

ORDINANCE NO. 1428

An Ordinance of the City Council of the City of Arcata Amending Arcata Municipal Code Title IX—Land Use Code; Section 9.12.020, *Zoning Map*; Section 9.26.070, *Commercial, Industrial and Public Facility Special Considerations*; and Section 9.28.100, *Stream Protection Combining Zone*, to Prezone Boyd Road Property, Assessor’s Parcel Nos. 507-381-001, 507-381-004, 507-381-005 and 507-381-007

The City Council of the City of Arcata does hereby ordain as follows:

SECTION 1. Zoning Map Amendment. Arcata Municipal Code Title IX—Land Use Code (LUC), Section 9.12.020, *Zoning Map*, is hereby amended by the addition of prezoning standards adopted in conformance with LUC Section 9.92.060, *Prezoning*, as follows:

The non-highway property identified as the project area on Exhibit 1, attached hereto and incorporated herein, is hereby prezoned as Industrial Limited (IL) with Special Considerations (Industrial) and Stream Protection combining zone (:SCI:SP).The highway portions shall remain undesignated and intended for right-of-way purposes in accordance with the General Plan.

SECTION 2. Amendment to Commercial, Industrial and Public Facilities Special Considerations. Arcata Municipal Code Title IX—Land Use Code, Section 9.26.070, *Commercial, Industrial and Public Facility Special Considerations* is hereby amended by the addition of the following :SCI Zone Requirement 10:

:SCI Zone	Area	:SCI Zone Requirements
10	Boyd Rd Annexation (Portion) The following APN’s 507-381-001, -004, -005 and -007 are zoned IL:SCI:SP (Note: the Flake Board property (-001) is developed only with a well and is not authorized to be further developed at this time)	507-381-004, -005, -007 – Eureka Ready Mix. The Special Considerations zone will allow the continued extraction, manufacture and processing of rock products, concrete and asphalt batch plant operations and other directly related ancillary equipment/structures. Existing uses on APNs -004, -005 and -007 may operate in perpetuity unless and until such time as the uses described above cease in entirety for a period of three (3) years. Following the 3 year period, any new use must conform to IL zoning.

SECTION 3. Amendment to Stream Protection Combining Zone. Arcata Municipal Code Title IX—Land Use Code, Section 9.28.100, *Wetland Protection (:WP) and Stream Protection (:SP) Combining Zone* is hereby amended by the addition of subsection D adding Site Specific Standards as follows:

D. Site Specific Standards.

- a. APNs 507-381-004, -005, -007 (collectively, Eureka Ready Mix or ERM), and 507-381-001 (Humboldt Flake Board, which is located completely within the stream buffer area) :SP zone will allow for the continued extraction of rock product from the streambed, as permitted under ERM’s existing County extraction permit. The Stream Protection setback will be established prior to the issuance of the first discretionary permit. Existing uses on APNs -004, -005 and -007 may operate in perpetuity unless and until such time as the uses described above cease for a period of three (3) years. Following the 3 year period, any new use must conform to IL zoning.

SECTION 5. Findings of Approval

Based upon the whole record, information received in public hearings, comments from responsible agencies, and the Arcata Planning Commission recommendation dated February 12, 2013, the following findings are hereby adopted:

1. The unincorporated property is within the City’s Sphere of Influence and its Urban Services boundary;
2. The proposed amendment is consistent with the General Plan;
3. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
4. The Planning Commission’s Resolution PC-13-02 adopted on February 12, 2013, considered the Rezoning of the subject properties to Industrial Limited (IL);
5. All road and highway rights-of-way will remain undesignated; and
6. The affected site is physically suitable (including absence of physical restraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested zoning designation and proposed or anticipated uses and/or development.

SECTION 6. California Environmental Quality Act (CEQA) Determination

This Ordinance is subject to a CEQA Negative Declaration adopted by the Arcata City Council pursuant to Resolution No. 123-26 on April 3, 2013.

SECTION 7. Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

SECTION 8. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within thirty (30) days of the date of adoption of this ordinance.

SECTION 9. Effective Date

This ordinance shall take effect 30 days after adoption.

Attachment: Exhibit 1

DATED: April 1, 2015

ATTEST:

APPROVED:

 /s/ Bridget Dory
City Clerk, City of Arcata

 /s/ Michael Winkler
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1428**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 1st day of April, 2015, by the following vote:

