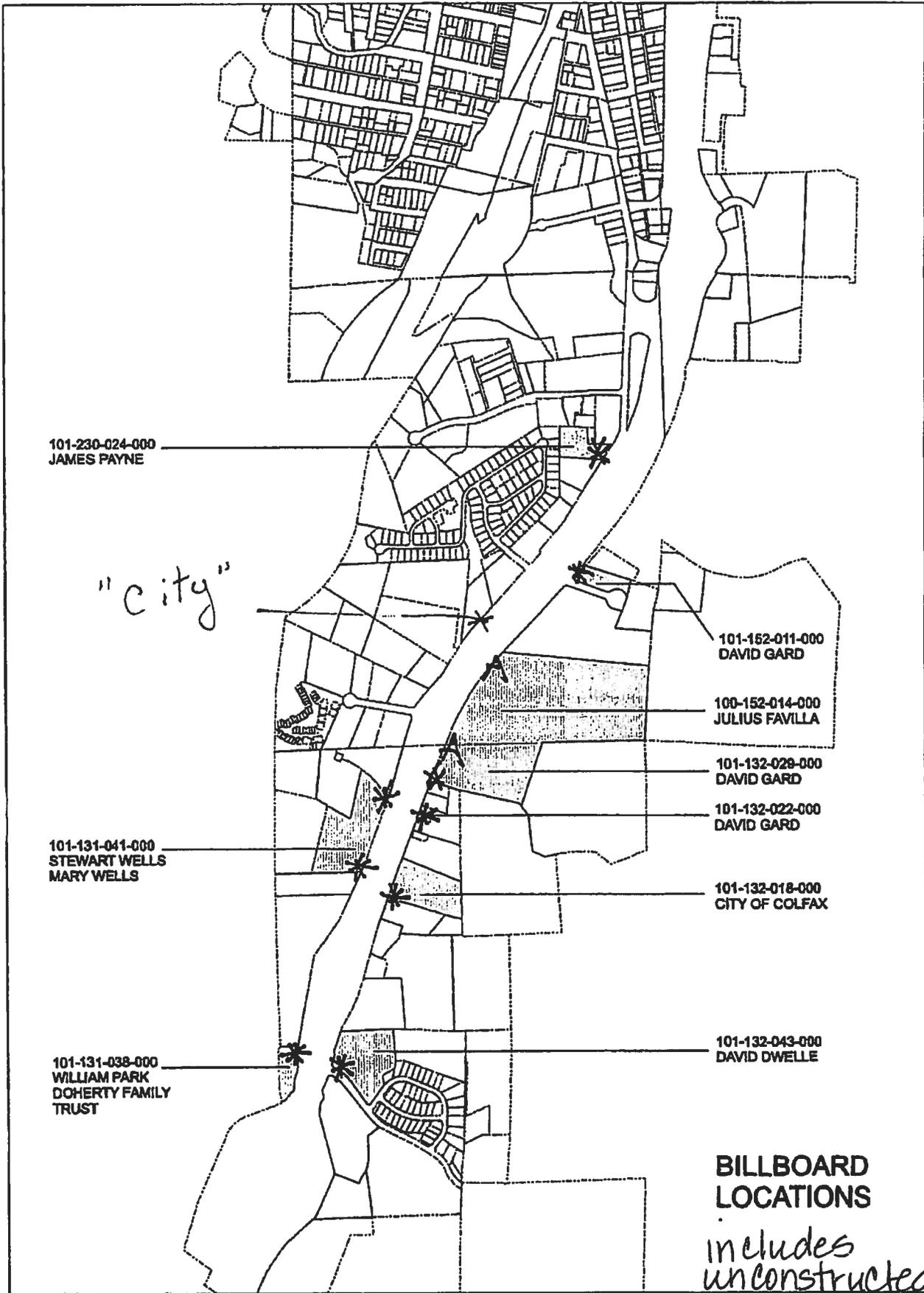
LEAD AGENCY CONTACT PERSON: Brigit S. Barnes, (916) 660-9555

Signature: *[Signature]* Date: 11-26-12 Title: City Land Use Attorney

- Signed by Lead Agency
- Signed by Applicant

#206

POSTED 11/29/2012
Through _____
JIM MCCAULEY, COUNTY CLERK
By *[Signature]*
Deputy Clerk



101-230-024-000
JAMES PAYNE

"city"

