

ORDINANCE NO. 1395

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING THE ARCATA MUNICIPAL CODE, TITLE IX, THE LAND USE CODE BY ADDING §9.72.110—*DEVELOPMENT AGREEMENTS AS A NEW STANDARD FOR PLANNING PERMIT PROCEDURES;* AND ASSOCIATED REVISIONS TO *REVIEW AUTHORITY, TABLE 7-1.*

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

SECTION 1. Amendment to the 2008 City of Arcata Land Use Code

Title IX of the Arcata Municipal Code is hereby amended as follows:

1. Add §9.72.110—Development Agreements, attached as Exhibit 1
2. Revise Table 7-1: Review Authority, attached as Exhibit 2

SECTION 2. Findings of Approval

Based upon information received in the public hearing, including the Arcata Planning Commission Staff Reports and Resolution PC-09-05, the following findings are hereby adopted.

1. The proposed amendment is consistent with the General Plan in accordance with the California Government Code, Section 65860.
2. The public health, safety, and general welfare require the adoption of the proposed amendment.

SECTION 3. Categorical Exemption from CEQA

The City Council hereby determines that the project qualifies for a Categorical Exemption from the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines. This section states, "*CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*"

SECTION 4. 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 5. 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 ninety (90) days of the date of adoption of this ordinance.

SECTION 6. Effective Date

This ordinance shall take effect thirty (30) days after its adoption by the City Council.

DATED: October 7, 2009

ATTEST:

APPROVED:

/s/ Randal J. Mendosa
Interim City Clerk, City of Arcata

/s/ Mark E. Wheatley
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1395**, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 7th day of October, 2009, by the following vote:

AYES: **WHEETLEY, STILLMAN, BRINTON, ORNELAS, WINKLER**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

/s/ Randal J. Mendosa
Interim City Clerk, City of Arcata