AYES: **WINKLER, PITINO, ORNELAS, PEREIRA, WHEETLEY**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

/s/ Bridget Dory
City Clerk, City of Arcata

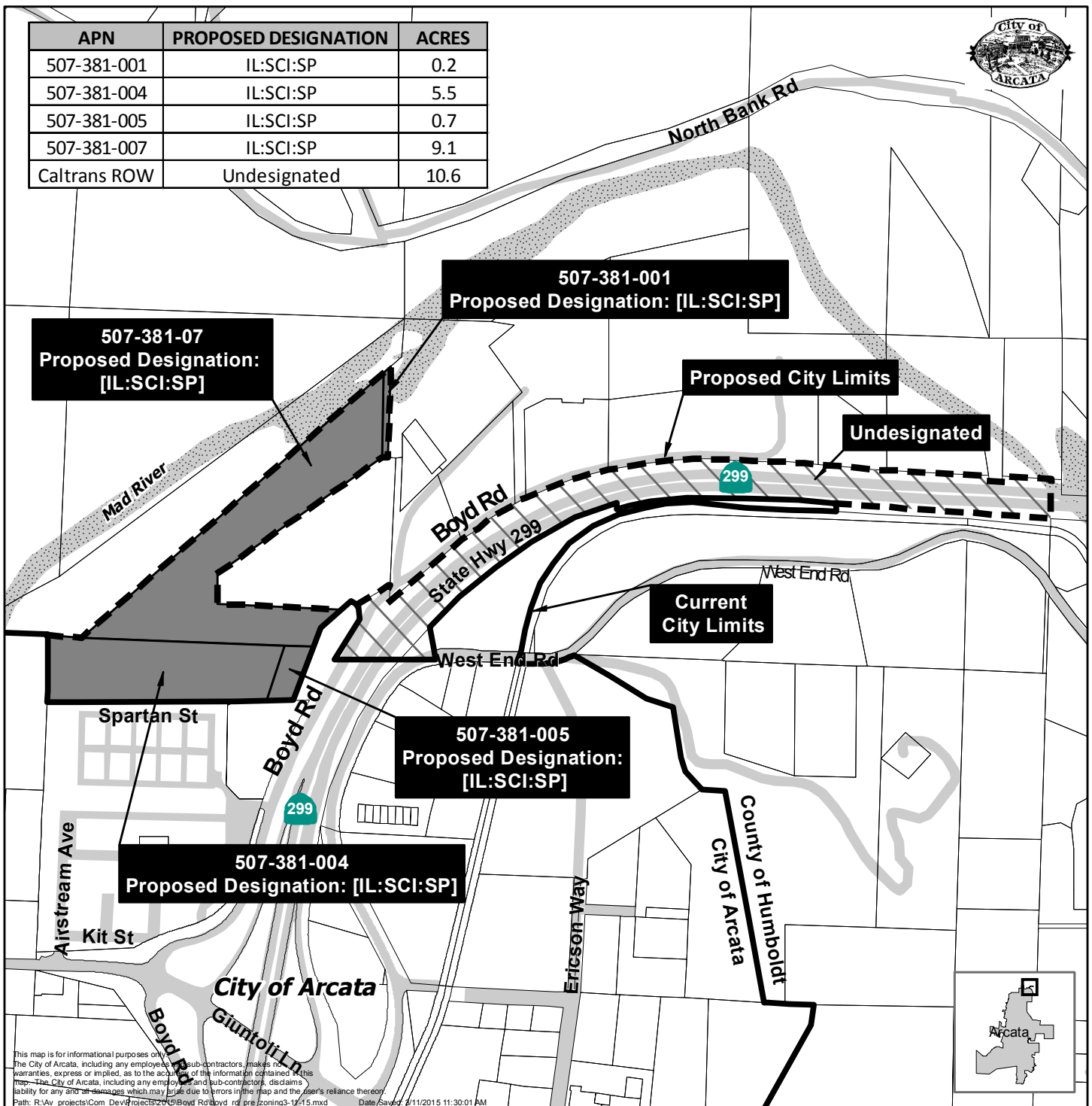
City of Arcata

BOYD ROAD LAND USE CODE PREZONING MAP

PREZONE INDUSTRIAL LIMITED WITH SPECIAL CONSIDERATIONS (INDUSTRIAL)
AND STREAM PROTECTION COMBINING ZONE (IL:SCI:SP)

3/11/2015

APN	PROPOSED DESIGNATION	ACRES
507-381-001	IL:SCI:SP	0.2
507-381-004	IL:SCI:SP	5.5
507-381-005	IL:SCI:SP	0.7
507-381-007	IL:SCI:SP	9.1
Caltrans ROW	Undesignated	10.6



This map is for informational purposes only. The City of Arcata, including any employees or sub-contractors, makes no warranties, express or implied, as to the accuracy of the information contained in this map. The City of Arcata, including any employees or sub-contractors, disclaims liability for any and all damages which may arise due to errors in the map and the user's reliance thereon.
Path: R:\AV_projects\Com_Devel\Projects\2015\Boyd Rd\Boyd_rdl_pre_zoning3-11-15.mxd Date Saved: 3/11/2015 11:30:01 AM

Legend

- Proposed City Boundary Adjustment
- Proposed Designation: Industrial Limited [IL:SCI:SP]
- Caltran Right of Way (Not Zoned)

- Arcata City Limits
- Parcel
- Mad River



0 250 500 Feet