101-162-011-000
DAVID GARD

100-152-014-000
JULIUS FAVILLA

101-132-029-000
DAVID GARD

101-132-022-000
DAVID GARD

101-131-041-000
STEWART WELLS
MARY WELLS

101-132-018-000
CITY OF COLFAX

101-131-038-000
WILLIAM PARK
DOHERTY FAMILY
TRUST

101-132-043-000
DAVID DWELLE

**BILLBOARD
LOCATIONS**

*includes
unconstructed
locations*

Attachment 7

DRAFT CONDITIONS OF APPROVAL

#SP-01-12

1. The billboard sign permit is approved as shown on the plans in Attachment 1, and as conditioned or modified below.
2. The permit shall be valid for a period of two (2) years from this date and shall expire on July 10, 2015. Prior to said expiration date, the applicant may apply for, and the City may grant, an extension of time for up to one year from July 10, 2015.
3. Billboard face to be no more than 288 square feet, consistent with submitted plans.
4. Billboard height (pole and sign face) not to exceed 32 feet, consistent with submitted plans.
5. Billboard face must be single-sided and facing west only (visible to eastbound traffic).
6. Applicant must obtain Caltrans approval for the billboard.
7. No trees can be removed.
8. Billboard to be maintained in good condition.
9. The specific billboard location must be approved by the City Manager.
10. Applicant shall pay the City a monthly sum of \$_____, as a condition of ongoing permitting. Payment of this fee will be enforceable either through civil action or through revocation of the permit.
11. Indemnification of the City/Attorney's fees for Enforcement.
 - (a) The applicant/developer agrees as a condition of approval/entitlement to defend, indemnify, and hold harmless the City and its agents, officers, employees, consultants, and volunteers from any claim, action, lawsuit or proceeding arising

out the City's processing of this application, related permits and approvals and any improvements approved by City. Applicant agrees that City shall have the right to appoint its own counsel to defend it and conduct its own defense in the manner it deems in its best interest, and that such actions shall not relieve or limit Applicant's obligations to indemnify and reimburse for actual defense costs.

- (b) In the event the City initiates proceedings against the applicant/developer regarding non-compliance with law or these conditions or any related approvals, the applicant shall reimburse the City for any and all court costs and attorney's fees as a result of any such action. Failure to reimburse the City within 30 days of receipt of invoices or establish a contractual payment schedule may result in the City placing lien against the subdivision property in accordance with the tax assessor's process and procedures or other legal authority; and shall include costs of the lien process.

Approved and agreed to: _____
Applicant Initials

Attachment 8

City of Colfax

Resolution No. 31 - 2013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLFAX
APPROVING AN APPLICATION (SP-01-12) FOR A BILLBOARD SIGN
PERMIT**

Whereas, the City of Colfax received Planning Application #SP-01-12 for a billboard sign permit for the property located at 1523 South Auburn Street in the City of Colfax (the "Project"); and

Whereas, the City of Colfax, through the Planning Department, prepared a Notice of Exemption from CEQA for the Project on November 26, 2012; and

Whereas, the City of Colfax City Council ("Council") held a duly-noticed public hearing on the Project's billboard sign permit application on July 10, 2013; and

Whereas, the Council has reviewed and considered the staff report, any and all written comments received during the public review process, and any and all oral or written comments submitted at the public hearing; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Colfax:

1. That the Council finds that the Project qualifies for an exemption from CEQA;
2. That Planning Application #SP-01-12 for a billboard sign permit is hereby approved subject to the following exhibits and findings:

EXHIBIT 1 - BILLBOARD PLANS
EXHIBIT 2 - CONDITIONS OF APPROVAL

FINDINGS:

That, based on substantial evidence -

1. The proposed sign is substantially consistent with the standards of the city's sign guidelines and the goals, objectives and policies of the city general plan and any applicable design guidelines;

2. The proposed sign conforms to applicable development standards and will not be detrimental to the public health, safety or welfare;

3. The conditions of approval Adopted this day assure present and existing conformity with other similar signs within the I-80 corridor; and

4. That provided the surrounding permitted but un-built Caltrans sign locations are vacated, physical location or placement of the sign is compatible with the surrounding neighborhood and does not pose a safety risk under the Outdoor Advertising Act ["OAA"].

Passed and Adopted this 10th day of July 2013 by the following roll call vote:

Ayes:

Noes:

Absent:

Abstain:

Donna L. Barkle, Mayor

ATTEST:

Karen Pierce, City Clerk