

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA RECOMMENDING THE CITY COUNCIL ADOPT THE SEPTEMBER 2023 ZONING CODE UPDATE

WHEREAS, the City Council of the City of Eureka repealed and replaced Eureka Municipal Code Chapter 155, the Zoning Code, and found the Zoning Code consistent with the 2040 Eureka General Plan by adopting City of Eureka Ordinance No. 885-C.S. on May 20, 2019; and

WHEREAS, Staff anticipated annual clean-up amendments would be needed to correct errors and inconsistencies, and address omissions, unintended outcomes, and questions of interpretation discovered as Staff began to use the code day-to-day, and to adapt to changes in state law; and

WHEREAS, the September 2023 Zoning Code Update is proposed as the fifth clean-up amendment; and

WHEREAS, The City of Eureka 2040 General Plan Update Program EIR (State Clearinghouse #2016102025) was certified by the City Council on October 15, 2018, at the same time the 2040 General Plan was adopted, and pursuant to Public Resources Code §21166 and §15162 of the CEQA Guidelines, an Environmental Impact Report Addendum was prepared and accepted by Council in May, 2019 for adoption of the Zoning Code Update; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on September 11, 2023, at 5:30 p.m., both in-person in the Council Chamber and via Zoom, to consider the September 2023 Zoning Code Update; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the proposed September 2023 Zoning Code Update amendment in accordance with Eureka Municipal Code Chapter 155 [§155.432 (Zoning Code and General Plan Amendments)], and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

1. The September 2023 Zoning Code Update (Text Amendment) proposes changes as part of an on-going code cleanup effort to ensure the zoning code is understandable and user-friendly, by both Staff and the public.
2. The proposed Text Amendment is consistent with the General Plan.
3. The proposed Text Amendment maintains and insures internal consistency throughout the zoning code.
4. Adopting the proposed Text Amendment will not frustrate the purpose and objectives of the zoning regulations to protect the public interest, health, safety, peace, comfort, convenience, prosperity, or general welfare.
5. As the proposed Text Amendment changes are intended to better implement the vision, goals and policies of the 2040 General Plan and do not modify the intent, purpose or general applicability of Chapter 155, the amendment does not meet any of the conditions required

by CEQA to prepare a subsequent EIR or even another addendum to the City of Eureka 2040 General Plan Update Program EIR. Further, the amendment will have no significant effect on the environment, and is thus exempt from CEQA requirements pursuant to CEQA Guidelines §15061 (“Common Sense Exemption”).

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed September 2023 Zoning Code Update should be approved.

NOW THEREFORE, BE IT RESOLVED the Planning Commission of the City of Eureka does hereby recommend the City Council approve the proposed September 2023 Zoning Code Update.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 11th day of September, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Meredith Maier, Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretary